

Request for Proposals to Facilitate the Guadalupe, San Antonio, Mission and Aransas River/Mission, Copano, Aransas and San Antonio Bay and Basin Area Stakeholder Committee (BBASC) Environmental Flows Recommendation Development Process

The Guadalupe, San Antonio, Mission and Aransas River/Mission, Copano, Aransas and San Antonio Bay and Basin Area Stakeholder Committee (BBASC) and its contracting agent, the San Antonio River Authority (SARA), are seeking proposals for a facilitator to assist in reaching consensus-based decisions as it develops environmental flow recommendations for use in the state's water rights permitting process in the Guadalupe and San Antonio River Basins. SARA is issuing this Request for Proposals ("RFP") on behalf of the BBASC to obtain the professional services of a qualified individual, or team, to facilitate this decision-making process. The BBASC is specifically interested in identifying an individual or team with experience in facilitating decision-making processes of large stakeholder groups using a consensus-based approach involving complex technical and scientific issues. Knowledge and experience with public stakeholder processes, water rights permitting issues and/or bay and basin environmental flow requirements and/or processes are desirable. For additional qualification information, see Section 4, below.

1) Background

In 2007 Texas Senate Bill 3 (SB 3) created a process to determine environmental flows requirements in specific river basin and bay areas across the state to be used in the water rights permitting process. The SB 3 environmental flows standards development process is being conducted under the administrative oversight of the Texas Commission on Environmental Quality (TCEQ). The process includes creation of area specific committees to develop environmental flow recommendations for use as a basis for the eventual related rulemaking process.

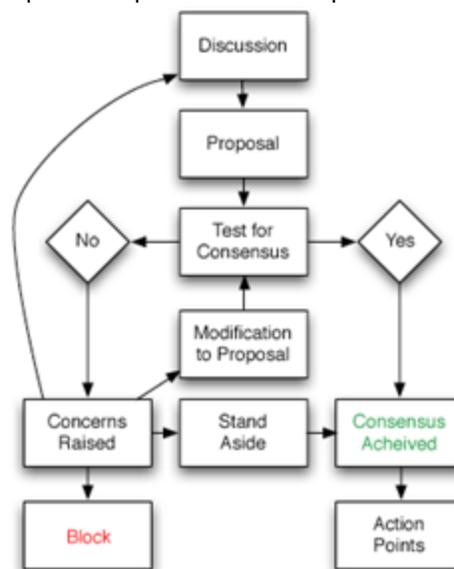
Brief Process Overview:

- Guadalupe, San Antonio, Mission and Aransas River/Mission, Copano, Aransas and San Antonio Bay and Basin Area Stakeholder Committee (BBASC) was formed to develop environmental flow recommendations for the Guadalupe, San Antonio, Mission and Aransas River/Mission, Copano, Aransas and San Antonio Bay and Basin areas.

The BBASC stakeholder interests generally include: agricultural irrigation, recreational water users, municipalities, soil & water

conservation districts, industrial water users from chemical manufacturing, refining and electric generation, free-range livestock, commercial fishing, public interest groups, regional water planning, groundwater conservation districts, river authorities, regional water planning groups and environmental interests.

- This group, which first met in December 2009, was charged with selecting a Basin and Bay Expert Science Team (BBEST). The BBEST is to develop a recommended flow regime for the basins and bays necessary for maintaining a sound ecological environment. The recommended flow regime is to be based solely on best available science, without considering human factors and water usage needs. BBEST members were selected in March 2010 and have been working to develop flow regime recommendations, which are due to the BBASC by March 1, 2011.
- Once the BBEST submits their flow regime recommendations to the BBASC, the BBASC has 6 months to use that information in conjunction with other important water policy considerations to develop a final set of environmental flow recommendations for submittal to TCEQ.
- The BBASC adopted rules a promoting preference for a consensus decision-making process. Consensus is a decision built by identifying and exploring all members' interests and by assembling a package of agreements which satisfies these interests to the greatest extent possible. A consensus is reached when all voting members agree their major interests have been taken into consideration and addressed in a satisfactory manner so that they can support the decision of the group. This process is depicted in Figure 1. below:



- Alternately, if it appears to the BBASC Chair that consensus cannot be reached, then the BBASC Chair may entertain a motion to have the BBASC suspend the attempt to reach consensus which must pass by an affirmative vote of 75% of the full voting membership of the BBASC. The vote on the specific proposal under consideration must pass by an affirmative vote of 75% of the full voting membership of the BBASC.
- TCEQ will then conduct a formal rulemaking process to determine the final environmental flow standards to be used in future state water rights permitting.

More information on the Guadalupe and San Antonio BBASC, including meeting rules and a membership list, can be found at the following URL: http://www.tceq.texas.gov/permitting/water_supply/water_rights/eflows/guadalupe-sanantonio-bbasc

2) Purpose

In accordance with SB 3 provisions, the BBASC is charged with developing a flow regime recommendation for the bays and basins which balances human-based water needs and water needed to maintain a healthy ecological environment per the BBEST recommendation. Further, the BBASC is directed to utilize a consensus-based decision-making process in developing these recommendations. Based on the experience of earlier basins completing this process, the Guadalupe - San Antonio BBASC has identified the need for professional facilitation services to enhance the group's ability to achieve the desired outcome.

