



**REQUEST FOR QUALIFICATIONS FOR  
ENGINEERING SERVICES**

**RFQ #21-0101 TWDB Regional Flood  
Planning Grant Funds**

*Issued: January 27, 2021*

**Due Date:  
Tuesday, February 16, 2021 at 2:00 p.m.**



**SABINE RIVER AUTHORITY OF TEXAS**

*P.O. Box 579, Orange, Texas 77631*

*Physical 12777 Hwy 87 N.*

*(409) 746-2192 Telephone*

*January 27, 2021*

**To Whom It May Concern:**

**Re: REQUEST FOR QUALIFICATIONS FOR ENGINEERING SERVICES; RFQ  
#21-0101 TWDB Regional Flood Planning Grant Funds**

Dear Engineering Service Providers:

Attached is a copy of the Sabine River Authority of Texas's ("Authority") Request for Qualifications for Engineering Services. These services are being solicited to assist the Authority in its project implementation of a contract, if awarded, from the Texas Water Development Board (TWDB) Regional Flood Planning Grant program to complete the initial scope of work for the First Cycle of Regional Flood Planning in the Sabine River Basin.

The Authority is applying for funding as the designated Region 4. Sabine Planning Group (RFPG) Sponsor. The Sabine RFPG Sponsor is authorized to apply for these funds on behalf of the RFPG.

The submission requirements for this proposal are also included on the attached Request for Qualifications (RFQ) form.

Please submit a statement of qualifications to:

Purchasing  
Sabine River Authority of Texas  
12777 Hwy 87 N  
Orange, Texas 77632

The deadline for submission of proposals is 2:00 p.m. on the 16<sup>th</sup> day of February 2021. The Authority reserves the right to negotiate with any and all persons or firms submitting proposals.

The Sabine River Authority of Texas is an Affirmative Action/Equal Opportunity Employer. Historically Underutilized Businesses (HUBs) are encouraged to submit proposals. Section 3 Residents, Minority Business Enterprises, Small Business Enterprises, Women Business Enterprises, and labor surplus area firms are encouraged to submit proposals.

Sincerely,  
Sabine River Authority of Texas

## **Request for Qualifications (RFO) for Engineering Services**

The Sabine River Authority of Texas (“Authority”) is seeking to enter into an engineering services contract with state registered engineers or engineering firms. The following outlines this request for qualifications.

### **I. SCOPE OF WORK**

- A. Exhibit A details the required Scope of Work and required deliverables for the 1<sup>st</sup> cycle of Region 4. Sabine Regional Flood Planning. A summary of the Scope of Work tasks is provided on the following page.**

**Region 4. Sabine Regional Flood Planning Group  
Task List for the First Cycle of Regional Flood Planning**

<b>1</b>	Planning Area Description
<b>2A</b>	Existing Condition Flood Risk Analyses
<b>2B</b>	Future Condition Flood Risk Analyses
<b>3A</b>	Evaluation and Recommendations on Floodplain Management Practices
<b>3B</b>	Flood Mitigation and Floodplain Management Goals
<b>4A</b>	Flood Mitigation Needs Analysis
<b>4B</b>	Identification and Evaluation of Potential Flood Management Evaluations and Potentially Feasible Flood Management Strategies and Flood Mitigation Projects
<b>4C</b>	Prepare and Submit Technical Memorandum
<b>5</b>	Recommendation of Flood Management Evaluations and Flood Management Strategies and Associated Flood Mitigation Projects
<b>6A</b>	Impacts of Regional Flood Plan
<b>6B</b>	Contributions to and Impacts on Water Supply Development and the State Water Plan
<b>7</b>	Flood Response Information and Activities
<b>8</b>	Administrative, Regulatory, and Legislative Recommendations
<b>9</b>	Flood Infrastructure Financing Analysis
<b>10</b>	Adoption of Plan and Public Participation

## **II. STATEMENT OF QUALIFICATIONS**

A. The Authority is seeking to contract with a competent engineering firm, registered to practice in the State of Texas. Please include the following in your submittal, which is limited to 20 pages of text, not including resumes nor cover, table of contents, and required forms:

1. Transmittal letter, including a brief summary of your proposal, not to exceed one page.
2. Statement of qualifications, including the following.
  - a. Company Profile, including office locations and number of employees;
  - b. Confirmation that the firm meets the appropriate state licensing requirements to practice as an engineer in Texas;
  - c. Confirmation that the firm has not had a record of substandard work within the last five years;
  - d. Confirmation that the firm has not engaged in any unethical practices within the last five years;
  - e. Brief statement of the firm's understanding of the scope of the work to be performed, including a summary of your approach to deliver the scope of work in partnership with the Sabine River Authority and the Sabine RFPG;
  - f. Summary of your firm's flood planning / regional flood planning experience;
  - g. Summary of your firm's experience on projects in this general region of the State;
  - h. Identification of the proposed Project Manager and Lead Flood Planner, and provision of a proposed organizational chart identifying the roles and responsibilities of key team members;
  - i. Statement of commitment regarding staffing resources and capacity to complete the required scope of work on an accelerated schedule. The Sabine River Authority expects the prime provider to commit its Project Manager, as proposed in this Proposal, to the duration of the contract. Note, project manager replacement shall require the Sabine River Authority's prior consent;
  - j. Detailed description of your team's experience and qualifications as it relates to the proposed project in terms of technical scope, tasks involved, deliverable products, and other elements of the work as they relate to the evaluation criteria and all requirements of this RFQ. Emphasis shall be placed on the following:
    - i. Experience with regional flood planning projects;
    - ii. Experience with State-funded planning projects;
  - k. A list of relevant past local government clients;
  - l. A list of at least five (5) references, including name, title, organization, phone number, and email;
  - m. Any other information that the firm feels necessary to support your proposal.

### III. EVALUATION CRITERIA

- A. **Scoring.** The proposal received will be evaluated and ranked according to the following criteria:

<u>Criteria</u>	<u>Max Pts.</u>
Experience in the Sabine Basin	30
Key Staff Experience	20
Technical Approach	20
Work Performance / References	15
Capacity to Perform	15
<b>Total</b>	<b>100</b>

### IV. QUALIFICATIONS AND NEGOTIATION

- A. **Factors.** For this RFQ, Respondent's qualifications will be evaluated, and the most qualified Respondent will be selected, subject to negotiation of fair and reasonable compensation.

The Authority reserves the right to request short-list interview to assist in the selection of a recommended consultant.

### V. SUBMISSION REQUIREMENTS

1. **Insurance.** A copy of your current certificate of insurance for professional liability;
2. **Conflicts.** A statement of conflicts (if any) the proposing entity or key employees may have regarding these services. The statement should include conflicts, as well as any working relationships that may be perceived by disinterested parties as a conflict. If no potential conflicts of interests are identified, please state so;
3. **System for Award Management.** Consultant/Firm is not debarred or suspended from the Excluded Parties List System (EPLS) in the System for Award Management (SAM). Include verification that your company as well as the company's principal is not listed (is not debarred) through the System for Award Management ([www.SAM.gov](http://www.SAM.gov)). Enclose a printout of the search results that includes the record date;
4. **Form CIQ (Exhibit "B").** Chapter 176 of the Texas Local Government Code requires that any vendor or person who enters or seeks to enter into a contract with a local government entity disclose in the Questionnaire Form CIQ the vendor or person's employment, affiliation, business relationship, family relationship or provision of gifts that might cause a conflict of interest with a local government entity. Questionnaire form CIQ is included in the RFQ and must be submitted with the response;
5. **Certification Regarding Lobbying (Exhibit "B").** Certification for Contracts, Grants, Loans, and Cooperative Agreements is included in the RFQ and must be submitted with the response;

6. **Form 1295 (Exhibit “B”).** Effective January 1, 2016, all contracts and contract amendments, extensions, or renewals executed by the Board of Directors will require the completion of Form 1295 “Certificate of Interested Parties” pursuant to Government Code §2252.908. Form 1295 must be completed by awarded vendor at time of signed contract submission. Form 1295 is included in this RFQ for your information; and,
7. **Required Contract Provisions.** Applicable federally mandated contract provisions enclosed in Exhibit “C” must be included in all contracts executed as a result of this RFQ.

## **VI. DISADVANTAGED BUSINESSES**

- A. **Disadvantaged Businesses Encouraged to Participate.** Small and minority businesses, women's business enterprises, and labor surplus area firms are encouraged to participate in this RFQ.
- B. **Affirmative Steps Required.** If the awarded vendor is a prime contractor and chooses to use subcontractors, the following affirmative steps are required of the prime contractor:
  - 1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
  - 2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
  - 3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
  - 4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
  - 5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and,
  - 6) Section 3 Residents, Minority Business Enterprises, Small Business Enterprises, Women Business Enterprises, and labor surplus area firms are encouraged to submit proposals.

