

AGENDA

Region 2 Lower Red-Sulphur-Cypress Regional Flood Planning Group

Public Meeting

April 4, 2024

2:00 pm at

Small Business Development Center

105 North Riddle,

Mount Pleasant, TX 75455 and

Via teleconference/webinar

Use the following information to register for the meeting:

<https://us06web.zoom.us/join/zoom-join?meeting=604884107&password=88888888>

After registering, you will receive a confirmation email containing information about joining the meeting.

If you experience issues while registering or do not have access to a computer, please contact Paul Prange no less than two (2) workdays prior to the meeting at 903.255.3519 or pprange@atcog.org.

Agenda:

1. Call to Order
2. Welcome
3. Confirmation of attendees / determination of quorum
4. Public Comments – limit 3 minutes per person
5. *Consider approval of minutes for the meeting held on February 1, 2024
6. *Consider approval of applications submitted by interested parties, to serve as a voting member on the Region 2 Flood Planning Group, representing the category of *Agricultural Interests*.
7. *Review and Consider approval to post the Request for Qualifications (RFQ) for solicitation of technical consultants for round 2 of the regional flood planning process by the RFPG Sponsor on behalf of the RFPG.
8. Presentations
9. Texas Water Development Board Update
10. Region 1 Canadian-Upper Red Regional Flood Planning Group Update
- Technical Consultant Update
11. Update from Halff Associates, Inc.
 - Final Amended Regional Flood Plan was Accepted by TWDB – Technical consultants are available for questions.
 - Flood Infrastructure Funding (FIF) Update
- Other Business
12. Update from Planning Group Sponsor
13. Consider date and agenda items for next meeting
14. Adjourn

*Denotes Action Items

If you wish to provide written comments prior to or after the meeting, please email your comments to pprange@atcog.org and include “Region 2 RFPG Meeting” in the subject line of the email – OR – you

may mail your comments to Region 2 RFPG, c/o ATCOG – Paul Prange, 4808 Elizabeth St, Texarkana, TX 75503.

If you wish to provide oral public comments at the meeting, please submit a request via email to pprange@atcog.org, include “Region 2 RFPG Meeting Public Comment Request” at least 2 hours prior to the meeting, and follow the registration instructions at top of page 1 of the Agenda.

Additional information may be obtained from: www.texasfloodregion2.org, or by contacting Paul Prange at pprange@atcog.org, 903-832-8636, -or- Region 2 RFPG, c/o ATCOG, 4808 Elizabeth St, Texarkana, TX 75503

All meeting agendas and notices will be posted on our website at www.texasfloodregion2.org. If you wish to be notified electronically of RFPG activities, please submit a request to pprange@atcog.org, include “Request for notification of Region 2 RFPG activities”. This request will be honored via email only unless reasonable accommodations are needed.

Meeting Minutes
Region 2 Lower Red-Sulphur-Cypress Flood Planning Group Public Meeting
February 1, 2024

2:00 p.m.

at

**Small Business Development Center, 105 North Riddle, Mount Pleasant, TX 75455, and Via Zoom
Webinar/Teleconference**

Roll Call:

<u>Voting Member</u>	<u>Interest Category</u>	<u>Present (x) / Absent () / Alternate Present (*)</u>
	Agricultural interests	
Andy Endsley	Counties	X
W. Greg Carter	Electric generating utilities	X
Laura-Ashley Overdyke	Environmental interests	X
Casey Johnson	Industries	
Dustin Henslee	Municipalities	X
Troy Hudson	Public	
R. Reeves Hayter	River authorities	X
Kelly Mitchell	Small business	
David Weidman	Water districts	X
	Water utilities	

<u>Non-voting Member</u>	<u>Agency</u>	<u>Present(x)/Absent()/ Alternate Present (*)</u>
James (Clay) Shipes	Texas Parks and Wildlife Department	
Andrea Sanders	Texas Division of Emergency Management	X
Darrell Dean	Texas Department of Agriculture	
Tony Resendez	Texas State Soil and Water Conservation Board	X
Trey Bahm	General Land Office	
Cynthia Nolasco	Texas Water Development Board (TWDB)	X
Michelle Havelka	Texas Commission on Environmental Quality	
Lisa M. Mairs	USACE, Galveston District	
Travis Wilsey	USACE, Tulsa District	
Randy Whiteman	RFPG 1 Liaison	
Ellen Mott	Red River Valley Association	
Jason Dupree	TxDOT – Atlanta District	X
Dan Perry	TxDOT – Paris District	

Quorum:

Quorum: **Yes**

Number of voting members or alternates representing voting members present: **6**

Number required for quorum per current voting membership of **10: 6**

Other Meeting Attendees: **

Paul Prange – ATCOG

Mary Beth Rudel – ATCOG

Kathy McCollum - ATCOG

Joshua McClure – Halff Associates Team

Parker Moore – Halff Associates Team

Shena Providence – F&N

Brad Thomas – Martin Springs WSC

**Meeting attendee names were gathered from those who entered information for joining the Zoom meeting.

All meeting materials are available for the public at:

<http://www.twdb.texas.gov/flood/planning/regions/schedule.asp>.

AGENDA ITEM NO. 1: Call to Order

Reeves Hayter called the meeting to order at 2:00 p.m.

AGENDA ITEM NO. 2: Welcome

Reeves Hayter welcomed members and attendees to the Region 2 Lower Red-Sulphur-Cypress Flood Planning Group meeting and specifically recognized Cynthia Nolasco and Anita Machiavello from the TWDB.

AGENDA ITEM NO. 3: Confirmation of attendees / determination of a quorum

Reeves Hayter asked ATCOG staff member, Paul Prange, to conduct a roll call of attendees. Each present voting and non-voting member of the Region 2 Lower Red-Sulphur-Cypress RFPG introduced themselves, establishing that a quorum had been met. Six voting members were present along with four non-voting members.

AGENDA ITEM NO. 4: Public comments – limit 3 minutes per person

Reeves Hayter opened the floor for public comments. No public comments were received.

AGENDA ITEM NO. 5: *Consider approval of minutes for the meetings held Thursday, June 15, 2023

Reeves Hayter opened the floor for discussion and approval of the minutes from the previous meeting. A motion was made by Greg Carter and was seconded by David Weidman to approve the minutes as presented. The motion carried unanimously.

AGENDA ITEM NO. 6: *Consider approval of applications submitted by interested parties, to serve as a voting member of the Region 2 Flood Planning Group, representing the categories of *Agricultural Interests and Water Utilities Interests*

Reeves Hayter announced that Preston Ingram and Susan Whitfield resigned from the flood planning group due to taking on additional duties at work and that an application has been received from Mr. Brad Thomas to fill the vacant position of *Water Utilities Interests*. Mr. Hayter stated that Mr. Thomas is currently the Martin Springs Water Supply Corporation General Manager and wishes to serve on the Region 2 Flood Planning Group Board of Directors to learn more about the regional flood planning process. Mr. Hayter made a motion to nominate Mr. Thomas and Greg Cater seconded the motion. The motion carried and Mr. Thomas was welcomed as a new voting member of the group.

AGENDA ITEM NO. 7: Review and Discuss the application by the RFPG Sponsor for submittal to TWDB on behalf of the RFPG.

Reeves Hayter turned the floor over to Paul Prange and Mary Beth Rudel to discuss the application. Mr. Prange stated that ATCOG has put together the application and completed the checklist required by TWDB. The proposed funding amount for Region 2 is \$2,078,400.00 and the application is due to TWDB by February 22, 2024. Mr. Prange provided an overview of the contents of the application and brief discussion occurred among the group. Mr. Hayter stated that he appreciates ATCOG for putting the application together 21 days in advance of the submittal date.

AGENDA ITEM NO. 8: *Discuss and Consider nominations for election of Region 2 RFPG Officers to include Chair, Vice Chair, Secretary, and Executive Committee per Article XII, Section 3 of the Bylaws.

