

Support Services for the Water Funding Task Force

Call for Proposals

July 8, 2013

Introduction and Background

The Department of Natural Resources is seeking letters of intent from consultants interested in supporting the activities of the Water Funding Task Force (Task Force). The Task Force was established through LB 517 (2013), a copy of this enabling legislation is provided as Attachment A. The charge of the Task Force is outlined in the enabling legislation.

Scope of Work

Task 1 – Project Meeting Coordination and Facilitation

The consultant shall plan on coordinating up to twenty-eight (28) meetings of the Task Force, inclusive of at least four (4) two-day basin tours throughout Nebraska. The consultant shall provide facilitation services during the course of each meeting, inclusive of keeping minutes for each meeting and distributing minutes to members. The consultant will also be responsible for coordinating each meeting, inclusive of establishing agendas; publishing public notices, distributing materials to the Task Force; establishing lodging, meals, and transportation for overnight travel during basin tours; reserving meeting locations for the Task Force; and other arrangements necessary to conduct all meetings. The Task Force meetings must be held in accordance with the Nebraska Open Meetings Act (*Neb. Rev. Stat. §§ 84-1407 – 84-1414*).

Task 2 – Support of Task Force Charge

The consultant shall provide services in support of carrying out the charge of the Task Force. These services may include: engineering and technical assessment of potential water resources projects, consultation with other groups such as those listed in LB 517 Section 3 to solicit information, formulation of cost estimates, facilitation of the development of ranking criteria, and other tasks as assigned by the Task Force.

Task 3 – Project Reporting

The consultant shall prepare a draft report that summarizes the work performed and completed in support and completion of Tasks 1 and 2. This draft report shall be completed and provided electronically to the Task Force no later than November 30, 2013. As required by LB 517, this report shall include:

- (a) Recommendations for a strategic plan which prioritizes programs, projects, and activities in need of funding. The recommendations shall give equal consideration to and be classified into the following categories:
 - (i) Research, data, and modeling needed to assist the state in meeting its water management goals;
 - (ii) Rehabilitation or restoration of water supply infrastructure, new water supply infrastructure, or water supply infrastructure maintenance;
 - (iii) Conjunctive management, storage, and integrated management of groundwater and surface water; and
 - (iv) Compliance with interstate compacts or agreements or other formal state contracts or agreements;

- (b) Recommendations for ranking criteria to identify funding priorities based on, but not limited to, the following factors:
 - (i) The extent to which the program, project, or activity provides increased water productivity and otherwise maximizes the beneficial use of Nebraska's water resources for the benefit of its residents;
 - (ii) The extent to which the program, project, or activity assists the state in meeting its obligations under interstate compacts or decrees or other formal state contracts or agreements;
 - (iii) The extent to which the program, project, or activity utilizes objectives described in the Annual Report and Plan of Work for the Nebraska State Water Planning and Review Process issued by the Department of Natural Resources;
 - (iv) The extent to which the program, project, or activity has been approved for, but has not received, funding through an established state program;
 - (v) The cost-effectiveness of the program, project, or activity relative to achieving the state's water management goals;
 - (vi) The extent to which the program, project, or activity contributes to the state's ability to leverage state dollars with local or federal government partners or other partners to maximize the use of its resources; and
 - (vii) The extent to which the program, project, or activity contributes to multiple water supply management goals, including, but not limited to, flood control, agricultural uses, recreation benefits, wildlife habitat, conservation of water resources, and preservation of water resources for future generations;

- (c) Recommendations for legislation on a permanent structure and process through which the programs, projects, or activities described in this section will be provided with funding, including:
 - (i) A permanent governing board structure and membership;
 - (ii) An application process;
 - (iii) A statewide project distribution mechanism; and
 - (iv) A timeframe for funding allocations based on the list of programs, projects, and activities provided for in this section;

- (d) Recommendations for the annual funding amount and the start date for distribution of funds; and
- (e) Recommendations for statutory changes relating to regulatory authorities and to funds and programs administered by, and boards and commissions under the direction of, the department, based on the task force's evaluation of the efficiency of such funds, programs, boards, and commissions.