**VII. FORM AND DEADLINE FOR SUBMISSION**

**A. Deadline.** Proposals must be received no later than 2:00 p.m. on the 16<sup>th</sup> day of February 2021.

**B. Number of Copies.** Please submit five (5) hard copies and an electronic PDF copy via thumb drive or CD of the Statement of Qualifications and all required attachments to the following address:

Purchasing  
Sabine River Authority of Texas  
12777 Hwy 87 N.  
Orange, Texas 77632

**C. Email and Fax Copies Not Acceptable.** The Authority will not consider submittals submitted by email or facsimile.



**EXHIBIT "A"**

**SCOPE OF WORK**

# Region 4. Sabine Regional Flood Planning Group Scope of Work

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### **Task 1 – Planning Area Description**

In addition to generally meeting all applicable rules and statute requirements governing regional and state flood planning under 31 Texas Administrative Code (TAC) Chapters 361 and 362, this portion of work shall, in particular, include all work necessary to meet all the requirements of 31 TAC §361.30, 361.31, and 361.32.

The objective of this task is to prepare a standalone chapter to be included in the 2023 Regional Flood Plan (RFP) that describes the Sabine Flood Planning Region (FPR).

#### **This Task includes, but is not limited to, performing all work in accordance with TWDB rules and guidance required to prepare a chapter that includes:**

1. A brief, general descriptions of the following:
  - a. social and economic character of the region such as information on development, population, economic activity, and economic sectors most at risk of flood impacts;
  - b. the areas in the Sabine FPR that are flood-prone and the types of major flood risks to life and property in the region;
  - c. key historical flood events within the region including associated fatalities and loss of property;
  - d. political subdivisions with flood-related authority and whether they are currently actively engaged in flood planning, floodplain management, and flood mitigation activities;
  - e. the general extent of local regulation and development codes relevant to existing and future flood risk;
  - f. agricultural and natural resources most impacted by flooding; and
  - g. existing local and regional flood plans within the Sabine FPR.
2. A general description of the location, condition, and functionality of existing natural flood mitigation features and constructed major flood infrastructure within the FPR.
3. Include a tabulated list and GIS map of existing infrastructure.
4. Include an assessment of existing infrastructure.
5. Explain, in general, the reasons for non-functional or deficient natural flood mitigation features or major flood infrastructure being non-functional or deficient, provide a description of the condition and functionality of the feature or infrastructure and whether and when the natural flood feature or major flood infrastructure may become fully functional, and provide the name of the owner and operator of the major flood infrastructure.
6. A general description of the location, source of funding, and anticipated benefits of proposed or ongoing major infrastructure and flood mitigation projects in the FPR.
7. A review and summary of relevant existing planning documents in the region. Documents to be summarized include those referenced under 31 TAC §361.22.

The information gathered and developed in preparation of this chapter shall be subject to the following review process prior to submission of any deliverables:

#### Region 4. Sabine Regional Flood Planning Group Scope of Work

1. Review of the chapter documents and related information by RFPG members.
2. Modifications to the chapter document based on RFPG, public, and/or agency comments.
3. Submittal of chapter document to TWDB for review and approval.
4. All effort required to obtain final approval of the RFP chapter by TWDB.

**Deliverables:** A completed Chapter 1 describing the FPR, existing natural flood mitigation features, constructed major flood infrastructure, and major infrastructure and flood mitigation projects currently under development. A tabulated list and GIS map of existing infrastructure and their conditions. Any additional deliverables identified in the TWDB Flood Planning guidance documents.

#### **Task 2A – Existing Condition Flood Risk Analyses**

In addition to generally meeting all applicable rules and statute requirements governing regional and state flood planning under 31 TAC Chapters 361 and 362, this portion of work shall, in particular, include all work necessary to meet all the requirements of 31 TAC §361.33.

The objective of this task is to prepare a chapter to be combined with Task 2B and included in the 2023 Regional Flood Plan (RFP) that describes the existing and future condition flood risk in the FPR.

The RFPGs shall perform existing condition flood risk analyses for the region comprising: (1) flood hazard analyses that determine the location, magnitude, and frequency of flooding; (2) flood exposure analyses to identify who and what might be harmed within the region; and (3) vulnerability analyses to identify vulnerabilities of communities and critical facilities.

The information developed shall be used to assist the RFPG to establish priorities in subsequent planning tasks, to identify areas that need Flood Management Evaluations (FMEs), and to efficiently deploy its resources.

**This Task includes, but is not limited to, performing all work in accordance with TWDB rules and guidance required to:**

1. Perform existing condition flood hazard analyses to determine the location and magnitude of both 1.0% annual chance and 0.2% annual chance flood events as follows:
  - a. collect data and conduct analyses sufficient to characterize the existing conditions for the planning area;
  - b. identify areas within each FPR where hydrologic and hydraulic model results are already available and summarize the information;
  - c. utilize best available data, including hydrologic and hydraulic models for each area;

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- d. prepare a map showing areas identified by the RFPG as having an annual likelihood of inundation of more than 1.0% and 0.2%, the areal extent of this inundation, and the sources of flooding for each area; and
    - e. prepare a map showing gaps in inundation boundary mapping and identify known flood-prone areas based on location of hydrologic features, historic flooding and/or local knowledge.
  2. Develop high-level, region-wide, and largely GIS-based existing condition flood exposure analyses using the information identified in the flood hazard analysis to identify who and what might be harmed within the region for, at a minimum, both 1.0% annual chance and 0.2% annual chance flood events as follows:
    - a. analyses of existing development within the existing condition floodplain and the associated flood hazard exposure;
    - b. for the floodplain as defined by FEMA or as defined by an alternative analysis if the FEMA-defined floodplain is not considered best available;
    - c. may include only those flood mitigation projects with dedicated construction funding and scheduled for completion prior to adoption of the next state flood plan.
    - d. shall consider the population and property located in areas where existing levees or dams do not meet FEMA accreditation as inundated by flooding without those structures in place. Provisionally accredited structures may be allowed to provide flood protection, unless best available information demonstrates otherwise.
    - e. shall consider available datasets to estimate the potential flood hazard exposure including, but not limited to:
      - i. number of residential properties and associated population;
      - ii. number of non-residential properties;
      - iii. other public infrastructure;
      - iv. major industrial and power generation facilities;
      - v. number and types of critical facilities;
      - vi. number of roadway crossings;
      - vii. length of roadway segments; and
      - viii. agricultural area and value of crops exposed.
    - f. shall include a qualitative description of expected loss of function, which is the effect that a flood event could have on the function of inundated structures (residential, commercial, industrial, public, or others) and infrastructure, such as transportation, health and human services, water supply, wastewater treatment, utilities, energy generation, and emergency services.
  3. Perform existing condition vulnerability analyses as follows:
    - a. identify resilience of communities located in flood-prone areas identified as part of the existing condition flood exposure analyses, utilizing relevant data and tools.

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- b. identify vulnerabilities of critical facilities to flooding by looking at factors such as proximity to a floodplain or other bodies of water, past flooding issues, emergency management plans, and location of critical systems like primary and back-up power.
4. All data produced as part of the existing condition flood exposure analysis and the existing condition vulnerability analysis shall include:
  - a. underlying flood event return frequency;
  - b. type of flood risk;
  - c. county;
  - d. HUC8;
  - e. existing flood authority boundaries;
  - f. Social Vulnerability Indices for counties and census tracts; and
  - g. other categories as determined by RFPGs or in TWDB Flood Planning guidance documents.

The information gathered and developed in preparation of this chapter shall be subject to the following review process prior to submission of any deliverables:

1. Review of the chapter documents and related information by RFPG members.
2. Modifications to the chapter document based on RFPG, public, and/or agency comments.
3. Submittal of chapter document to TWDB for review and approval.
4. All effort required to obtain final approval of the RFP chapter by TWDB.

#### **Deliverables:**

- Prepare a stand-alone chapter (including work from both Tasks 2A & 2B) to be included in the 2023 RFP.
- Prepare maps according to 1(d) and 1(e).
- A tabulated list and GIS map of all pertinent information. All maps should be submitted with underlying GIS data utilized to prepare them.
- Any additional deliverables identified in the TWDB Flood Planning guidance documents.

#### **Task 2B – Future Condition Flood Risk Analyses**

In addition to generally meeting all applicable rules and statute requirements governing regional and state flood planning under 31 TAC Chapters 361 and 362, this portion of work shall, in particular, include all work necessary to meet all the requirements of 31 TAC §361.34.

The objective of this task is to prepare a chapter to be combined with Task 2A and included in the 2023 Regional Flood Plan (RFP) that describes the existing and future condition flood risk in the FPR.