PRESENTATIONS

AGENDA ITEM NO. 9: Texas Water Development Board Update

Reeves Hayter turned the floor over to Cynthia Nolasco, who stated that the Final Amended Regional Flood Plans will be submitted to the TWDB Board of Directors for review and approval on March 5th. Ms. Nolasco asked the group to read the updated TWDB Newsletter which contains a working timeline with important dates relating to the transition from Round 1 to Round 2 of flood planning. The TWDB hosted a webinar on January 17th focusing on the Round 2 application process. Applications are due to TWDB by February 22nd and reimbursement requests are due by February 29th. Mr. Hayter thanked Ms. Nolasco for the update and announced that the group looks forward to working with her during the Round 2 Regional Flood Planning process.

AGENDA ITEM NO. 10: Region 1 Canadian-Upper Red Regional Flood Planning Group Updates

Reeves Hayter announced that no action will be taken on this agenda item since the Region 1 liaison was not in attendance at this meeting.

TECHNICAL CONSULTANT UPDATE

AGENDA ITEM NO. 11: Technical Presentation by Halff Associates, Inc.

Final Amended Regional Flood Plan was accepted by TWDB – Technical Consultants are available for questions.

Reeves Hayter turned the floor over to Joshua McClure who presented an update on the status of the Final Amended Regional Flood Plan to the group. Mr. McClure stated that the plan has been submitted to TWDB and final invoices are being developed by Halff Associates for submittal to ATCOG. The Round 2 Scope of Work is currently under review, also. Brief discussion took place among the group.

OTHER BUSINESS

AGENDA ITEM NO. 12: Update from Planning Group Sponsor

Reeves Hayter turned the floor over to Paul Prange who announced the timeline of events to begin Round 2 of the flood planning process. The application is due to TWDB on or February 22, 2024; the funding amount allocated for Region 2 is \$2,078,400.00; contracts will be executed in May of 2024; and procurement of a technical consultant follows contract execution. Mr. Hayter asked if the group could begin the process of procuring a technical consultant before the contract is executed and Cynthia Nolasco stated that the group can begin the procurement process at any time. Mary Beth Rudel stated that ATCOG could develop the RFQ documents and provide them to the Region 2 Flood Planning Group at the next meeting for review and comment. Mr. Hayter stated that he would like to see some specific language added to the RFQ for Round 2, requiring applicants to provide details of their public outreach campaign efforts. Mr. Prange provided the group with an amended flyer to consider adding to our

public outreach efforts during Round 2 through platforms such as social media, RFPG2 website, ATCOG website, other COG websites, websites of various water planning entities and water supply providers throughout the region. Brief discussion took place among the group.

AGENDA ITEM NO. 13: Consider date and agenda items for next meeting

Reeves Hayter opened the floor for discussion. The Region 2 RFPG board members agreed to conduct the next Region 2 Flood Planning Group Board of Directors Meeting on Thursday, April 4, 2024, at 2:00 p.m. at location to be determined and via webinar/teleconference.

AGENDA ITEM NO. 14: Adjourn

Reeves Hayter made a motion to adjourn, and it was seconded by seconded by David Weidman. The motion carried and the meeting was adjourned at 2:35 p.m.

Approved by the Region 2 Lower Red-Sulphur-Cypress RFPG at a meeting held on 4/04/2024.

Reeves Hayter, CHAIR

Ark-Tex Council of Governments
4808 Elizabeth Street, Texarkana, Tx 75503



Request for Statement of Qualifications
Lower Red-Sulphur-Cypress Regional Flood Planning Group

Due Date: May 15, 2024

Time Due: 12:00 P.M.

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RFQ Events Timetable

<u>ACTION</u>	<u>DATE</u>
Public media notification of RFQ	April 4, 2024
RFQ made available for distribution	April 15, 2024
Deadline to Submit Questions	April 26, 2024
Questions must be emailed by 5:00pm to Debbie Purifoy, dpurifoy@atcog.org	
Deadline for responses to questions	May 3, 2024
Response deadline	May 15, 2024
Proposals must be received & date-stamped by <u>12:00 pm</u> via email sent to dpurifoy@atcog.org subject line Region 2 RFPG RFQ	
Review and evaluation process begins	June 6, 2024
Selection and Presentation of Consultant	July 11, 2024

General Information

Request for Statement of Qualifications

The Region 2 Lower Red-Sulphur-Cypress Regional Flood Planning Group (Region 2 RFQG) invites qualified parties to submit a statement of qualifications for preparing a Regional Flood Plan for the Region 2 RFQG, as defined by 31 TAC Chapters 361 & 362

BACKGROUND

Senate Bill 8 (SB 8), 86th Legislature, allowed for the preparation and adoption of a comprehensive state flood plan requiring the plan to incorporate the regional flood plans approved under section 16.062. As part of that process, the Texas Water Development Board (TWDB) has designated 15 flood planning regions with appointed members of Regional Flood Planning Groups (RFQGs). Each RFQG is to prepare a regional flood plan and submit that plan to the TWDB by January 2028

The Region 2 RFQG includes all or portions of 20 counties in Northeast Texas: Bowie, Camp, Cass, Cooke, Delta, Fannin, Grayson, Franklin, Gregg, Harrison, Hopkins, Hunt, Lamar, Marion, Morris, Panola, Red River, Titus, Upshur, and Wood.

Under the direction of the Region 2 RFQG, the consultant shall prepare a regional flood plan. The consultant shall also assist the Region 2 RFQG in preparing an appropriate scope of work that adequately addresses all tasks in 31 TAC 361 and contains the elements needed for the state plan as defined in 31 TAC 362.

In addition to the technical role, the consultant shall assist in the preparation of applications for financial assistance, design and implementation of public involvement activities, including conducting public meetings, reviewing and responding to public comments, and developing educational materials on regional flood planning issues for presentation to both technical and non-technical audiences in the region. The consultant shall provide for electronic communication as requested by the Region 2 RFQG.

Consultants submitting qualifications should be familiar with the rules for state and regional flood planning adopted by the TWDB. These rules contain procedures governing applications for financial assistance related to the development or revision of regional flood plans, and guidelines for the development of the state flood plan. Particularly, the rules contain specific time frames and requirements for the development of the scope of work and budget for the development of the regional flood plan, as

well as details of the scope of work and deadlines for the submittal of the regional flood plan. The schedule for completion and delivery of work products for the Region 2 RFQG shall reflect these publication deadlines.

RESPONSES

The purpose of this request for statements of qualifications is to permit the evaluation of the relative professional and technical qualifications of respondents. The statement of qualifications should be no more than 20 pages (8.5" by 11") in length exclusive of required attachments, 12-point font, single sided, including cover letter and resumes of all project team members, including subcontractors. Responses should address the following:

1. A list of no more than five (5) projects similar to the scope of work discussed herein, with descriptions of the projects, members of the project teams, time schedule, and contact persons who are able to verify the information presented. All projects must have been completed within the past ten (10) years. It is preferred that project descriptions demonstrate the following types of recent work experience:
 - regional and local flood protection planning for multi-jurisdiction regions including, but not limited to determination and description of current and protected problems resulting from and relating to flooding; determining the views and needs of the affected public; identifying potential solutions, estimating costs and benefits of potential solutions; recommending feasible solutions to flood protection problems; and determining that any proposed solutions are consistent with other regional or state wide plans, laws and regulations;
 - familiarity with water supply and demand issues specific to entities located within Region 2, sufficient to evaluate the effect of proposed flood protection solutions of regional water supply and demand.
 - interactions with diverse interest groups and stakeholders participating in regional flood planning with the description demonstrating the range of diversity involved;
 - facilitating consensus-building and conflict resolution among stakeholders with diverse and potentially-conflicting interests;
 - familiarity with data and information available from the TWDB, TCEQ, USACE, and other sources specifically including but not limited to state and federal sources, special study commissions, and river authorities;
 - familiarity with TWDB's planning grant administration and invoicing requirements;
 - experience with environmental issues and analyses related to flood planning and flood management;

2. Your firm's resources and capabilities: including the legal name of the firm, description of the business entity (i.e., individual, corporation, L.L.C.), organizational chart, location of firm, size,

staffing, experience, evidence of being licensed to provide professional engineering services in the state of Texas, and location of the office proposed to perform the bulk of the work;

3. Any planned subcontractor or teaming arrangement for the project. Information requested in Items 1 and 2 shall be submitted for teaming partner(s);
4. A description of your firm's approach to completing the Plan in accordance with 31 TAC Chapters 355 (subchapter A), 361 and 362 and your firm's current workload and its ability to comply with the scope of work, including the capability of your firm to commit necessary resources to the project in order to meet the project schedule and the identity of those key individuals to be assigned to this project;
6. The identity of any Region 2 RFPG voting member or employer of a Region 2 RFPG voting member with which your firm or planned subcontractors have a current contractual, business or family relationship.
- 7.- A discussion of your firm's approach to securing maximum participation of and response from local and/or regional entities, or otherwise identifying current flood protection efforts, flood issues, potential projects, critical infrastructure, existing infrastructure deficiencies and other locally sourced data critical to the plan.