3) Scope of Work

At a minimum,

- Use proven decision-making techniques with the stakeholder committee to develop a consensus recommendation;
- Work with the BBASC to clearly identify the goals of the stakeholder process;
- To monitor and participate in the evaluation of the BBEST recommendations in preparation for any disputes, conflicts, or other issues that may develop.
- In conjunction with the BBASC, develop a decision process schedule;

- Assist the BBASC with identification and consideration of the other factors to apply to the BBEST recommendation; identification and articulation of recommendations; and negotiations toward consensus.
- Facilitate approximately 6 to 8 meetings over the 6-month period from March 2011 through August 2011 (Meetings of the BBASC are open to the public and will be held at a location in the Guadalupe - San Antonio River Basin);
- Do all such preparatory and follow up work as is necessary to ensure that the process moves forward efficiently;
- Work before and between meetings with the BBASC Chair to develop the agenda for each meeting;
- For each meeting, prepare discussion topics and meeting summaries to capture and present information gathered during the meeting;
- Identify key stakeholder interests, issues, and areas of concern;
- Assess needs and help design meetings to serve the purpose of the meeting and the interests of meeting participants; and
- Provide on-going evaluation of progress

4) Respondent's Qualifications

- Advanced expertise and knowledge in facilitating consensus-based decision making with large stakeholder groups involving complex technical and scientific issues
- Expertise and knowledge in public stakeholder processes and/or interest-based negotiation
- Knowledge and experience with water rights permitting issues and/or bay and basin environmental flow requirements and processes is desirable.

5) Tentative Schedule and Timeline

Development of the BBASC environmental flow recommendations is expected to be conducted over the 6-month period from March 2011 through August 2011. It is anticipated that the selected facilitator will need to start the preparation process in February 2011 with guidance from the BBASC, as appropriate.

Note that the BBASC itself will be responsible for preparation of a written report to document the final recommendations of the decision-making process.

6) Respondent's Proposal Submittal

An electronic .pdf copy of all responses must be sent to:

Steve Raabe

E-mail address: sraabe@sara-tx.org

Phone: (210) 302-3614

No facsimiles will be accepted. Questions regarding this RFP also should be sent to Steve Raabe by e-mail. All responses must be received by 12:00 noon Central Time Zone on February 7, 2011. Statements received after 12:00 noon Central Time Zone on February 7, 2011, will be declared late and will not be eligible for consideration.

The projected timetable for response review and interviews: Responses to this RFP will be reviewed by a sub-committee that will identify a short list of candidate facilitators for possible initial telephone interviews, potentially followed by in-person interviews of the finalists on or before February 22, 2011. The sub-committee will make a facilitator recommendation to the BBASC.

Final selection of the facilitator(s) will be made by the BBASC sub-committee. The BBASC will base its selection largely on demonstrated competence and experience in facilitating the decision-making process of large consensus-based stakeholder groups involving complex technical and scientific issues. Knowledge and experience with public stakeholder processes, interest-based negotiation, water rights permitting issues, and/or bay and basin environmental flow requirements and/or processes will also be considered.

SARA and/or the BBASC reserve the right to reject any and all RFPs received or to negotiate separately with any source whatsoever in any manner necessary to serve the best interest of the BBASC. The BBASC does not intend to pay for the information solicited or obtained through any response.

7) Specific Information Requested

Responses should include the following information:

- Information about the individual(s) who will facilitate the BBASC decision-making process. Current resumes should be provided for that individual or individuals.

- A brief statement (no more than one or two pages) describing the proposed facilitator's(s') assessment of the facilitation needs of the BBASC process;
- A one-to-three page statement regarding how the proposed facilitator(s) anticipates approaching the facilitation of the BBASC decision-making process. The statement should include the facilitator's(s') approach to integrating human-based water needs aspects, represented by various stakeholders on the committee, with the scientific-based environmental flow regime recommendations of the BBEST into consensus-based recommendations;
- A list of any relevant facilitation process experiences that the proposed facilitator(s) has been involved in the last 5-years. This list should include, at a minimum, contact information, type of work done, and dates of work performed;
- A brief description of any issues that the proposed facilitator feels might be relevant to questions about neutrality;
- A list of the projects with which the proposed facilitator(s) has had a primary role in facilitating consensus decision-making process involving complex technical and scientific issues. The list should identify the nature of the process, the scientific issues involved, and the outcome for each project. The list should also state whether the facilitation occurred in an open process and whether the facilitation involved a multi-stakeholder collaborative, consensus-based process;
- A list of references complete with names, addresses, e-mail addresses, and phone numbers for the proposed facilitator(s). Any reference should include persons who have knowledge of the proposed facilitator's(s') work on at least one of the projects described above;
- Comparable references for each person expected to participate in any direct facilitation capacity;
- Other significant projects that the proposed facilitator(s) will be involved with between February 2011 and August 2011 and the amount of that person's involvement; and
- The billing and fee structure, including expenses (travel, etc.) of the proposed facilitator(s) and all persons who will assist the proposed facilitator(s) in the facilitation process. Respondent should estimate the number of hours that each person will spend each month on the

project assuming that the process will include approximately 6 to 8 full-day decision-making sessions over the period from March 2011 through August 2011 and taking into account the amount of preparatory and follow up work that will be required for each session.

To the extent possible, the response should be limited to 10 pages, exclusive of resumes and general consultant literature.

8) Rights Reserved

SARA and/or the BBASC expressly reserve the right to accept or reject any and all statements submitted; and are under no legal requirement to execute a resulting contract on the basis of this RFP and intend that the material to be provided only as a means of identifying the various consultant alternatives.

This RFP does not commit the BBASC or its contracting agent, SARA, to pay any costs incurred prior to execution of a contract. Issuance of this material in no way obligates SARA or the BBASC to award a contract or to pay any costs incurred in the preparation of a response. SARA and the BBASC specifically reserve the right to vary all provisions set forth at any time prior to execution of a contract where it deems it to be in the best interest of the BBASC.