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RFPGs shall perform future condition flood risk analyses for the region comprising: (1) flood hazard analyses that determine the location, magnitude and frequency of flooding; (2) flood exposure analyses to identify who and what might be harmed within the region; and (3) vulnerability analyses to identify vulnerabilities of communities and critical facilities.

The information developed shall be used to assist the RFPG to establish priorities in subsequent planning tasks, to identify areas that need FMEs, and to efficiently deploy its resources.

**This Task includes, but is not limited to, performing all work in accordance with TWDB rules and guidance required to:**

1. Perform future condition flood hazard analyses to determine the location and magnitude of both 1.0% annual chance and 0.2% annual chance flood events as follows:
  - a. collect data and conduct analyses sufficient to characterize the future conditions for the planning area based on a "no-action" scenario of approximately 30 years of continued development and population growth under current development trends and patterns, and existing flood regulations and policies based on:
    - i. current land use and development trends and practices and associated projected population based on the most recently adopted state water plan decade and population nearest the next RFP adoption date plus approximately 30 years or as provided for in TWDB Flood Planning guidance documents;
    - ii. reasonable assumptions regarding locations of residential development and associated population growth;
    - iii. anticipated relative sea level change and subsidence based on existing information;
    - iv. anticipated changes to the functionality of the existing floodplain;
    - v. anticipated sedimentation in flood control structures and major geomorphic changes in riverine, playa, or coastal systems based on existing information;
    - vi. assumed completion of flood mitigation projects currently under construction or that already have dedicated construction funding; and
    - vii. other factors deemed relevant by the RFPG.
  - b. identify areas within each FPR where future condition hydrologic and hydraulic model results are already available and summarize the information;
  - c. utilize best available data, including hydrologic and hydraulic models for each area;
  - d. where future condition results are not available, but existing condition hydrologic and hydraulic model results are already available, the RFPGs shall

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- modify hydraulic models to identify future conditions flood risk for 1.0% and 0.2% annual chance storms based on simplified assumptions utilizing the information identified in this task.
- e. prepare a map showing areas of 1.0% and 0.2% annual chance of inundation for future conditions, the areal extent of this inundation, and the sources of flooding for each area.
  - f. prepare a map showing gaps in inundation boundary mapping and identify known flood-prone areas based on location of hydrologic features, historic flooding, and/ or local knowledge.
2. Perform future condition flood exposure analyses using the information identified in the flood hazard analysis to identify who and what might be harmed within the region for, at a minimum, both 1.0% annual chance and 0.2% annual chance flood events as follows:
- a. analyses of existing development within the existing condition floodplain and the associated flood hazard exposure;
  - b. analyses of existing and future developments within the future condition floodplain and the associated flood hazard exposure; and
  - c. to include only those flood mitigation projects with dedicated construction funding scheduled for completion prior to the next RFP adoption date plus 30 years or as provided for in TWDB Flood Planning guidance documents.
  - d. Identification of flood prone areas associated with the hazard exposure analyses shall be based on analyses that rely primarily on the use and incorporation of existing and available:
    - i. FIRMs or other flood inundation maps and GIS related data and analyses;
    - ii. available hydraulic flood modeling results;
    - iii. model-based or other types of geographic screening tools for identifying flood prone areas; and
    - iv. other best available data or relevant technical analyses that the RFPG determines to be the most updated or reliable.
3. Perform future condition vulnerability analyses as follows:
- a. identify resilience of communities located in flood-prone areas identified as part of the future condition flood exposure analyses, utilizing relevant data and tools.
  - b. identify vulnerabilities of critical facilities to flooding by looking at factors such as proximity to a floodplain or other bodies of water, past flooding issues, emergency management plans, and location of critical systems like primary and back-up power.
4. All data produced as part of the future condition flood exposure analysis and the future condition vulnerability analysis shall include:
- a. underlying flood event return frequency;
  - b. type of flood risk;



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- c. county;
- d. HUC8;
- e. existing flood authority boundaries;
- f. Social Vulnerability Indices for counties and census tracts; and
- g. other categories as determined in TWDB Flood Planning guidance documents.

The information gathered and developed in preparation of this chapter shall be subject to the following review process prior to submission of any deliverables:

1. Review of the chapter documents and related information by RFPG members.
2. Modifications to the chapter document based on RFPG, public, and/or agency comments.
3. Submittal of chapter document to TWDB for review and approval.
4. All effort required to obtain final approval of the RFP chapter by TWDB.

#### **Deliverables:**

- Prepare a stand-alone chapter (including work from both Tasks 2A & 2B) to be included in the 2023 RFP.
- Prepare maps according to 1(e) and 1(f). A tabulated list and GIS map of all pertinent information. All maps should be submitted with underlying GIS data utilized to prepare them.
- Any additional deliverables identified in the TWDB Flood Planning guidance documents.

#### **Task 3A - Evaluation and Recommendations on Floodplain Management Practices**

In addition to generally meeting all applicable rules and statute requirements governing regional and state flood planning under 31 TAC Chapters 361 and 362, this portion of work shall, in particular, include all work necessary to meet all the requirements of 31 TAC §361.35.

#### **This Task includes, but is not limited to, performing all work in accordance with TWDB rules and guidance required to:**

1. Consider the extent to which a lack of, insufficient, or ineffective current floodplain management and land use practices, regulations, policies, and trends related to land use, economic development, and population growth, allow, cause, or otherwise encourage increases to flood risks to both:
  - a. existing population and property, and
  - b. future population and property.
2. Take into consideration the future flood hazard exposure analyses performed under Task 2B, consider the extent to which the 1.0% annual chance floodplain, along with associated flood risks, may change over time in response to anticipated

## Region 4. Sabine Regional Flood Planning Group Scope of Work

development and associated population growth and other relevant man-made causes, and assess how to best address these potential changes.

3. Based on the analyses in (1) and (2), make recommendations regarding forward-looking floodplain management and land use recommendations, and economic development practices and strategies, that should be implemented by entities within the FPR. These region-specific recommendations may include minimum floodplain management and land use standards and should focus on how to best address the changes in (2) for entities within the region. These recommendations shall inform recommended strategies for inclusion in the RFP.
4. RFPGs may also choose to adopt region-specific, minimum floodplain management or land use or other standards that impact flood-risk, that may vary geographically across the region, that each entity in the FPR must adopt prior to the RFPG including in the RFP any Flood Management Evaluations, Flood Management Strategies, or Flood Mitigation Projects that are sponsored by or that will otherwise be implemented by that entity.

The information gathered and developed in preparation of this chapter shall be subject to the following review process prior to submission of any deliverables:

1. Review of the chapter documents and related information by RFPG members.
2. Modifications to the chapter document based on RFPG, public, and/or agency comments.
3. Submittal of chapter document to TWDB for review and approval.
4. All effort required to obtain final approval of the RFP chapter by TWDB.

### **Deliverables:**

- Prepare a stand-alone chapter (including work from both Tasks 3A & 3B) to be included in the 2023 RFP.
- List region-specific recommendations regarding forward-looking floodplain management and land use, which may include minimum floodplain management and land use standards.
- Any additional deliverables identified in the TWDB Flood Planning guidance documents.

### **Task 3B – Flood Mitigation and Floodplain Management Goals**

In addition to generally meeting all applicable rules and statute requirements governing regional and state flood planning under 31 TAC Chapters 361 and 362, this portion of work shall, in particular, include all work necessary to meet all the requirements of 31 TAC §361.36.

Consider the Guidance Principles under 31 TAC §362.3, Tasks 1-3A, input from the public, and other relevant information and considerations.

**This Task includes, but is not limited to, performing all work in accordance with TWDB rules and guidance required to:**

1. Identify specific and achievable flood mitigation and floodplain management goals along with target years by which to meet those goals for the FPR to include, at a minimum, goals specifically addressing risks to life and property.
2. Consider minimum recommended flood protection goal provided by TWDB.
3. Recognize and clearly state the levels of residual risk that will remain in the FPR even after the stated flood mitigation goals are fully met.
4. Structure and present the goals and the residual risks in an easily understandable format for the public including in conformance with TWDB Flood Planning guidance documents.
5. When appropriate, choose goals that apply to full single HUC8 watershed boundaries or coterminous groups of HUC8 boundaries within the FPR.
6. Identify both short-term goals (10 years) and long-term goals (30 years).

The information gathered and developed in preparation of this chapter shall be subject to the following review process prior to submission of any deliverables:

1. Review of the chapter documents and related information by RFPG members.
2. Modifications to the chapter document based on RFPG, public, and/or agency comments.
3. Submittal of chapter document to TWDB for review and approval.
4. All effort required to obtain final approval of the RFP chapter by TWDB.