Acknowledgments

The submittal, either as part of the Statement of Qualifications or the cover letter, shall provide the following acknowledgments:

- Acknowledgment that, if requested, you will prepare and make a presentation to the Region 2 RFPG;
- Acknowledgment that, if selected, the key individuals of the proposed team will not be changed without the written notification to the Region 2 RFPG and the Administrative Agency for Region 2 RFPG;
- Acknowledgment that, if selected, you will conform to TWDB rules and requirements for grant funding and invoicing;
- Acknowledgment that all information, documentation and other material submitted in response to this document are considered non-confidential and non-proprietary and are subject to public disclosure under the Texas Public Information Act after the solicitation has been completed and the contract executed with the selected firm.
- Acknowledgement that the firm and subcontractors have reviewed their existing resources and commitments and will conform to the schedule established by the TWDB as included herein.

Statement of Qualifications Evaluation Form

By submitting a Statement of Qualifications, the respondent accepts the evaluation process as described in this document and acknowledges that the determination of the “most qualified” firm may require subjective judgments of the screening committee and Region 2 RFPG. The process described in this document is intended to comply with Texas Government Code Chapter 2254, Subchapter A so that the selected firm will be secured based on demonstrated competence and qualifications through a request for qualifications process.

The selection of the successful firm(s) shall be accomplished by a vote of the Region 2 RFPG. Before that vote is taken, it is anticipated that Region 2 RFPG will have some of its members participate in evaluating the Statements of Qualifications received. Any firm submitting a Statement of Qualifications should be prepared to meet with such members and provide a verbal presentation upon request by the Group Sponsor for the Region 2 RFPG. It is anticipated that the screening committee will develop a recommendation for the full Region 2 RFPG to consider. The full Region 2 RFPG has the authority to accept, reject, or modify any recommendation from the screening committee.

In developing a recommendation, the screening committee may use the following matrix in its evaluation:

For Office Use Only

Name of Proposal/Proposer: _____

Evaluation Criteria	Possible Points	Points Given
Experience of Similar Work by Firm	10	
Experience of Similar Work by Project Team Members	20	
Knowledge of Region-Specific Matters for Plan Elements	20	
Resources & Availability of Firm	15	
Project Technical Approach	20	
Local Participation Plan	15	
Total Points	100	

Comments:

Evaluator's Signature

Date

Deadline for Submission

May 15, 2024

Submission Requirements

Submit 1 (one) electronic copy to:

Debbie Purifoy

dpurifoy@atcog.org

Subject line: Region 2 RFPG RFQ

Contact Person

All questions concerning this RFQ packet should be directed to Debbie Purifoy via email at dpurifoy@atcog.org. Questions and answers will be posted for all interested parties to view at <https://atcog.org/doing-business-with-atcog/>.

Limitations and Reservations

ATCOG reserves the right to accept or reject any, and all proposals received as a result of this request, to negotiate with all qualified sources, or to cancel in part or its entirety this RFQ if found to be in the best interest of ATCOG. This RFQ does not commit ATCOG to award a contract, to pay any costs incurred for the preparation of proposals, or to procure or contract for any services.

ATCOG specifically reserves the right to vary the provisions set forth herein at any time prior to the execution of a contract where such variance is deemed to be in the best interest of the needs of ATCOG. While every effort has been made to ensure the accuracy and completeness of the information in this RFQ, ATCOG recognizes that the information is not exhaustive in every detail and that all work and materials may not be expressly mentioned in the requirements of the RFQ. Therefore, it is the responsibility of the proposer to include in their proposal all requirements which are necessary for the full performance of the goods or services. If selected for negotiations, the proposer may be required to prepare and submit additional information prior to final vendor(s) selection in order to reach terms for the provision of services which are agreeable to both parties.

Modification and Renewals

ATCOG reserves the right to negotiate a modification in connection with any executed agreement/contract funded through this RFQ without repeating the RFQ process for a period of up to five (5) years from the original proposal initiation. Vendor modifications and renewals shall be considered based upon the vendor's ability to meet ATCOG needs.

Signatures

A proposal shall be signed by the business's official authorized to bind that business and shall contain a statement to the effect that the proposal is a firm bid for a thirty (30) day period from the date that the submission is received by ATCOG. The proposal shall also provide the name, title, address, and telephone number of the individual(s) with the authority to negotiate during the proposal evaluation period.

Evaluation Criteria

The selection of a proposal is to be made after a careful evaluation of the proposals received. Each proposal will be evaluated for acceptability, emphasizing the various factors enumerated in the evaluation table. Each element is assigned a numerical score. The scores will determine vendor(s) with whom negotiations may be conducted. Evaluations will be based upon the table on page 8 for which up to 100 points may be awarded. Total evaluation values of less than 70 points will invalidate a proposal.

Protest Rights

All protests or complaints regarding this RFQ process shall be referred to the ATCOG Grievance Procedures for resolution. Procedures are outlined beginning on page 12 of this RFQ.

Conflict of Interest

To avoid any real or apparent conflict of interest in the procurement of this RFQ, no ATCOG employee or their family member may vote on or financially benefit from any award connected with this request. Chapter 176 of the Texas Local Government Code requires vendors and consultants contracting or seeking to contract with ATCOG to file a conflict of interest questionnaire (CIQ) if they have an employment or other business relationship with an officer of ATCOG or an ATCOG officer's close family member. The CIQ must be completed and filed with the response if an employment or business relationship defined in the law exists.

Open Records

All proposals and accompanying attachments become the property of ATCOG upon submission and are subject to the Texas Open Records Act.

1. If the respondent considers any portion of its proposal to be privileged or confidential by statute or judicial decision, including trade secrets and commercial or financial information, clearly identify those portions.
2. Proposals will be opened in a manner that avoids disclosure of the contents to competing proposers and keeps them secret during negotiations. All proposals are open for public inspection after the contract is awarded, but trade secrets and confidential information in the submissions are not.
3. ATCOG will honor the respondent's notation of trade secrets and confidential information and decline to release such information initially. The final determination of whether a particular portion of the proposal is, in fact, a trade secret or commercial or financial information that may be withheld from public inspection will be made by the Texas Attorney General.
4. In the event a public information request is received for a portion of the proposal that has been noted as being confidential information, the respondent will be notified of the request, and the respondent will be required to justify its legal position in writing to the Texas Attorney General pursuant to Section 552.305 of the Government Code. In the event that it is determined by the opinion or order of the Texas Attorney General that such information is, in fact not privileged and confidential, then such information will be made available to the requester.
5. Marking the entire proposal CONFIDENTIAL/PROPRIETARY is not in conformance with the Texas Open Records Act.

Subcontracting

The services of any vendor(s) awarded from this RFQ must be delivered by the vendor named on the proposal. Subcontracting will not be allowed unless prior authorization from ATCOG is given.

Submission Requirements

To be considered responsive and receive an evaluation, a proposal must include all items listed on the RFQ Submission Checklist page 15.

Procurement Grievance Procedures

A. Definitions

1. A grievance is defined as a dispute regarding an alleged improper interpretation, application, or violation of an individual's terms and conditions regarding the Request For Proposal/Bid/Information or Invitation For Bid/Proposal (RFQ, RBP, RFI, OR IFB, IFP) process.
2. A "party of interest" is the person or persons making the appeal and any person who might be required to take action or against whom action might be taken to resolve the claim.
3. Workdays are those days when administrative offices are scheduled to be open.

