



**Recommendation for
Water & Wastewater Commission**

Commission Meeting Date:	June 14, 2017
Council Meeting Date:	June 15, 2017
Department:	Purchasing
SUBJECT	
<p>Authorize negotiation and execution of a 24-month contract with HERRERA & BOYLE, PLLC, to provide impartial hearing examiner services, in an amount not to exceed \$300,000.</p>	
AMOUNT AND SOURCE OF FUNDING	
<p>Funding is amount of \$50,000 is available in the Fiscal Year 2016-2017 Operating Budget of Austin Water. Funding for the remaining 20 months of the contract are contingent upon available funding in future budgets.</p>	
Purchasing Language:	<p>The Purchasing Office issued a Request for Proposals (RFP) MDD0104 for these services on April 10, 2017 and it closed on May 2, 2017 with three of offers received. The recommended offer is the best evaluated offer submitted by a responsible offeror. Additional information on the solicitation is included below the line.</p>
Prior Council Action:	N/A
For More Information:	Matt Duree, 512-974-2298; Joseph Gonzales, 512-972-0131
Boards and Commission Action:	June 14, 2017- To be reviewed by the Water and Wastewater Commission.
MBE/WBE:	<p>This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9 C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this solicitation, there were insufficient subcontracting opportunities; therefore, no subcontracting goals were established.</p>

This contract will provide services for an independent hearing examiner to assist the Austin City Council in establishing fair and balanced water and wastewater rates during the ongoing Austin Water cost of service and rate review. The hearing examiner will preside over any hearing addressing the cost of service and rate schedule proposed by Austin Water. The hearing examiner will work under minimal supervision, with extensive latitude for the use of independent judgment.

This is a new contract for Austin Water as they have not had a need in the past for an Independent Hearing Examiner. However due to the new retail rates, and the current cost of rate study, an Independent Hearing Examiner is necessary to preside over hearings and proceedings of the rate review process and to make recommendation to the Austin City Council.

The hearing examiner will develop a final recommendation to be delivered in writing to the Austin City Council. The final recommendation will be based on the hearing examiner's understanding of the policies, laws and rules that regulate Austin Water and be supported by evidence and/or testimony presented in the administrative review process. The final recommendation will also include: discussion of issues deliberated as directed by the Austin City Council, findings of fact that inform the hearing examiner's recommendations, explanations of law that form the foundation of the hearing examiner's recommendations, and description of each recommendation

An evaluation team with expertise in this area evaluated the offers and scored Herrera & Boyle, PLLC as the best to provide these services based on experience, personnel qualifications, work plan and approach, hourly cost rate, and local business presence.

If the City is unable to enter into this contract, Austin Water and City Council will be unable to make informed judgements based on independent hearings for the cost of service and rate schedule for water and wastewater provided by Austin Water.

A complete solicitation package, including a response list, is on file in the City's Purchasing Office and is available on the City's Financial Services Austin Finance Online website. Link: [Solicitation Documents](#)

**EVALUATION MATRIX
RFP MDD0104
IMPARTIAL HEARING EXAMINER**

EVALUATION FACTORS	# Possible Points	HERRERA & BOYLE, PLLC	RONNIE JONES	SHERRY R WETSCH
EXPERIENCE AND QUALIFICATIONS	30	23	15	16
PERSONNEL QUALIFICATIONS	20	18	6	6
WORK PLAN AND APPROACH	20	20	4	2
COST PROPOSAL	20	16	19	20
LOCAL BUSINESS PRESENCE	10	10	10	0
Total	100	87	54	44

NOTE: As per Section 252.049 of the local government code, contents of a proposal shall remain confidential until a contract is awarded. Therefore, the matrix will include points awarded for price but exact pricing will not be disclosed.