**Deliverables:**

- Prepare a stand-alone chapter (including work from both Tasks 3A & 3B) to be included in the 2023 RFP.
- Identify flood mitigation and floodplain management goals considering minimum recommended flood protection goal provided by TWDB.
- Identify specific and achievable flood mitigation and floodplain management goals (10 year and 30 year) in an easily understandable format for the public.
- Any additional deliverables identified in the TWDB Flood Planning guidance documents.

**Task 4A – Flood Mitigation Needs Analysis**

In addition to generally meeting all applicable rules and statute requirements governing regional and state flood planning under 31 TAC Chapters 361 and 362, this portion of work shall, in particular, include all work necessary to meet all the requirements of 31 TAC §361.37.

The RFPG shall conduct the analysis in a manner that will ensure the most effective and efficient use of the resources available to the RFPG.

**This Task includes, but is not limited to, performing all work in accordance with TWDB rules and guidance required to:**

1. Based on the analyses and goals developed by the RFPG under Tasks 2A through 3B and any additional analyses or information developed using available screening-level models or methods, the RFPG shall identify locations within the FPR that the RFPG considers to have the greatest flood mitigation and flood risk study needs by considering:
  - a. the areas in the FPR that the RFPG identified as the most prone to flooding that threatens life and property;
  - b. the relative locations, extent, and performance of current floodplain management and land use policies and infrastructure located within the FPR;
  - c. areas identified by the RFPG as prone to flooding that don't have adequate inundation maps;
  - d. areas identified by the RFPG as prone to flooding that don't have hydrologic and hydraulic models;
  - e. areas with an emergency need;
  - f. existing modeling analyses and flood risk mitigation plans within the FPR;
  - g. flood mitigation projects already identified and evaluated by other flood mitigation plans and studies;
  - h. documentation of historic flooding events;
  - i. flood mitigation projects already being implemented; and
  - j. any other factors that the RFPG deems relevant to identifying the geographic locations where potential FMEs and potentially feasible FMSs and FMPs shall be identified and evaluated under §361.38.

The information gathered and developed in preparation of this chapter shall be subject to the following review process prior to submission of any deliverables:

1. Review of the chapter documents and related information by RFPG members.
2. Modifications to the chapter document based on RFPG, public, and/or agency comments.
3. Submittal of chapter document to TWDB for review and approval.
4. All effort required to obtain final approval of the RFP chapter by TWDB.

**Deliverables:**

- Prepare a stand-alone chapter (including work from both Tasks 4A & 4B) to be included in the 2023 RFP.
- A map identifying the geographic locations within the FPR considered to have the greatest flood mitigation and flood risk study needs where potential FMEs and potentially feasible FMSs and FMPs shall be evaluated
- A tabulated list and GIS map of all pertinent information. All maps should be submitted with underlying GIS data utilized to prepare them.

#### Region 4. Sabine Regional Flood Planning Group Scope of Work

- Any additional deliverables identified in the TWDB Flood Planning guidance documents.

#### **Task 4B – Identification and Evaluation of Potential Flood Management Evaluations and Potentially Feasible Flood Management Strategies and Flood Mitigation Projects**

In addition to generally meeting all applicable rules and statute requirements governing regional and state flood planning under 31 TAC Chapters 361 and 362, this portion of work shall, in particular, include all work necessary to meet all the requirements of 31 TAC §361.38.

Based on analyses and decisions under Tasks 2A through 4A the RFPG shall identify and evaluate potential FMEs and potentially feasible FMSs and FMPs, including nature-based solutions, some of which may have already been identified by previous evaluations and analyses by others.

#### **This Task includes, but is not limited to, performing all work in accordance with TWDB rules and guidance required to:**

1. Receive public comment on a proposed process to be used by the RFPG to identify and select FMEs, FMSs, and FMPs for the 2023 RFP. Revise and update documentation of the process by which FMS that were identified as potentially feasible and selected for evaluation in the 2023 RFP. Include a description of the process selected by the RFPG in the Technical Memorandum and the draft Regional Flood Plan and adopted RFPs.
2. Plans to be considered in developing this chapter include relevant plans referenced under 31 TAC §361.22.
3. When evaluating FMSs and FMPs the RFPG will, at a minimum, identify one solution that provides flood mitigation associated with a 1.0% annual chance flood event. In instances where mitigating for 1.0% annual chance events is not feasible, the RFPG shall document the reasons for its infeasibility, and at the discretion of the RFPG, other FMSs and FMPs to mitigate more frequent events may also be identified and evaluated based on TWDB Flood Planning guidance documents.
4. A summary of the RFPG process for identifying potential FMEs and potentially feasible FMSs and FMPs shall be established and included in the draft and final adopted RFP.
5. The RFPG shall then identify potentially feasible FMSs and FMPs in accordance with the RFPG established process.
6. For areas within the FPR that the RFPG does not yet have sufficient information or resources to identify potentially feasible FMSs and FMPs, the RFPG shall identify areas for potential FMEs that may eventually result in FMSs and/or FMPs.
7. The RFPG shall evaluate potentially feasible FMSs and FMPs understanding that, upon evaluation and further inspection, some FMSs or FMPs initially identified as potentially feasible may, after further inspection, be reclassified as infeasible.

#### Region 4. Sabine Regional Flood Planning Group Scope of Work

8. Evaluations of potentially feasible FMSs and FMPs will require associated, detailed hydrologic and hydraulic modeling results that quantify the reduced impacts from flood events and the associated benefits and costs. Information may be based on previously performed evaluations of projects and related information. Evaluations of potentially feasible FMS and FMPs shall include the following information and be based on the following analyses:
  - a. A reference to the specific flood mitigation or floodplain management goal addressed by the feasible FMS or FMP;
  - b. A determination of whether FMS or FMP meets an emergency need;
  - c. An indication regarding the potential use of federal funds, or other sources of funding, as a component of the total funding mechanism;
  - d. An equitable comparison between and consistent assessment of all FMSs and FMPs that the RFPG determines to be potentially feasible;
  - e. A demonstration that the FMS or FMP will not negatively affect a neighboring area;
  - f. A quantitative reporting of the estimated benefits of the FMS or FMP, including reductions of flood impacts of the 1.0% annual chance flood event and other storm events identified and evaluated if the project mitigates to a more frequent event, to include, but not limited to:
    - (1) Associated flood events that must, at a minimum, include the 1.0% annual chance flood event and other storm events identified and evaluated;
    - (2) Reduction in habitable, equivalent living units flood risk;
    - (3) Reduction in residential population flood risk;
    - (4) Reduction in critical facilities flood risk;
    - (5) Reduction in road closure occurrences;
    - (6) Reduction in acres of active farmland and ranchland flood risk;
    - (7) Estimated reduction in fatalities, when available;
    - (8) Estimated reduction in injuries, when available;
    - (9) Reduction in expected annual damages from residential, commercial, and public property; and
    - (10) Other benefits as deemed relevant by the RFPG including environmental benefits and other public benefits.
  - g. A quantitative reporting of the estimated capital cost of FMPs in accordance with TWDB Flood Planning guidance documents;
  - h. Calculated benefit-cost ratio for FMPs in accordance with *Exhibit C: General Guidelines* and based on current, observed conditions;
  - i. For projects that will contribute to water supply, all relevant evaluations required under §357.34(e) (relating to Identification and Evaluation of Potentially Feasible Water Management Strategies and Water Management Strategy Projects), as determined by the EA based on the type of

#### Region 4. Sabine Regional Flood Planning Group Scope of Work

- contribution, and a description of its consistency with the currently adopted State Water Plan;
- j. A description of potential impacts and benefits from the FMS or FMP to the environment, agriculture, recreational resources, navigation, water quality, erosion, sedimentation, and impacts to any other resources deemed relevant by the RFPG;
  - k. A description of residual, post-project, and future risks associated with FMPs including the risk of potential catastrophic failure and the potential for future increases to these risks due to lack of maintenance;
  - l. Implementation issues including those related to rights-of-way, permitting, acquisitions, relocations, utilities and transportation; and
  - m. Funding sources and options that exist or will be developed to pay for development, operation, and maintenance of the FMS or FMP.
9. Evaluations of potential FMEs will be at a reconnaissance or screening-level, unsupported by associated detailed hydrologic and hydraulic analyses. These will be identified for areas that the RFPG considers a priority for flood risk evaluation but that do not yet have the required detailed hydrologic and hydraulic modeling or associated project evaluations available to evaluate specific FMSs or FMPs for recommendation in the RFP. These FMEs shall be based on recognition of the need to develop detailed hydrologic models or to perform associated hydraulic analyses and associated project evaluations in certain areas identified by the RFPG.