B. Purpose

The purpose of this procedure is to secure, at the lowest possible level, equitable solutions to the problems which may, from time to time, arise affecting individuals. Both parties agree that these proceedings will be kept confidential as may be appropriate at any level of the procedure.

It is the policy of this agency to respond promptly to any complaints or grievances which may arise.

C. Procedure – General

1. Failure by the Administration at any step of this procedure to communicate the decision on a grievance within the specified time limits shall permit the aggrieved to proceed to the next step.
2. The time limits specified may be extended by mutual agreement and shall be exclusive of discretionary leave and scheduled vacation.
3. Failure by the aggrieved at any step of the procedure to appeal a grievance to the next step within the specified time limits shall be acceptance of the decision rendered at that step.

D. Action and Appeal

Level 1

The grievance must be discussed with the Program Coordinator within ten (10) calendar workdays after the individual(s) first knew or should have known of the event or series of events causing the complaint. If the matter is not resolved by the Program Coordinator within ten (10) calendar workdays, then the aggrieved shall present the grievance in writing proceeding to Level 2.

Level 2

If the outcome of the conference at Level 1 is not to the individual's satisfaction, the individual(s) must submit a grievance in writing with a request to meet with the Deputy Director/Procurement Officer within ten (10) calendar workdays. The grievance shall specify:

- The matter at issue or in dispute.
- The reason for grieving.
- The remedy sought.

The document shall contain all points to be included in the grievance. Facts not contained in the document may be introduced at appeal levels and in the procedure only with consent of all interested parties.

The meeting shall be held within ten (10) calendar workdays or at a mutually agreed time, after the Deputy Director/Procurement Officer receives the request to discuss the complaint.

The Deputy Director/Procurement Officer will then investigate the matter fully and render a decision within ten (10) calendar workdays.

Level 3

If the grievance is not resolved to the individual's satisfaction at Level 2, then the individual may appeal to the Executive Director in writing within ten (10) calendar workdays. The Executive Director will render a decision within ten (10) calendar workdays and will be final.

In cases where a Conflict of Interest may be viewed, an individual shall appeal to the Board of Directors within ten (10) calendar workdays after receipt of the final decision made by the Executive Director.

The appeal shall be submitted in writing within ten (10) calendar workdays through the Secretary to the Board who shall obtain all related papers from each Level and forward the appeal to the Board President.

The Board President will designate a committee of three (3) of its own members to determine only whether the decision was reasonable on the basis of record and not capricious or irresponsible. The Board committee will give its report to the Board of Directors for the final decision. The Board's final decision shall be rendered, in writing, to the parties involved.

RFQ Submission Checklist

- Required Elements in Response Format page 5
- Certification of Compliance with Required Elements page 16
- Assurances page 17
- Certification of Lobbying and Conflict of Interest Questionnaire page 57,58

- Submission of 1 (one) electronic proposal by 12:00pm (CST) to Debbie Purifoy at dpurifoy@atcog.org Subject line: Region 2 RFPG RFQ

Certification of Compliance with Required Elements

This is to certify that to the best of the undersigned's knowledge and belief, the information in this proposal is responsive and is true and correct. The undersigned understands that a non-responsive proposal, as defined by ATCOG, may not be reviewed and considered for agreement/contract selection. Further, the submission of the proposal has been authorized by the governing body of the proposer.

(Signature)

(Date)

(Print Name and Title)

(Print name and title of person authorized to negotiate a contract if different from person listed above.)

(Organization)

(Address)

(City)

(State)

(Zip)

(Telephone Number)

Assurances

We understand and agree that this proposal is not a contract and does not obligate the Ark-Tex Council of Governments to pay for costs incurred in the preparation of this proposal or costs incurred prior to the execution of a written contract or prior to the receipt of funds designated for this program from the funding agency.

We understand and agree that the contract provisions may vary from the provisions set forth in this request, when deemed necessary by the Ark-Tex Council of Governments. However, we agree to abide by the contract provisions contained in the proposed contract.

We understand and agree that we may be subject to an on-site review and must be able and willing to provide documentation of information in the proposal at the request of the Ark-Tex Council of Governments prior to execution of a contract.

We understand and agree that the Ark-Tex Council of Governments is not required to select the lowest cost proposal.

We understand and agree that any material misrepresentation or deliberate omission of a fact in this proposal may be justification for rejection of the proposal.

We understand and agree to abide by all federal, state and local laws, policies and regulations governing these and those additional rules which may be promulgated, or as amended, subsequent to the execution of a contract.

- Clean Air Act (42 U.S.C. § 7401-7671q)
- Federal Water Pollution Control Act as amended (33 U.S.C. § 1251-1387)
- Executive Orders 12549 and 12689 that requires “a contract award (see 2 CFR 180.220) must not be made to parties listed on the government-wide 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.”
- Section 1352 of the Program Fraud and Civil Remedies Act, Title 31 U.S. Code for the Department of Agriculture (7CFR part 3018) (29 CFR Part 39) (34 CFR Part 82) (45 CFR Part 93)
- Pursuant to 2155.004, Government code Texas Sales and Use Tax

We understand and agree that we may be subject to a monitoring review or audit by the Texas Office of the Governor Public Safety Office, U.S. Department of Homeland Security and/or Ark-Tex Council of Governments.

We understand and agree to submit this proposal in a good faith effort to provide services to the benefit of economically disadvantaged individuals eligible for services under this proposal.

Signature: _____ Date: _____

Printed Name: _____ Title: _____

ATTACHMENTS

Attachment 1 - TWDB Schedule

Attachment 2 - TWDB Draft Scope of Work

Attachment 3 - TWDB Draft Budget

Link to other documents and guidance developed by the TWDB for RFGs

<https://www.twdb.texas.gov/flood/planning/planningdocu/2023/index.asp>

Working Conceptual Schedule**
Second Cycle of Regional Flood Planning

As of February 2024



Item	Entity	Activity	Planning SOW Task #	2024												2025												2026												2027												2028																							
				Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec												
Amended 2023 Region Flood Plan																																																																											
1	TWDB/Sponsor	Last day that work performed is eligible for reimbursement	Contract	DUE (DEC 29 2023)																																																																							
2	TWDB/Sponsor	Last day that the final payment request may be submitted for reimbursement	Contract	DUE (FEB 29 2024)																																																																							
3	TWDB/Sponsor	Contract expiration	Contract	(JUNE 28 2024)																																																																							
2028 Region Flood Plan																																																																											
4	RFPG	Public participation: stakeholder input, post notices, hold meetings, maintain email lists, maintain website.	10	[Active]																																																																							
5	TWDB	Publish Request for Regional Flood Planning Grant Applications		DUE (JAN 18 2024)																																																																							
6	RFPG-Sponsor	Submission of Applications for Regional Flood Planning Grants to TWDB	All	DUE (FEB 22 2024)																																																																							
7	TWDB/Sponsor	Review and Execution of Regional Flood Planning Grant Contracts	All	[Active]																																																																							
8	RFPG-Sponsor	Solicitation for Technical Consultant by RFQ process	All	[Active]																																																																							
9	RFPG	Pre-Planning Meetings for Public Input on Development of RFP	All	[Active]																																																																							
10	RFPG	Selection of Technical Consultant	All	[Active]																																																																							
11	RFPG-Sponsor	Execution of Technical Consultant Subcontract	All	[Active]																																																																							
12	RFPG	Planning Area Description	1	[Active]																																																																							
13	RFPG	Existing Condition Flood Risk Analyses	2A	[Active]																																																																							
14	RFPG	Future Condition Flood Risk Analyses	2B	[Active]																																																																							
15	RFPG	Evaluation and Recommendations on Floodplain Management Practices	3A	[Active]																																																																							
16	RFPG	Flood Mitigation Need Analysis	3B	[Active]																																																																							
17	RFPG	Flood Mitigation and Floodplain Management Goals	3C	[Active]																																																																							
18	RFPG	Identification and Evaluation of Potential Flood Management Evaluations and Potentially Feasible Flood Mitigation Projects and Flood Management Strategies	4A	[Active]																																																																							
19	RFPG	Preparation and Submission of Technical Memorandum to the TWDB	4B	DUE (SEPT 19 2025)																																																																							
20	RFPG	Performance of FMEs	4C	[Active]																																																																							
21	TWDB	Issue Notice-to-Proceed on Task 5		[Active]																																																																							
22	RFPG	Recommendation of FMEs, FMSs, and FMPs	5A	[Active]																																																																							
23		Recommend and Submit a List of Flood Management Evaluations to be Performed by TWDB	5B	DUE (JAN 26 2026)																																																																							
24	RFPG	Impacts of Regional Flood Plan	6A	[Active]																																																																							
25	RFPG	Contributions to and Impacts on Water Supply Development and the State Water Plan	6B	[Active]																																																																							
26	RFPG	Flood Response Information and Activities	7	[Active]																																																																							
27	RFPG	Administrative, Regulatory, and Legislative Recommendations	8	[Active]																																																																							
28	RFPG	Flood Infrastructure Financing Analysis	9	[Active]																																																																							
29	RFPG	Public Participation and Plan Adoption	10	[Active]																																																																							
30	RFPG	Prepare and Submit Draft RFP to TWDB		DUE (FEB 26 2027)																																																																							
31	RFPG	Public Input on Draft RFP	All	[Active]																																																																							
32	RFPG	Implementation and Comparison to Previous Regional Flood Plan	11	[Active]																																																																							
33	TWDB	TWDB Review and Comment on the Draft RFP	All	[Active]																																																																							
34	RFPG	Incorporate TWDB & Public Input into Final RFP	All	[Active]																																																																							
35	RFPG	Adopt and Submit the 2028 RFP to the TWDB	All	DUE (JAN 10 2028)																																																																							
36	TWDB/Sponsor	Contract expiration	Contract	(JUL 31 2028)																																																																							
37	TWDB/Sponsor	Last day that work performed is eligible for reimbursement	Contract	(JUL 31 2028)																																																																							
38	TWDB/Sponsor	Last day that the final payment request may be submitted for reimbursement	Contract	(OCT 30 2028)																																																																							

