

## A G E N D A



## Recommendation for Council Action (Purchasing)

Austin City Council		Item ID:	71627	Agenda Number	49.
Meeting Date:		June 15, 2017			
Department:		Purchasing			
Subject					
Authorize negotiation and execution of a 24-month contract with HERRERA & BOYLE, PLLC, to provide impartial hearing examiner services for the Austin Water cost of service and rate review, in an amount not to exceed \$300,000.					
Amount and Source of Funding					
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.					
Fiscal Note					
A fiscal note is not required.					
Purchasing Language:	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.				
Prior Council Action:					
For More Information:	Inquiries should be directed to the City Manager’s Agenda Office, at 512-974-2991 or AgendaOffice@ austintexas.gov  NOTE: Respondents to this solicitation, and their representatives, shall continue to direct inquiries to the solicitation’s Authorized Contact Person: Matthew Duree, at 512-974-2298 or Matt.Duree@ austintexas.gov				
Boards and Commission Action:	June 14, 2017 - To be reviewed by the Water and Wastewater Commission.				
Related Items:					
MBE / WBE:	This solicitation was reviewed for subcontracting opportunities in accordance with City Code				

	Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established.
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#### Additional Backup Information

The contract is for an impartial hearing examiner to assist 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. Due to the new retail rates, and the current cost of rate study, an impartial hearing examiner is necessary to preside over hearings and proceedings of the rate review process and to make recommendation to City Council.

The hearing examiner will develop a final recommendation to be delivered in writing to 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 testimony presented in the administrative review process. The final recommendation will also include: discussion of issues, 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.

This is a new contract for Austin Water as they have not had a need in the past for impartial hearing examiner services for a cost of service and rate review study.

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 and qualifications, 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](#).