Evaluations of potential FMEs shall include the following analyses:

- a. A reference to the specific flood mitigation or floodplain management goal to be addressed by the potential FME.
- b. A determination of whether FME may meet an emergency need.
- c. An indication regarding the potential use of federal funds, or other sources of funding as a component of the total funding mechanism.
- d. An equitable comparison between and consistent assessment of all FMEs.
- e. An indication of whether hydrologic and or hydraulic models are already being developed or are anticipated in the near future and that could be used in the FME.
- f. A quantitative reporting of the estimated benefits, including reductions of flood risks, to include:
  - (1) Estimated habitable, living unit equivalent and associated population in FME area;
  - (2) Estimated critical facilities in FME area;
  - (3) Estimated number of roads closures occurrences in FME area;
  - (4) Estimated acres of active farmland and rangeland in FME area; and
  - (5) A quantitative reporting of the estimated study cost of the FME and whether the cost includes use of existing or development of new hydrologic or hydraulic models.

#### Region 4. Sabine Regional Flood Planning Group Scope of Work

- g For FMEs, RFPGs do not need to demonstrate that an FME will not negatively affect a neighboring area.
10. RFPGs shall evaluate and present potential FMEs and potentially feasible FMSs and FMPs with sufficient specificity to allow state agencies to make financial or regulatory decisions to determine consistency of the proposed action before the state agency with an approved RFP.
11. Analyses shall be performed in accordance with TWDB Flood Planning guidance documents.
12. All data produced as part of the analyses under this task shall be organized and summarized in the RFP in accordance with TWDB Flood Planning guidance documents.
13. Analyses shall clearly designate a representative location of the FME and beneficiaries including a map and designation of HUC8 and county location.

The information gathered and developed in preparation of this chapter shall be subject to the following review process prior to submission of any deliverables:

1. Review of the chapter documents and related information by RFPG members.
2. Modifications to the chapter document based on RFPG, public, and/or agency comments.
3. Submittal of chapter document to TWDB for review and approval.
4. All effort required to obtain final approval of the RFP chapter by TWDB.

#### **Deliverables:**

- Prepare a stand-alone chapter (including work from both Tasks 4B & 5) to be included in the 2023 RFP.
- A list of the potentially feasible FMSs and associated FMPs that were identified by the RFPG. The TWDB Flood Planning guidance documents will include minimum data submittal requirements and deliverable format.
- A map identifying the geographic locations within the FPR considered to have the greatest flood mitigation and flood risk study needs where potential FMEs and potentially feasible FMSs and FMPs shall be evaluated. TWDB Flood Planning guidance documents will include minimum data submittal requirements and deliverable format.
- Data shall be organized and summarized in the RFP in accordance with TWDB Flood Planning guidance documents.
- A tabulated list and GIS map of all pertinent information. All maps should be submitted with underlying GIS data utilized to prepare them.
- Any additional deliverables identified in the TWDB Flood Planning guidance documents.



**Task 4C – Prepare and Submit Technical Memorandum**

In addition to generally meeting all applicable rules and statute requirements governing regional and state flood planning under 31 TAC Chapters 361 and 362, this portion of work shall, in particular, include all work necessary to meet all the requirements of 31 TAC §361.13(e).

**This Task includes, but is not limited to, performing all work in accordance with TWDB rules and guidance required to:**

1. Prepare a concise Technical Memorandum to include:
  - a. A list of existing political subdivisions within the FPR that have flood-related authorities or responsibilities;
  - b. A list of previous flood studies considered by the RFPG to be relevant to development of the RFP;
  - c. A geodatabase and associated maps in accordance with TWDB Flood Planning guidance documents that the RFPG considers to be best representation of the region-wide 1.0% annual chance flood event and 0.2% annual chance flood event inundation boundaries, and the source of flooding for each area, for use in its risk analysis, including indications of locations where such boundaries remain undefined;
  - d. A geodatabase and associated maps in accordance with TWDB Flood Planning guidance documents that identifies additional flood-prone areas not described in (c) based on location of hydrologic features, historic flooding, and/or local knowledge;
  - e. A geodatabase and associated maps in accordance with TWDB Flood Planning guidance documents that identifies areas where existing hydrologic and hydraulic models needed to evaluate FMSs and FMPs are available;
  - f. A list of available flood-related models that the RFPG considers of most value in developing its plan;
  - g. The flood mitigation and floodplain management goals adopted by the RFPG per §361.36;
  - h. The documented process used by the RFPG to identify potentially feasible FMSs and FMPs;
  - i. A list of potential FMEs and potentially feasible FMSs and FMPs identified by the RFPG, if any; and
  - j. A list of FMSs and FMPs that were identified but determined by the RFPG to be infeasible, including the primary reason for it being infeasible.
2. Approve submittal of the Technical Memorandum to TWDB at a RFPG meeting subject notice requirements in accordance with 31 TAC §361.21(h). The Technical Memorandum must be submitted to TWDB in accordance with Section I Article I of the contract.

**Task 5 – Recommendation of Flood Management Evaluations and Flood Management Strategies and Associated Flood Mitigation Projects**

In addition to generally meeting all applicable rules and statute requirements governing regional and state flood planning under 31 TAC Chapters 361 and 362, this portion of work shall, in particular, include all work necessary to meet all the requirements of 31 TAC §361.39.

The objective of this task is to evaluate and recommend Flood Management Evaluations (FMEs), Flood Management Strategies (FMSs) and their associated Flood Mitigation Projects (FMPs) to be included in the 2023 RFP that describes the work completed, presents the potential FMEs, potentially feasible FMSs and FMPs, recommended and alternative FMSs and FMPs, including all the technical evaluations, and presents which entities will benefit from the recommended FMSs and FMPs.

**Work associated with any Task 5 subtasks shall be contingent upon a written notice-to-proceed. This Task includes, but is not limited to, performing all work in accordance with TWDB rules and guidance required to:**

1. Recommend FMSs and FMPs to reduce the potential impacts of flood based on the evaluations under §361.38 and RFPG goals and that must, at a minimum, mitigate for flood events associated with at 1.0 percent annual chance (100-yr flood) where feasible. In instances where mitigating for 100-year events is not feasible, FMS and FMPs to mitigate more frequent events may be recommended based on TWDB Flood Planning guidance documents. Recommendations shall be based upon the identification, analysis, and comparison of alternatives that the RFPG determines will provide measurable reductions in flood impacts in support of the RFPG's specific flood mitigation and/or floodplain management goals.
2. Provide additional information in conformance with TWDB Flood Planning guidance documents which will be used to rank recommended FMPs in the state flood plan.
3. Recommend FMEs that the RFPG determines are most likely to result in identification of potentially feasible FMSs and FMPs that would, at a minimum, identify and investigate one solution to mitigate for flood events associated with a 1.0% annual chance flood event and that support specific RFPG flood mitigation and/or floodplain management goals.
4. Recommended FMSs or FMPs may not negatively affect a neighboring area or an entity's water supply.
5. Recommended FMSs or FMPs that will contribute to water supply may not result in an overallocation of a water source based on the water availability allocations in the most recently adopted State Water Plan.
6. Specific types of FMEs, FMSs, or FMPs that should be included and that should not be included in RFPs must be in accordance with TWDB Flood Planning guidance documents.

## Region 4. Sabine Regional Flood Planning Group Scope of Work

7. FMS and FMP documentation shall include a strategy or project description, discussion of associated facilities, project map, and technical evaluations addressing all considerations and factors required under 31 TAC §361.38(h).
8. Coordinate and communicate with FME, FMS, and FMP sponsors, individual local governments, regional authorities, and other political subdivisions.
9. Process documentation of selecting all recommended FMSs and associated FMPs including development of FMS evaluations matrices and other tools required to assist the RFPG in comparing and selecting recommended FMSs and FMPs.
10. Document the evaluation and selection of all recommended FMS and FMPs, including an explanation for why certain types of strategies may not have been recommended.

The information gathered and developed in preparation of this chapter shall be subject to the following review process prior to submission of any deliverables:

1. Review of the chapter documents and related information by RFPG members.
2. Modifications to the chapter document based on RFPG, public, and/or agency comments.
3. Submittal of chapter document to TWDB for review and approval.
4. All effort required to obtain final approval of the RFP chapter by TWDB.

### **Deliverables:**

- Prepare a stand-alone chapter (including work from both Tasks 4B & 5) to be included in the 2023 RFP to include technical analyses of all evaluated FMSs and FMPs.
- A list of the recommended FMEs, FMSs, and associated FMPs that were identified by the RFPG. TWDB Flood Planning guidance documents will include minimum data submittal requirements and deliverable format.
- Data shall be organized and summarized in the RFP in accordance with TWDB Flood Planning guidance documents.
- A tabulated list and GIS map of all pertinent information. All maps should be submitted with underlying GIS data utilized to prepare them.
- Any additional deliverables identified in the TWDB Flood Planning guidance documents.