Acronyms: Notes:

Acronyms:

Notes:

- RFP - Regional Flood Plan
- RFPG - Regional Flood Planning Group
- FME - Flood Management Evaluations
- FMS - Flood Management Strategy
- FMP - Flood Mitigation Project

**This conceptual schedule contains approximate timeframes for high-level planning activities for the purpose of illustrating the anticipated order of and interrelationship/overlap between key activities. Each RFPG & Sponsor will develop their own working schedule and will direct its own planning effort which will vary by region. Milestone dates shown red are required deadlines contained in the Regional Flood Planning Grant Contracts. Details of work associated with each task can be found in the Draft Scope of Work: <https://www.twdb.texas.gov/flood/planning/planningdocu/2028/index.asp>

Exhibit B-DRAFT

TWDB Regional Flood Planning Grant Scope
of Work

January 2024

Disclaimer: This document includes the standard Scope of Work developed for Regional Flood Planning Grant Contracts by the Texas Water Development Board. The Scope of Work for certain grant contracts may contain revised language to reflect requested edits from Regional Flood Planning Groups and Planning Group Sponsors

**Second Cycle of Regional Flood Plan Development (2024–
2028)**

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Summary of Task and Associate Rules Reference

Task 1 – Planning area description (361.30, 361.31, 361.32)

Task 2 – Flood risk analyses

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Task 2B – Future condition flood risk analyses (361.34)

Task 3 – Floodplain management practices, needs analysis and flood protection goals

Task 3A – Evaluation and recommendations on floodplain management practices (361.35)

Task 3B – Flood Mitigation Needs Analysis (361.36)

Task 3C – Flood mitigation and floodplain management goals (361.37)

Task 4 – Identification, assessment, and evaluations of flood FMEs, FMPs, and FMSs

Task 4A – Identification and evaluation of potential flood management evaluations and potentially feasible flood mitigation projects and flood management strategies (361.38)

Task 4B – Preparation and submission of technical memorandum

Task 4C – Performance of Identified flood management evaluations

Task 5 – Recommendation of flood management evaluations, flood mitigation projects and flood management strategies (361.39)

Task 5A – Recommendation of flood management evaluations, flood mitigation projects and flood management strategies (361.39)

Task 5B – Recommend a list of flood management evaluations to be performed by TWDB.

Task 6 – Plan impacts and contribution to water supply of the regional flood plan

Task 6A – Impacts of regional flood plan (361.40)

Task 6B – Contributions to and impacts on water supply development and the state water plan (361.41)

Task 7 – Flood response information and activities (361.42)

Task 8 – Administrative, regulatory, and legislative recommendations (361.43)

Task 9 – Flood infrastructure financing analysis (361.44)

Task 10 – Public participation and plan adoption

Task 11 – Implementation and comparison to previous regional flood plan (361.45)

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 must specifically 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 2028 Regional Flood Plan that describes the 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. Brief, general descriptions of the following:
 - a. social and economic character of the region such as information on development, population, and economic activity.
 - b. the areas in the 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 when the information is available.
 - d. key political subdivisions with flood-related regulatory authority or political subdivisions that perform flood planning, floodplain management, or 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 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 as identified in the rules and guidance document.
3. Include a tabulated summary and GIS map of existing infrastructure.
4. Include an inventory and feature class of low water crossings.
5. Include a specific levee and dam inventory including the location, designated owner of every major levee and dam located within the regional planning area, and an indication of whether levees have FEMA accreditation or not.
6. Include an assessment of condition and functionality for existing major flood risk reduction infrastructure.
7. Please provide a general description by general geographic location (e.g., within political subdivisions) of the condition and functionality of key natural flood mitigation features or major flood infrastructure by feature type and provide the name of the owner and operator of the flood infrastructure. For non-functional or deficient natural flood mitigation features or major flood infrastructure, explain, in general, the reasons for the features or infrastructure being non-functional or deficient by feature type.
8. 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, including:
 - a. new structural flood mitigation projects currently under construction.
 - b. non-structural flood mitigation projects currently being implemented; and

- c. structural and non-structural flood mitigation projects with dedicated funding to construct and the expected year of completion.
9. A review and summary of relevant existing planning documents in the FPR. Documents to be summarized include those referenced under 31 TAC § 361.22.

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

1. Review of the Regional Flood Plan 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 Regional Flood Plan chapter by TWDB.

Deliverables: A complete 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 summary and GIS map of existing infrastructure including condition and functionality. 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 must specifically 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 2028 Regional Flood Plan that describes the existing and future condition flood risk in the FPR.

The RFPGs must 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 must 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 10% annual chance, 1% 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.

- d. identification of known flood-prone areas based on location of hydrologic features, historic flooding, and local knowledge obtained from outreach activities and public meetings.
 - e. existing condition flood hazard analyses may consider and include only those flood mitigation projects with dedicated construction funding and scheduled for completion prior to adoption of the next state flood plan
 - f. all analyses shall consider the location of existing levees that do not meet FEMA accreditation as inundated by flooding without those structures in place. Provisionally accredited levees may be allowed to provide flood protection, unless the best available information demonstrates otherwise.
 - g. the analyses shall consider existing dams when data is available.
 - h. prepare a map showing areas identified by the RFPG as having an annual likelihood of inundation of greater than or equal to 10%, 1%, and 0.2%; the areal extent of this inundation; and the sources of flooding for each area; and
 - i. 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 existing condition flood exposure analyses, using the information identified in the flood hazard analyses to identify who and what might be harmed within the region for, at a minimum, 10% annual chance, 1% 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.
 - c. must consider the population and property located in areas where existing levees do not meet FEMA accreditation as inundated by flooding without the levees in place. Provisionally accredited structures may be allowed to provide flood protection, unless the best available information demonstrates otherwise.
 - d. must 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
 - e. must 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. use relevant data and tools to identify resilience of communities located in flood-prone areas.