In addition, the draft report submitted electronically shall include a separate executive summary. In its final form the executive summary shall be suitable for separate distribution. The Task Force shall provide comments to the consultant on or before December 14, 2013. The consultant shall address the Task Force comments and electronically submit a final report to the Task Force no later than December 21, 2013.

Proposal Submittal Process

Each interested consultant shall submit a letter of intent indicating its desire to provide a short oral presentation at the first Task Force meeting on July 19th in Lincoln, Nebraska, at the Holiday Inn, 141 N. 9th Street.

The letter of intent should contain the name of the consultant being represented, the name of the project manager serving as the point of contact, as well as the phone number, email address, and physical address for contacting the project manager, along with detailed resumes for each member of the consultant team. A proposal not to exceed 10 pages detailing the consultant's specific response to the task orders must be submitted electronically with the letter of intent. The 10-page maximum does not include the letter of intent or consultant resumes. The letter of intent and proposal must be submitted electronically no later than 12:00 p.m. (noon) Central Time, Monday, July 15, 2013, to the contact listed at the end of this document. All those who submit a letter of intent will be notified of their presentation time on the Task Force meeting agenda.

Format for Oral Presentations

The oral presentation shall contain a description of the consultant's understanding of the project and the qualifications that it believes uniquely qualify the consultant to perform the scope of work. Presentations shall include:

1. Detailed description of no more than three projects where the consultant team has conducted similar projects or project components outlined in the scope of work.
2. Describe their approach to the scope of work. Include any suggestions that would increase the value of the work or expedite the completion of it.
3. For each task and each team member provide the number of work-hours, the billable rate for each team member, and total project costs.
4. Describe in detail a time-table for completion of the project. The time-table should fit within the greater time-table of the project which is to be completed no later than December 21, 2013.

For each letter of intent, the consultant will have up to 15 minutes to present their oral presentation. Depending on the number of letters of intent received the time to present may be reduced.

Selection Process

The Task Force intends to select the consultant based on the information presented through the letter of intent, the course of the oral presentation, and the detailed handouts received. All consultants must abide by the laws of the State of Nebraska and the contract will be developed within those laws.

Contact Information

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LEGISLATIVE BILL 517

Approved by the Governor June 4, 2013

Introduced by Carlson, 38.

FOR AN ACT relating to water management; to state findings; to create the Water Funding Task Force; to provide powers and duties for the task force and the Department of Natural Resources; to provide a termination date; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. The Legislature finds that:

(1) Nebraska's water resources are finite and must be wisely managed to ensure their continued availability for beneficial use;

(2) The state must invest in: (a) Research and data gathering; (b) further integrating the management of Nebraska's water supplies; (c) improving the state's aging and antiquated water supply infrastructure; (d) building new water supply infrastructure; (e) promoting coordination and collaboration among all water users; and (f) providing information to policymakers to justify a stable source of project funds;

(3) To determine the costs of effective conservation, sustainability, and management of Nebraska's water resources, the state's identified water needs must be compiled and organized and a process must be established in order to identify statewide projects and research recommendations; and

(4) To facilitate the creation of a funding process, a collaborative effort of experts representing all water interests and areas of the state is important to ensure fair and balanced water funding.

Sec. 2. (1) The Water Funding Task Force is created. The task force shall consist of the members of the Nebraska Natural Resources Commission and eleven additional members to be appointed by the Governor. The Director of Natural Resources or his or her designee, the chairperson of the Natural Resources Committee of the Legislature or his or her designee, and five additional members of the Legislature appointed by the Executive Board of the Legislative Council shall be nonvoting, ex officio members of the task force. In appointing members to the task force, the Governor:

(a) Shall seek to create a broad-based task force with knowledge of and experience with and representative of Nebraska's water use and economy;

(b) Shall give equal recognition to the importance of both water quantity and water quality;

(c) Shall appoint one member from each of the following categories: Public power; public power and irrigation districts; irrigation districts; a metropolitan utilities district; municipalities; agriculture; wildlife conservation; livestock producers; agribusiness; manufacturing; and outdoor recreation users; and

(d) May solicit and accept nominations for appointments to the task force from recognized water interest groups in Nebraska.