### **Task 6A – Impacts of Regional Flood Plan**

In addition to generally meeting all applicable rules and statute requirements governing regional and state flood planning under 31 TAC Chapters 361 and 362, this portion of work shall, in particular, include all work necessary to meet all the requirements of 31 TAC §361.40.

**This Task includes, but is not limited to, performing all work in accordance with TWDB rules and guidance required to include:**

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1. a region-wide summary of the relative reduction in flood risk that implementation of the RFP would achieve within the region including with regard to life, injuries, and property.
2. a statement that the FMPs in the plan, when implemented, will not negatively affect neighboring areas located within or outside of the FPR.
3. a general description of the types of potential positive and negative socioeconomic or recreational impacts of the recommended FMSs and FMPs within the FPR.
4. a general description of the overall impacts of the recommended FMPs and FMSs in the RFP on the environment, agriculture, recreational resources, water quality, erosion, sedimentation, and navigation.

The information gathered and developed in preparation of this chapter shall be subject to the following review process prior to submission of any deliverables:

1. Review of the chapter documents and related information by RFPG members.
2. Modifications to the chapter document based on RFPG, public, and/or agency comments.
3. Submittal of chapter document to TWDB for review and approval.
4. All effort required to obtain final approval of the RFP chapter by TWDB.

**Deliverables:** Prepare a stand-alone chapter (including work from both Tasks 6A & 6B) to be included in the 2023 RFP. Any additional deliverables identified in the TWDB Flood Planning guidance documents.

#### **Task 6B – Contributions to and Impacts on Water Supply Development and the State Water Plan**

In addition to generally meeting all applicable rules and statute requirements governing regional and state flood planning under 31 TAC Chapters 361 and 362, this portion of work shall, in particular, include all work necessary to meet all the requirements of 31 TAC §361.41.

**This Task includes, but is not limited to, performing all work in accordance with TWDB rules and guidance required to:**

1. Include a region-wide summary and description of the contribution that the regional flood plan would have to water supply development including a list of the specific FMSs and FMPs that would contribute to water supply.
2. Include a description of any anticipated impacts, including to water supply or water availability or projects in the State Water Plan, that the regional flood plan FMSs and FMPs may have.

The information gathered and developed in preparation of this chapter shall be subject to the following review process prior to submission of any deliverables:

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1. Review of the chapter documents and related information by RFPG members.
2. Modifications to the chapter document based on RFPG, public, and/or agency comments.
3. Submittal of chapter document to TWDB for review and approval.
4. All effort required to obtain final approval of the RFP chapter by TWDB.

**Deliverables:** Prepare a stand-alone chapter (including work from both Tasks 6A & 6B) to be included in the 2023 RFP. Any additional deliverables identified in the TWDB Flood Planning guidance documents.

#### **Task 7 – Flood Response Information and Activities**

In addition to generally meeting all applicable rules and statute requirements governing regional and state flood planning under 31 TAC Chapters 361 and 362, this portion of work shall, in particular, include all work necessary to meet all the requirements of 31 TAC §361.42.

**This Task includes, but is not limited to, performing all work in accordance with TWDB rules and guidance required to:**

1. Summarize the nature and types of flood response preparations within the FPR including providing where more detailed information is available regarding recovery.
2. Coordinate and communicate, as necessary, with entities in the region to gather information.
3. RFPGs shall not perform analyses or other activities related to planning for disaster response or recovery activities.
4. Plans to be considered in developing this chapter include relevant plans referenced under 31 TAC §361.22.

The information gathered and developed in preparation of this chapter shall be subject to the following review process prior to submission of any deliverables:

1. Review of the chapter documents and related information by RFPG members.
2. Modifications to the chapter document based on RFPG, public, and/or agency comments.
3. Submittal of chapter document to TWDB for review and approval.
4. All effort required to obtain final approval of the RFP chapter by TWDB.

**Deliverables:** Prepare a stand-alone chapter to be included in the 2023 RFP. Any additional deliverables identified in the TWDB Flood Planning guidance documents.

#### **Task 8 – Administrative, Regulatory, and Legislative Recommendations**

In addition to generally meeting all applicable rules and statute requirements governing regional and state flood planning under 31 TAC Chapters 361 and 362, this portion of work shall, in particular, include all work necessary to meet all the requirements of 31 TAC §361.43.

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The objective of this task is to prepare a separate chapter to be included in the 2023 RFP that presents the RFPG's administrative, legislative, and regulatory recommendations.

**This Task includes, but is not limited to, performing all work in accordance with TWDB rules and guidance required to develop:**

1. Legislative recommendations that they consider necessary to facilitate floodplain management and flood mitigation planning and implementation.
2. Other regulatory or administrative recommendations that they consider necessary to facilitate floodplain management and flood mitigation planning and implementation.
3. Any other recommendations that the RFPG believes are needed and desirable to achieve its regional flood mitigation and floodplain management goals.
4. Recommendations regarding potential, new revenue-raising opportunities, including potential new municipal drainage utilities or regional flood authorities, that could fund the development, operation, and maintenance of floodplain management or flood mitigation activities in the region.

The information gathered and developed in preparation of this chapter shall be subject to the following review process prior to submission of any deliverables:

1. Review of the chapter documents and related information by RFPG members.
2. Modifications to the chapter document based on RFPG, public, and/or agency comments.
3. Submittal of chapter document to TWDB for review and approval.
4. All effort required to obtain final approval of the RFP chapter by TWDB.

**Deliverables:** Prepare a stand-alone chapter to be included in the 2023 RFP. Any additional deliverables identified in the TWDB Flood Planning guidance documents.

#### **Task 9 – Flood Infrastructure Financing Analysis**

In addition to generally meeting all applicable rules and statute requirements governing regional and state flood planning under 31 TAC Chapters 361 and 362, this portion of work shall, in particular, include all work necessary to meet all the requirements of 31 TAC §361.44.

The objective of this task is to report on how sponsors of recommended FMPs propose to finance projects.

**This Task includes, but is not limited to, performing all work in accordance with TWDB rules and guidance required to:**

1. Coordinate and communicate with individual local governments, regional authorities, and other political subdivisions.
2. Perform a survey, including the following work:
  - a. Contacting FME and FMP sponsors.

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- b. Collection and collation of data.
  - c. Documentation of the effectiveness of survey methodology, providing percent survey completions, and whether an acceptable minimum percent survey completion was achieved.
  - d. Submission of data.
3. Coordinate with FME and FMP sponsors as necessary to ensure detailed needs and costs associated with their anticipated evaluations and projects are sufficiently represented in the RFP for future funding determinations.
  4. Assist the RFPG with the development of recommendations regarding the proposed role of the State in financing flood infrastructure projects identified in the RFP.
  5. Summarize the survey results.

The information gathered and developed in preparation of this chapter shall be subject to the following review process prior to submission of any deliverables:

1. Review of the chapter documents and related information by RFPG members.
2. Modifications to the chapter document based on RFPG, public, and/or agency comments.
3. Submittal of chapter document to TWDB for review and approval.
4. All effort required to obtain final approval of the RFP chapter by TWDB.

**Deliverables:** A completed Chapter 9 shall be delivered in the 2023 RFP to include summary of reported financing approaches for all recommended FMPs. Data shall be submitted in accordance with TWDB guidance documents. Any additional deliverables identified in the TWDB Flood Planning guidance documents.

#### **Task 10 – Public Participation and Plan Adoption**

The objective of this task is to address public participation, public meetings, eligible administrative and technical support activities, and other requirements and activities eligible for reimbursement. Objectives also include activities necessary to complete and submit a draft RFP and final RFP, and obtain TWDB approval of the RFP.

**This Task includes, but is not limited to, performing all work in accordance with TWDB rules and guidance required to:**

1. In addition to generally meeting all applicable statute requirements governing regional and state flood planning this portion of work shall, in particular, include all technical and administrative support activities necessary to meet all the requirements of 31 TAC Chapters 361 and 362 that are not already addressed under the scope of work associated with other contract Tasks but that are necessary and or required to complete and deliver an draft Regional Flood Plan and final, adopted RFP to TWDB and obtain approval of the adopted RFP by TWDB.
2. Organization, support, facilitation, and documentation of all meetings/hearings associated with: preplanning meeting; consideration of a substitution of alternative flood management strategies; public hearing after adoption of the draft Regional

## Region 4. Sabine Regional Flood Planning Group Scope of Work

Flood Plan and prior to adoption of the final RFP; and consideration of RFP amendments, alternative FMS substitutions, or Board-directed revisions.