- b. consider and identify factors such as proximity to a floodplain to identify vulnerability of critical facilities, in accordance with EA guidance.
4. All data produced as part of the existing condition flood exposure analysis and the existing condition vulnerability analysis must include:
 - a. underlying flood event return frequency
 - b. type of flood risk
 - c. county
 - d. existing flood authority boundaries
 - e. social vulnerability indices for counties and census tracts; and
 - f. other categories as determined by RFPGs or in TWDB Flood Planning guidance documents

The information gathered and developed in preparation of this chapter must 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 Regional Flood Plan chapter by TWDB.

Deliverables:

- Prepare a stand-alone Chapter 2 (including work from both Tasks 2A & 2B) to be included in the 2028 Regional Flood Plan.
- Prepare maps according to 1(g) and 1(h).
- 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 must 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 2028 Regional Flood Plan that describes the existing and future condition flood risk in the FPR.

RFPGs must 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 must 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 10% annual chance, 1% 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. RFPGs shall consider the following as available and pertinent in the FPR:
 - 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 regional flood plan 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 may modify hydraulic models or existing condition flood hazard boundary to identify future conditions flood risk for 1% and 0.2% annual chance storms based on simplified assumptions in accordance with EA guidance.
 - e. prepare a map showing areas of 10%, 1% and 0.2% annual chance of inundation for future conditions, the areal extent of this inundation, and the types 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 potential future condition flood hazard analysis to identify who and what might be harmed within the region for the potential future condition 10% annual chance, future condition 1% annual chance and future condition 0.2% annual chance flood events. At the RFPGs' discretion, the future condition flood exposure analysis may include an analysis of existing and future developments within the future condition floodplain and the associated flood hazard exposure.

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 and other factors as included in the EA guidance.
4. All data produced as part of the future condition flood exposure analysis and the future condition flood hazard analysis must include:
 - a. underlying flood event return frequency
 - b. type of flood risk
 - c. county
 - d. existing flood authority boundaries
 - e. social vulnerability indices for counties and census tracts; and
 - f. other categories as determined in TWDB Flood Planning guidance document.

The information gathered and developed in preparation of this chapter must 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 Regional Flood Plan chapter by TWDB.

Deliverables:

- Prepare a stand-alone Chapter 2 (including work from both Tasks 2A & 2B) to be included in the 2028 Regional Flood Plan.
- 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 must include all work necessary to meet all the requirements of 31 TAC § 361.35.

Recognizing the extent that previous and current practices may have increased flood risks, including residual risks, and considering broad floodplain management and land use approaches that will avoid increasing flood risks, and avoid negatively affecting neighboring areas, the RFPG must accomplish the following tasks.

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% annual chance floodplain, along with associated flood risks, may change over time in response to anticipated 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 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 will inform recommended strategies for inclusion in the Regional Flood Plan.
 4. RFPGs may also choose to adopt region-specific, 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 Regional Flood Plan any Flood Management Evaluations, Flood Mitigation Projects, or Flood Management Strategies that are sponsored by or that will otherwise be implemented by that entity.
 5. Consider example floodplain management and infrastructure protection standards provided by TWDB.

The information gathered and developed in preparation of this chapter must 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 Regional Flood Plan chapter by TWDB.

Deliverables:

- Prepare a stand-alone Chapter 3 (including work from Tasks 3A,3B, & 3C) to be included in the 2028 Regional Flood Plan.
- 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 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 must include all work necessary to meet all the requirements of 31 TAC § 361.36.

The RFPG must 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 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 must identify locations within the FPR that the RFPG considers having 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, particularly within the locations described in (a).
 - 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 FMPs and FMSs must be identified and evaluated under § 361.38.

The information gathered and developed in preparation of this chapter must 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 Regional Flood Plan chapter by TWDB.

Deliverables:

- Prepare a stand-alone Chapter 3 (including work from Tasks 3A, & 3B and 3C) to be included in the 2028 Regional Flood Plan.
- 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 FMPs and FMSs must 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.
- Any additional deliverables identified in the TWDB Flood Planning guidance documents.

Task 3C – 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 must include all work necessary to meet all the requirements of 31 TAC § 361.37.

In this task, the RFPG must consider the Guidance Principles under 31 TAC § 362.3, Tasks 1-3B, input from the public, and other relevant information and considerations.

The RFPG must use these goals to guide the RFPG in carrying out the following Tasks 4A – 5.

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. 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.
3. 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.
4. When appropriate, choose goals that apply to full single HUC8 watershed boundaries or coterminous groups of HUC8 boundaries within the FPR.
5. Identify both short-term goals (10 years) and long-term goals (30 years).

The information gathered and developed in preparation of this chapter must 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 Regional Flood Plan chapter by TWDB.

Deliverables:

- Prepare a stand-alone Chapter 3 (including work from Tasks 3A, 3B and 3C) to be included in the 2028 Regional Flood Plan.
- 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 – Identification and Evaluation of Potential Flood Management Evaluations and Potentially Feasible Flood Mitigation Projects and Flood Management Strategies

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 must 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 must identify and evaluate potential FMEs, and identify and evaluate potentially feasible FMPs and FMSs, 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 comments on a proposed process to be used by the RFPG to identify and select FMEs, FMPs, and FMSs for the 2028 Regional Flood Plan.
2. Summarize the RFPG process for identifying potential FMEs and potentially feasible FMPs and FMSs and include a description of the process in the draft and in the final adopted Regional Flood Plan.
3. Identify potentially feasible FMPs and FMSs in accordance with the RFPG established process.
4. When evaluating FMPs and FMSs the RFPG must, at a minimum, identify one solution that provides flood mitigation associated with a 1% annual chance flood event. In instances where mitigating for 1% annual chance events is not feasible, the RFPG must document the reasons for its infeasibility, and at the discretion of the RFPG, other FMPs and FMSs to mitigate more frequent events may also be identified and evaluated based on TWDB Flood Planning guidance documents.
5. For areas within the FPR that the RFPG does not yet have sufficient information or resources to identify potentially feasible FMPs and FMSs, the RFPG must identify areas for potential FMEs that may eventually result in FMPs and/or FMSs.
6. The RFPG must evaluate potentially feasible FMPs and FMSs understanding that, upon evaluation and further inspection, some FMPs or FMSs initially identified as potentially feasible may be reclassified as infeasible.
7. FMPs will be ranked in the state flood plan and
 - a. must represent discrete projects.
 - b. must not entail an entire capital program or drainage masterplan; and
 - c. may rely on other flood-related projects.
8. Evaluations of potentially feasible FMPs and FMSs, as applicable, 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 FMPs and FMSs must 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 FMP or FMS.
 - b. A determination of whether FMP or FMS 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 indication of any water supply benefits.
- e. An equitable comparison, as appropriate, and assessment among all FMSs and an equitable comparison and assessment among all FMPs that the RFPG determines to be potentially feasible.
- f. A demonstration that the FMS or FMP will not negatively affect a neighboring area.
- g. A quantitative report of the estimated benefits of the FMP or FMS, as applicable. This includes reductions of flood impacts of the 1% 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% 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.
 - (11) avoidance of future flood risk; and
 - (12) prevention of creation of future flood risk.
- h. A quantitative reporting of the estimated capital cost of FMPs in accordance with TWDB Flood Planning guidance documents.
- 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 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, flood risk 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. Flood Management Evaluation (FME) is a proposed study to identify, assess, and quantify flood risk or identify, evaluate, and recommend flood risk reduction solutions. Evaluations of potential FMEs may be at a reconnaissance or screening-level, unsupported by associated detailed hydrologic and hydraulic analyses. These must 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 FMPs or FMSs for recommendation in the Regional Flood Plan. Evaluations of potential FMEs must include the following analyses:
 - a. A reference to the specific flood mitigation or floodplain management goal to be addressed by the potential FME.
 - b. An indication 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 and assessment among 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 flood risk within the FME area, to include, as applicable:
 - (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.
 - g. For FMEs, RFPGs do not need to demonstrate that an FME will not negatively affect a neighboring area.
10. RFPGs must evaluate and present potential FMEs and potentially feasible FMPs and FMSs 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 Regional Flood Plan.
11. Analyses must clearly designate a representative location of the FME and beneficiaries including a map and designation of HUC12 and county location.
12. The RFPG may also use funding under this Task to perform a portion of the identified Flood Management Evaluations and, in doing so, identify and evaluate additional Flood Mitigation Projects that could be recommended under Task 5A. This task includes performing work to carry out FMEs that may include work to perform hydrologic and hydraulic modeling, for example, evaluating flood risks in areas with currently limited flood risk data, and evaluating potential flood risk reduction solutions, including performing feasibility studies and preliminary engineering needed to identify, evaluate, and recommend additional potentially feasible FMPs. Note that RFPGs must approve the list of FMEs to be performed under this Task prior to expending grant funds for this purpose. Additional FMPs that are identified and evaluated under

this Task may be recommended under Task 5A. FMEs that are performed under this Task would not also be recommended as FMEs under Task 5B.