(2) The members of the task force appointed by the Governor shall represent diverse geographic regions of the state, including urban and rural areas. Such members shall be appointed within thirty days after the effective date of this act. Members shall begin serving immediately following notice of appointment. Members shall be reimbursed for their actual and necessary expenses incurred in carrying out their duties as members as provided in sections 81-1174 to 81-1177.

Sec. 3. (1) The Water Funding Task Force may consult with other groups in its work, including, but not limited to, the University of Nebraska, the Department of Environmental Quality, the Game and Parks Commission, the United States Army Corps of Engineers, the United States Geological Survey, the United States Fish and Wildlife Service, the United States Bureau of Reclamation, and the Natural Resources Conservation Service of the United States Department of Agriculture.

(2) For administrative and budgetary purposes, the task force shall be housed within the Department of Natural Resources. Additional advisory support may be requested from appropriate federal and state agencies.

(3) The task force may meet as necessary and may hire a consultant or consultants to facilitate the work and meetings of the task force and enter into agreements to achieve the objectives of the task force. The task force may create and use working groups or subcommittees as it deems necessary. Any contracts or agreements entered into under this subsection shall not be subject to the Nebraska Consultants' Competitive Negotiation Act or sections 73-301 to 73-306 or 73-501 to 73-510.

(4) The Water Funding Task Force terminates on December 31, 2013.

Sec. 4. (1) On or before December 31, 2013, the Water Funding Task Force shall develop and provide a report electronically to the Legislature which contains the following:

(a) Recommendations for a strategic plan which prioritizes programs, projects, and activities in need of funding. The recommendations shall give equal consideration to and be classified into the following categories:

(i) Research, data, and modeling needed to assist the state in meeting its water management goals;

(ii) Rehabilitation or restoration of water supply infrastructure, new water supply infrastructure, or water supply infrastructure maintenance;

(iii) Conjunctive management, storage, and integrated management of ground water and surface water; and

(iv) Compliance with interstate compacts or agreements or other formal state contracts or agreements;

(b) Recommendations for ranking criteria to identify funding priorities based on, but not limited to, the following factors:

(i) The extent to which the program, project, or activity provides increased water productivity and otherwise maximizes the beneficial use of Nebraska's water resources for the benefit of its residents;

(ii) The extent to which the program, project, or activity assists the state in meeting its obligations under interstate compacts or decrees or other formal state contracts or agreements;

(iii) The extent to which the program, project, or activity utilizes objectives described in the Annual Report and Plan of Work for the Nebraska State Water Planning and Review Process issued by the Department of Natural Resources;

(iv) The extent to which the program, project, or activity has been approved for, but has not received, funding through an established state program;

(v) The cost-effectiveness of the program, project, or activity relative to achieving the state's water management goals;

(vi) The extent to which the program, project, or activity contributes to the state's ability to leverage state dollars with local or federal government partners or other partners to maximize the use of its resources; and

(vii) The extent to which the program, project, or activity contributes to multiple water supply management goals, including, but not limited to, flood control, agricultural uses, recreation benefits, wildlife habitat, conservation of water resources, and preservation of water resources for future generations;

(c) Recommendations for legislation on a permanent structure and process through which the programs, projects, or activities described in this section will be provided with funding, including:

(i) A permanent governing board structure and membership;

(ii) An application process;

(iii) A statewide project distribution mechanism; and

(iv) A timeframe for funding allocations based on the list of programs, projects, and activities provided for in this section;

(d) Recommendations for the annual funding amount and the start date for distribution of funds; and

(e) Recommendations for statutory changes relating to regulatory authorities and to funds and programs administered by, and boards and commissions under the direction of, the department, based on the task force's evaluation of the efficiency of such funds, programs, boards, and commissions.

(2) The task force shall make every effort to identify and consult with all water-use stakeholder groups in Nebraska on the development of the recommendations required under sections 1 to 4 of this act.

Sec. 5. The Department of Natural Resources shall establish a separate budget subprogram to account for funds appropriated to carry out sections 1 to 4 this act. No later than February 1, 2014, the department shall notify the Natural Resources Committee of the Legislature and the Appropriations Committee of the Legislature regarding the projected unexpended and uncommitted balance remaining in the separate budget subprogram.

Sec. 6. Since an emergency exists, this act takes effect when passed and approved according to law.