### **Technical Support and Administrative Activities**

1. RFPGs shall support and accommodate periodic presentations by the TWDB for the purpose of orientation, training, and retraining as determined and provided by the TWDB during regular RFPGRWPG meetings.
2. Attendance and participation of technical consultants at RFPG, subgroup, subcommittees, special and or other meetings and hearings including preparation and follow-up activities.
3. Developing technical and other presentations and handout materials for regular and special meetings to provide technical and explanatory data to the RFPG and its subcommittees, including follow-up activities.
4. Administrative and technical support and participation in RFPG activities, and documentation of any RFPG workshops, work groups, subgroup and/or subcommittee activities.
5. Technical support and administrative activities associated with periodic and special meetings of the RFPG including developing agendas and coordinating activities for the RFPG.
6. Provision of status reports to TWDB for work performed under this Contract.
7. Development of draft and final responses for RFPG approval to public questions or comments as well as approval of the final responses to comments on RFP documents.
8. Intraregional and interregional coordination and communication, and or facilitation required within the FPR and with other RFPGs to develop a RFP.
9. Incorporation of all required data and reports into RFP document.
10. Modifications to the RFP documents based on RFPG, public, and or agency comments.
11. Preparation of a RFP chapter summarizing Task 10 activities including review by RFPG and modification of document as necessary.
12. Development and inclusion of Executive Summaries in both draft Regional Flood Plan and final RFP.
13. Production, distribution, and submittal of all draft and final RFP-related planning documents for RFPG, public and agency review, including in hard-copy format when required.
14. Assembling, compiling, and production of the completed draft Regional Flood Plan and Final Regional Flood Plan document(s) that meet all requirements of statute, 31 TAC Chapters 361 and 362, Contract and associated guidance documents.
15. Submittal of the RFP documents in both hard copy and electronic formats to TWDB for review and approval; and all effort required to obtain final approval of the RFP by TWDB.

### **Other Activities**



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1. Review of all RFP-related documents by RFPG members.
2. Development and maintenance of a RFPG website or RFPG-dedicated webpage on the RFPG administrator's website for posting planning group meeting notices, agendas, materials, and plan information.
3. Limited non-labor, direct costs associated with maintenance of the RFPG website.
4. Development of agendas, presentations, and handout materials for the public meetings and hearings to provide to the general public.
5. Documentation of meetings and hearings to include recorded minutes and/or audio recordings as required by the RFPG bylaws and archiving and provision of minutes to public.
6. Preparation and transmission of correspondence, for example, directly related to public comments on RFP documents.
7. Promoting consensus decisions through conflict resolution efforts including monitoring and facilitation required to resolve issues between and among RFPG members and stakeholders in the event that issues arise during the process of developing the RFP, including mediation between RFPG members, if necessary.
8. RFPG membership solicitation activities.
9. Meeting all posting, meeting, hearing and other public notice requirements in accordance with the open meetings act, statute, and 31 TAC §361.21 and any other applicable public notice requirements.
10. Solicitation, review, and dissemination of public input, as necessary.
11. Any efforts required, but not otherwise addressed in other SOW tasks that may be required to complete an RFP in accordance with all statute and rule requirements.

#### **Deliverables:**

- A completed Chapter 10 summarizing public participation activities and appendices with public comments and RFPG responses to comments.
- Complete draft Regional Flood Plan and final, adopted RFP documents.
- Any additional deliverables identified in the TWDB Flood Planning guidance documents.

**Exhibit "B"**  
**Required RFO Forms**

**Insert System for Award Management (SAM) record search for company name and company principal.**

# CONFLICT OF INTEREST QUESTIONNAIRE

For vendor doing business with local governmental entity

## FORM CIQ

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

OFRC USE ONLY

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

Date Received

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

**.!J** Name of vendor who has a business relationship with local governmental entity.

**!J** Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

**1..1** Name of local government officer about whom the information is being disclosed.

\_\_\_\_\_  
Name of Officer

**.ii** Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

**A.** Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

Yes  No

**B.** Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

Yes  No

**2..1** Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.

Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(8), excluding gifts described in Section 176.003(a-1).

**2..1**

\_\_\_\_\_  
Signature of vendor doing business with the governmental entity

\_\_\_\_\_  
Date

## **CONFLICT OF INTEREST QUESTIONNAIRE**

### **For vendor doing business with local governmental entity**

A complete copy of Chapter 176 of the Local Government Code may be found at <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm>. For easy reference, below are some of the sections cited on this form.

**Local Government Code § 176.001(1-a):** "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

- (A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
- (B) a transaction conducted at a price and subject to terms available to the public; or
- (C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

**Local Government Code § 176.003(a)(2)(A) and (B):**

(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

\*\*\*

(2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that

(i) a contract between the local governmental entity and vendor has been executed; or

or

(ii) the local governmental entity is considering entering into a contract with the vendor;

(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:

(i) a contract between the local governmental entity and vendor has been executed; or

(ii) the local governmental entity is considering entering into a contract with the vendor.

**Local Government Code § 176.00G(a) and (a-1)**

(a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

(1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);

(2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or

(3) has a family relationship with a local government officer of that local governmental entity.

(a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

(1) the date that the vendor:

(A) begins discussions or negotiations to enter into a contract with the local governmental entity; or

(B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

(2) the date the vendor becomes aware:

(A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);

(B) that the vendor has given one or more gifts described by Subsection (a); or

(C) of a family relationship with a local government officer.

## Certification Regarding Lobbying

(To be submitted with each bid or offer exceeding \$100,000)

The undersigned certifies, to the best of his or her knowledge and belief, that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(c) The undersigned shall require that the language paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995).

The Contractor, \_\_\_\_\_, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. § 3801 et seq., apply to this certification and disclosure, if any.

\_\_\_\_\_  
Signature of Contractor's Authorized Official

\_\_\_\_\_  
Printed Name and Title of Contractor's Authorized Official

\_\_\_\_\_  
Date

## INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a follow-up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional Authority, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional Authority, if known.
6. Enter the name of the federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitations for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Included prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.  
(b) Enter the full names of the individual(s) performing services, and include full address if different from 10(a). Enter Last Name, First Name, and Middle Initial (MI).
11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

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According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503

0348-0046

**Disclosure of Lobbying Activities**

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

(See reverse for public burden disclosure)

<b>Type of Federal Action:</b> _____ a. contract _____ b. grant _____ c. cooperative agreement _____ d. loan _____ e. loan guarantee _____ f. loan insurance	<b>Status of Federal Action:</b> _____ a. bid/offer/application _____ b. initial award _____ c. post-award	<b>Report Type:</b> _____ a. initial filing _____ b. material change
<b>Name and Address of Reporting Entity:</b> _____ Prime      _____ Subawardee Tier _____, if Known:  <b>Congressional Authority, if known:</b>	<b>If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:</b>  <b>Congressional Authority, if known:</b>	
<b>Federal Department/Agency:</b>	<b>7. Federal Program Name/Description:</b>  CFDA Number, <i>if applicable</i> : _____	
<b>Federal Action Number, if known:</b>	<b>9. Award Amount, if known:</b>  \$ _____	
<b>10. a. Name and Address of Lobbying Registrant</b> <i>(if individual, last name, first name, MI):</i>	<b>b. Individuals Performing Services</b> <i>(including address if different from No. 10a)</i> <i>(last name, first name, MI):</i>	
<b>11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.</b>	<b>Signature:</b> _____ <b>Print Name:</b> _____ <b>Title:</b> _____ <b>Telephone No.:</b> _____ <b>Date:</b> _____	
<b>Federal Use Only</b>	<b>Authorized for Local Reproduction  Standard Form - LLL (Rev. 7-97)</b>	



(To be completed by awarded vendor)

CERTIFICATE OF INTERESTED PARTIES		FORM 1295		
Complete Nos. 1 - 4 and 6 if there are interested parties. Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.		<b>OFFICE USE ONLY</b>		
1 Name of business entity filing form, and the city, state and country of the business entity's place of business.				
2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.				
3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.				
4	Name of Interested Party	City, State, Country (place of business)	Nature of Interest (check applicable)	
			Controlling	Intermediary
5 Check only if there is NO Interested Party. <input type="checkbox"/>				
6 AFFIDAVIT		I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.		
		_____ Signature of authorized agent of contracting business entity		
AFFIX NOTARY STAMP / SEAL ABOVE				
Sworn to and subscribed before me, by the said _____, this the _____ day of _____, 20 _____, to certify which, witness my hand and seal of office.				
_____ Signature of officer administering oath		_____ Printed name of officer administering oath	_____ Title of officer administering oath	
<b>ADD ADDITIONAL PAGES AS NECESSARY</b>				

**Exhibit “C”**  
**Required Contract Provisions**

2 CFR 200.326 Contract provisions. The non-Federal entity's contracts must contain the applicable provisions described in Appendix II to Part 200—Contract Provisions for non-Federal Entity Contracts Under Federal Awards. The non-Federal entity's contracts must contain the applicable provisions described in Appendix II to Part 200—Contract Provisions for non-Federal Entity Contracts Under Federal Awards.