13. Analyses must be performed in accordance with TWDB Flood Planning guidance documents.
14. All data produced as part of the analyses under this task must be organized and summarized in the Regional Flood Plan in accordance with TWDB Flood Planning guidance documents.
15. Rules to be considered in developing this chapter include relevant rules referenced under 31 TAC § 361.22.

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

1. RFPG approval of the list of identified FMEs to also be performed under this Task.
2. Review of the chapter documents and related information by RFPG members.
3. Modifications to the chapter document based on RFPG, public, and/or agency comments.
4. Submittal of chapter document to TWDB for review and approval.
5. All effort required to obtain final approval of the Regional Flood Plan chapter by TWDB.

Deliverables:

- Prepare a stand-alone Chapter 4 (including work from Tasks 4A, and 4C) to include analyses and assessments used to identify potential FMEs, FMSs, and FMPs and all technical analyses of all evaluated FMPs and FMSs to be included in the 2028 Regional Flood Plan.
- 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 FMPs and FMSs must be evaluated. TWDB Flood Planning guidance documents will include minimum data submittal requirements and deliverable format.
- Data must be organized and summarized in the Regional Flood Plan 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 4B – Preparation and Submission 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 must 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 and ongoing flood studies considered by the RFPG to be relevant to development of the Regional Flood Plan.
 - 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% annual chance flood event and 0.2% annual chance flood event inundation boundaries, and the type 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 list of available flood-related models that the RFPG considers of most value in developing its plan.
 - f. A summary and associated maps of locations within the FPR that the RFPG considers having the greatest flood risk and flood risk reduction needs.
 - g. The flood mitigation and floodplain management goals adopted by the RFPG per § 361.37.
 - h. The documented process used by the RFPG to identify potentially feasible FMPs and FMSs.
 - i. A list of potential FMEs and potentially feasible FMPs and FMSs 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 4C – Performance of Flood Management Evaluations

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 must include all work necessary to meet all the requirements of 31 TAC § 361.38.

The RFPG shall utilize this task to perform a portion of the identified Flood Management Evaluations identified in Task 4A and, in doing so, identify and evaluate additional Flood Mitigation Projects that could be recommended under Task 5A. This list of FMEs that are to be performed under this subtask must be approved by the RFPG.

The objective of this task is to perform identified potential FMEs to, for example, evaluate flood risks in areas with currently limited flood risk data, and evaluate potential flood risk reduction solutions, including performing hydrologic and hydraulic modeling, feasibility studies and preliminary engineering needed to identify, evaluate, and recommend additional potentially feasible FMPs. Additional FMPs that are identified and evaluated under this Task may be recommended under Task 5A. FMEs that are performed under this Task would not also be recommended as FMEs under Task 5B.

RFPGs must adhere to the requirements for identification, evaluation, and recommendation of FMEs and FMPs in Tasks 4A and 5, as well as applicable requirements in the TWDB Flood Planning guidance documents.

RFPGs must submit all data deliverables, including required GIS files, maps, and project details worksheet, to reflect work performed under this task in accordance with the requirements in Tasks 4A and 5 and the TWDB Flood Planning guidance documents.

Deliverables:

- Prepare a stand-alone Chapter 4 (including work from Tasks 4A and 4C) to be included in the 2028 Regional Flood Plan.
- A list of the FMEs, as approved by the RFPG, that were performed to identify potential FMPs and/or FMSs under Task 4C.
- Outcomes of FMEs that were performed to identify potential FMPs and/or FMSs under Task 4C.
- List of FMPs and FMSs that are identified as a result of performing FMEs under Task 4C.
- All data produced as part of the analyses under this task must be organized and summarized in the Regional Flood Plan in accordance with TWDB Flood Planning guidance documents.
- The TWDB Flood Planning guidance documents will include minimum data submittal requirements and deliverable format.

Task 5A – Recommendation of Flood Management Evaluations, Flood Mitigation Projects, and Flood Management Strategies

Performing any work associated with any Task 5 subtasks is contingent upon a written notice-to-proceed.

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 must include all work necessary to meet associated requirements of 31 TAC § 361.39.

The objective of this task is to consider and recommend Flood Management Evaluations (FMEs), Flood Management Strategies (FMSs), and their associated Flood Mitigation Projects (FMPs) to be included in the 2028 Regional Flood Plan that describes the work completed, presents the potential FMEs, potentially feasible FMPs and FMSs, recommended and alternative FMPs and FMSs, including all the technical evaluations, and presents which entities will benefit from the recommended FMPs and FMSs.

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

1. Recommend FMEs that the RFPG determines are most likely to result in identification of potentially feasible FMPs and FMSs that would, at a minimum, identify and investigate one solution to mitigate for flood events associated with a 1% annual chance flood event and that support specific RFPG flood mitigation and/or floodplain management goals.
2. Recommend FMPs and FMSs 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% 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 must 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.

3. Provide additional information in conformance with TWDB Flood Planning guidance documents which may be used to rank recommended FMEs, FMPs, and FMSs with non-recurring, non-capital costs in the state flood plan.
4. RFPGs shall provide the benefit-cost ratio for recommended FMPs in accordance with guidance provided by the EA.
5. Recommended FMSs or FMPs may not negatively affect a neighboring area or an entity's water supply.
6. 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.
7. Specific types of FMEs, FMSs, or FMPs that should be included and that should not be included in Regional Flood Plans must be in accordance with TWDB Flood Planning guidance documents.
8. FMS and FMP documentation must 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).
9. Coordinate and communicate with the sponsors of FME, FMS, and FMP including individual local governments, regional authorities, and other political subdivisions.
10. Production of process documentation used in 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 FMPs and FMSs.
11. 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 must 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 Regional Flood Plan chapter by TWDB.

Deliverables:

- Prepare a stand-alone Chapter 5 (including work from Tasks 5A and 5B) to be included in the 2028 Regional Flood Plan
- A list of the recommended FMEs, FMSs, and associated FMPs that were approved by the RFPG. TWDB Flood Planning guidance documents will include minimum data submittal requirements and deliverable format.
- Data must be organized and summarized in the Regional Flood Plan 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 5B – Recommend a List of Flood Management Evaluations to be Performed by TWDB

Must generally meet all applicable rules and statute requirements governing regional and state flood planning under 31 TAC Chapters 361 and 362.

The objective of this task is for the RFPG to submit a list to TWDB that is a subset of the FMEs that were identified by the RFPG under Task 4A, and not performed under Task 4C, along with a request to TWDB to perform those FMEs on behalf of the RFPG, subject to TWDB’s available resources. This Task relies on completed work under Tasks 2A through 4A. To the extent possible, TWDB will complete performance of these FMSs with the intention of generating additional FMPs that will be in consideration for RFPGs for recommendation during the current or the following planning cycle.