**All Contracts**

THRESHOLD	PROVISION	CITATION
>\$150,000 (Simplified Acquisition Threshold)	Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.	2 CFR 200 APPENDIX II (A)
>\$10,000	All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.	2 CFR 200 APPENDIX II (B)
None	Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of “funding agreement” under 37 CFR §401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.	2 CFR 200 APPENDIX II (F)
None	Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.	2 CFR 200 APPENDIX II (H)
None	Records of non-Federal entities. The U.S. Department of Housing and Urban Development (HUD), Inspectors General, the Comptroller General of the United States, the Texas General Land Office (GLO), and the pass-through entity, or any of their authorized representatives, must have the right of access to any documents, papers, or other records of the non-Federal entity which are pertinent to the Federal award, in order to make audits, examinations, excerpts, and transcripts. The right also includes timely and reasonable access to the non-Federal entity's personnel for the purpose of interview and discussion related to such documents.	2 CFR 200.336
None	Financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a Federal award must be retained for a period of three years from the date of submission of the final expenditure report or, for Federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the Federal awarding agency or pass-through entity in the case of a subrecipient. Federal awarding agencies and pass-through entities must not impose any other record retention requirements upon non-Federal entities. The only exceptions are the following:	2 CFR 200.333

	<p>(a) If any litigation, claim, or audit is started before the expiration of the 3-year period, the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.</p> <p>(b) When the non-Federal entity is notified in writing by the Federal awarding agency, cognizant agency for audit, oversight agency for audit, cognizant agency for indirect costs, or pass-through entity to extend the retention period.</p> <p>(c) Records for real property and equipment acquired with Federal funds must be retained for 3 years after final disposition.</p> <p>(d) When records are transferred to or maintained by the Federal awarding agency or pass-through entity, the 3-year retention requirement is not applicable to the non-Federal entity.</p> <p>(e) Records for program income transactions after the period of performance. In some cases recipients must report program income after the period of performance. Where there is such a requirement, the retention period for the records pertaining to the earning of the program income starts from the end of the non-Federal entity's fiscal year in which the program income is earned.</p> <p>(f) Indirect cost rate proposals and cost allocations plans. This paragraph applies to the following types of documents and their supporting records: indirect cost rate computations or proposals, cost allocation plans, and any similar accounting computations of the rate at which a particular group of costs is chargeable (such as computer usage chargeback rates or composite fringe benefit rates).</p> <p>(1) If submitted for negotiation. If the proposal, plan, or other computation is required to be submitted to the Federal Government (or to the pass-through entity) to form the basis for negotiation of the rate, then the 3-year retention period for its supporting records starts from the date of such submission.</p> <p>(2) If not submitted for negotiation. If the proposal, plan, or other computation is not required to be submitted to the Federal Government (or to the pass-through entity) for negotiation purposes, then the 3-year retention period for the proposal, plan, or computation and its supporting records starts from the end of the fiscal year (or other accounting period) covered by the proposal, plan, or other computation.</p>	
None	<p>Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.</p> <p>(a) The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.</p> <p>(b) Affirmative steps must include:</p> <p>(1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;</p> <p>(2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;</p> <p>(3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;</p>	2 CFR 200.321

	<p>(4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;</p> <p>(5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and</p> <p>(6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.</p>	
<p>Option Contract Language for contracts awarded prior to Grant Award</p>	<p>The contract award is contingent upon the receipt of TWDB funds. If no such funds are awarded, the contract shall terminate.</p>	<p>Optional</p>

EO Clause for Construction Contracts > \$10K including administration & engineering contracts associated with construction contracts

THRESHOLD	PROVISION	CITATION
<p>&gt;\$10,000</p>	<p>Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60–1.3 must include the equal opportunity clause provided under 41 CFR 60–1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964–1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”</p> <p>41 CFR 60-1.4 Equal opportunity clause.</p> <p>(b) Federally assisted construction contracts. (1) Except as otherwise provided, each administering agency shall require the inclusion of the following language as a condition of any grant, contract, loan, insurance, or guarantee involving federally assisted construction which is not exempt from the requirements of the equal opportunity clause:</p> <p>The applicant hereby agrees that it will incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR Chapter 60, which is paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to a grant, contract, loan, insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, the following equal opportunity clause:</p> <p>During the performance of this contract, the contractor agrees as follows:</p> <p>(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. Such action shall include, but not be limited to the following:</p> <p>Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.</p> <p>(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.</p> <p>(3) The contractor will not discharge or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. This provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employee's essential job functions discloses the compensation of such other employees or applicants to</p>	<p>41 CFR §60-1.4(b) and 2 CFR 200 APPENDIX II (C)</p>

individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the contractor's legal duty to furnish information.

(4) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(5) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(6) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(7) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(8) The contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (8) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance:

Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

The applicant further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work: Provided, that if the applicant so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract.

The applicant agrees that it will assist and cooperate actively with the administering agency and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and the rules,

regulations, and relevant orders of the Secretary of Labor, that it will furnish the administering agency and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance.

The applicant further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by the administering agency or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order. In addition, the applicant agrees that if it fails or refuses to comply with these undertakings, the administering agency may take any or all of the following actions: Cancel, terminate, or suspend in whole or in part this grant (contract, loan, insurance, guarantee); refrain from extending any further assistance to the applicant under the program with respect to which the failure or refund occurred until satisfactory assurance of future compliance has been received from such applicant; and refer the case to the Department of Justice for appropriate legal proceedings.

(c) Subcontracts. Each nonexempt prime contractor or subcontractor shall include the equal opportunity clause in each of its nonexempt subcontracts.

(d) Inclusion of the equal opportunity clause by reference. The equal opportunity clause may be included by reference in all Government contracts and subcontracts, including Government bills of lading, transportation requests, contracts for deposit of Government funds, and contracts for issuing and paying U.S. savings bonds and notes, and such other contracts and subcontracts as the Director of OFCCP may designate.

(e) Incorporation by operation of the order. By operation of the order, the equal opportunity clause shall be considered to be a part of every contract and subcontract required by the order and the regulations in this part to include such a clause whether or not it is physically incorporated in such contracts and whether or not the contract between the agency and the contractor is written.

(f) Adaptation of language. Such necessary changes in language may be made in the equal opportunity clause as shall be appropriate to identify properly the parties and their undertakings.

[80 FR 54975, Sept. 11, 2015]

THRESHOLD	PROVISION	CITATION
>\$2,000	<p><i>Compliance with the Davis-Bacon Act (40 U.S.C. 3141 et seq.) as supplemented by Department of Labor regulations (29 CFR part 5) and with the Copeland “Anti-Kickback” Act (18 U.S.C. 874; 40 U.S.C. 3145) as supplemented in Department of Labor regulations (29 CFR part 3):</i></p> <p>Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.</p>	2 CFR 200 APPENDIX II (D)
>\$100,000	<p>Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.</p>	2 CFR 200 APPENDIX II (E)
>\$150,000	<p>Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended—Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).</p>	2 CFR 200 APPENDIX II (G)
>\$100,000	<p>Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or</p>	2 CFR 200 APPENDIX II (I) and 24 CFR §570.303



	<p>employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.</p>	
<p>&gt;\$100,000</p>	<p>All Section 3 covered contracts shall include the following clause (referred to as the Section 3 clause):</p> <p>A. The work to be performed under this contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (Section 3). The purpose of Section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by Section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.</p> <p>B. The parties to this contract agree to comply with HUD's regulations in 24 CFR part 135, which implement Section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the part 135 regulations.</p> <p>C. The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this Section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the Section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.</p> <p>D. The contractor agrees to include this Section 3 clause in every subcontract subject to compliance with regulations in 24 CFR part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this Section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR part 135.</p> <p>E. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR part 135.</p> <p>F. Noncompliance with HUD's regulations in 24 CFR part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.</p> <p>G. With respect to work performed in connection with Section 3 covered Indian housing assistance, section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) also applies to the work to be performed under this contract. Section 7(b) requires that to the greatest extent feasible (i)</p>	<p>24 CFR §135.38</p>

	<p>preference and opportunities for training and employment shall be given to Indians, and (ii) preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned Economic Enterprises. Parties to this contract that are subject to the provisions of Section 3 and section 7(b) agree to comply with Section 3 to the maximum extent feasible, but not in derogation of compliance with section 7(b).</p>	
	<p>A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.</p> <p>[78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75885, Dec. 19, 2014]</p>	<p>2 CFR 200 APPENDIX II (J)</p>
	<p>Mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act.</p>	<p>42 U.S.C. 6201</p>