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

1. Consider the identified FMEs from Task 4A that the RFPG determines are most likely to result in identification of potentially feasible FMPs and FMSs that would, at a minimum, identify and investigate one solution to mitigate for flood events associated with a 1% annual chance flood event and that support specific RFPG flood mitigation and/or floodplain management goals.
2. Once Tasks 2A through 4A are completed, develop, and obtain RFPG approval of a list of identified FMEs that comprises a subset of all the FMEs the RFPG had identified under Task 4A, and not performed under 4C to submit to TWDB to be performed by TWDB on behalf of the RFPG. The FME list developed and submitted by the RFPG to TWDB shall be developed in accordance with guidance be provided by the EA and, at a minimum, shall take into consideration:
 - a. The FMEs that the RFPG is already intending to perform, itself, via its Technical Consultant, under Task 4C using a portion of the RFPG’s existing grant funding.
 - b. The nature of the sponsor/beneficiary of the identified FME study including whether, for example, the community is a smaller community without appropriate staff and resource, located in a rural area, and/or whether that entity might otherwise have difficulty in funding and overseeing the FME study itself.
 - c. The amount of estimated capacity that TWDB allocates to each planning region for performing FMEs on behalf of the region
 - d. The potential length of time that might be required for TWDB to perform the FME and the likelihood that it will result in potential FMPs being identified in time to incorporate into the regional flood plan currently under development or if the results may become available during the next flood planning cycle.
 - e. The extent of existing flood risk information available in the area of the recommended FME, and
 - f. And any other guidance or criteria provided by the EA prior to submission of the RFPG FME list to TWDB.

3. The FME list should provide a relative order of timing in which the RFPGs prefer the FMEs to be performed and resourced by TWDB, based on the TWDB FME program funding and other resources allocated towards supporting each region. Note that as TWDB resources allow, more than a single FME may be performed simultaneously on behalf of each RFPG.
4. Obtain RFPG authorization to submit, in writing, a request to TWDB to perform the FMEs on the list above, subject to available TWDB resources. This will include TWDB performing recommended FMEs to, for example, evaluate flood risks in areas with currently limited flood risk data, and to evaluate flood risk reduction solutions, including feasibility studies and preliminary engineering needed to identify, evaluate, and recommend additional potentially feasible FMPs.
5. Work, as necessary, to coordinate with TWDB on refining or modifying the submitted FME list, if required by TWDB, for example, due to limited resources or other factors determined by the EA.
6. Develop an initial scope of work for each FME to be submitted along with or soon after submitting the FME list to TWDB and coordinate with TWDB staff in refining the scopes of the FMEs on the list, as necessary, including sharing information, communicating and being responsive to the benefiting communities and potential sponsors of the FMEs, TWDB staff, and any TWDB Contractors.
7. Receive and consider the results of the FME work performed by TWDB on behalf of the RFPG including information regarding additional, potentially feasible FMPs and incorporate that information into the regional plan, as appropriate.
8. Consider the FMPs identified through the FMEs performed by TWDB on behalf of the RFPG, as appropriate.
9. Coordinate and communicate with the potential sponsors of FMPs identified through the performance of the FMEs by TWDB, including individual local governments, regional authorities, and other political subdivisions regarding their potential inclusion in the regional flood plan, as appropriate.
10. As appropriate, incorporate in accordance with Task 5A, by recommendation, additional FMPs resulting from the FME studies performed by TWDB on behalf of the RFPGs.
11. Summarize all work associated with this Task and incorporate it into the regional flood plan.
12. This effort will require a highly coordinated chain of events that will involve RFPGs, communities, TWDB, and TWDB contractors.

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

1. RFPG approval of the FME list to be submitted to TWDB for TWDB to perform.
2. Facilitate development of, and reviews by impacted/benefitting communities, as appropriate, of initial FME scopes of work to support TWDB performance of FMEs and any resulting FMPs from the FMEs performed by TWDB.
3. Review of the chapter documents and related information by RFPG members.
4. Modifications to the chapter document based on RFPG, public, and/or agency comments.
5. Submittal of chapter document to TWDB for review and approval.
6. All effort required to obtain final approval of the Regional Flood Plan chapter by TWDB.

Deliverables:

- Prepare a stand-alone Chapter 5 (including work from Tasks 5A and 5B) to be included in the 2028 Regional Flood Plan
- A list of FMEs recommended and approved by the RFPGs to be performed by TWDB to identify FMPs to be included in the current or the following cycle of the regional flood plans.

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 must 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:

1. a region-wide summary of the relative reduction in flood risk that implementation of the RFP would achieve with regard to life, injuries, property, and other factors such as environment and agriculture.
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 statement that the plan adequately provides for the preservation of life and property and the development of water supply sources, where applicable.
4. a general description of the types of potential positive and negative socioeconomic or recreational impacts of the recommended FMPs and FMSs within the FPR.
5. a general description of the overall impacts of the recommended FMPs and FMSs in the Regional Flood Plan on the environment, agriculture, recreational resources, water quality, erosion, sedimentation, and navigation; and
6. a summary describing how RFPG recommendations in the RFP meet the needs identified during the needs analysis task as well as adopted goals.

The information gathered and developed in preparation of this chapter must 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 Regional Flood Plan chapter by TWDB.

Deliverables: Prepare a stand-alone Chapter 6 (including work from both Tasks 6A & 6B) to be included in the 2028 Regional Flood Plan. 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 must 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 FMPs and FMSs 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 FMPs and FMSs may have.

The information gathered and developed in preparation of this chapter must 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 Regional Flood Plan chapter by TWDB.

Deliverables: Prepare a stand-alone Chapter 6 (including work from both Tasks 6A & 6B) to be included in the 2028 Regional Flood Plan. 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 must 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 may 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 must 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 Regional Flood Plan chapter by TWDB.

Deliverables: Prepare a stand-alone Chapter 7 to be included in the 2028 Regional Flood Plan. 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 must include all work necessary to meet all the requirements of 31 TAC § 361.43.

The objective of this task is to prepare a separate chapter to be included in the 2028 Regional Flood Plan 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 must 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 Regional Flood Plan chapter by TWDB.

Deliverables: Prepare a stand-alone Chapter 8 to be included in the 2028 Regional Flood Plan. 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 must 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, FMP and FMS with NRNC cost sponsors.
 - 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 Regional Flood Plan for future funding determinations.
4. Indicate how individual local governments, regional authorities, and other political subdivisions in their region propose to finance the region's recommended FMPs and FMEs included in their flood plan. The assessment must also describe what role the RFPG proposes for the state in financing recommended FMPs and FMEs. As projects are implemented, those improvements and associated benefits must be incorporated into and reflected in the subsequent Regional Flood Plans.
5. Summarize the survey results.

The information gathered and developed in preparation of this chapter must 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 Regional Flood Plan chapter by TWDB.

Deliverables: A completed Chapter 9 must be delivered in the 2028 Regional Flood Plan to include a summary of reported financing approaches for all recommended FMPs and FMEs. Data must 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 and final Regional Flood Plan and obtain TWDB approval of the Regional Flood Plan.

In this task, the RFPG must evaluate and ensure that the draft and final Regional Flood Plan satisfies the requirements for regional flood plans in the guidance principles adopted in Title 31 TAC § 362.3 and must include a statement in the draft and final Regional Flood Plan explaining how the Regional Flood Plan satisfies the requirements of each of the guidance principles in accordance with Title 31 TAC § 361.20.

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 must, 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 a draft Regional Flood Plan and final, adopted Regional Flood Plan to TWDB and obtain approval of the adopted Regional Flood Plan by TWDB.
2. Organization, support, facilitation, and documentation of all meetings associated with preplanning meeting; consideration of a substitution of alternative flood management strategies; public meeting after adoption of the draft Regional Flood Plan and prior to adoption of the final Regional Flood Plan; and consideration of Regional Flood Plan amendments, alternative FMS substitutions, or Board-directed revisions.

Technical Support and Administrative Activities

1. RFPGs must 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 RFPG meetings.
2. Attendance and participation of technical consultants at RFPG, subgroup, subcommittees, special and or other meetings 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 progress 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 Regional Flood Plan documents.
8. Intraregional and interregional coordination, communication, and/or facilitation required within the FPR and with other RFPGs to develop a Regional Flood Plan.
9. Incorporation of all required data and reports into Regional Flood Plan document.
10. Modifications to the Regional Flood Plan documents based on RFPG, public, and/or agency comments.
11. Preparation of a Regional Flood Plan 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 Regional Flood Plan.
13. Production, distribution, and submittal of all draft and final Regional Flood Plan-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 Regional Flood Plan documents in both hard copy and electronic formats to TWDB for review and approval; and all effort required to obtain final approval of the Regional Flood Plan by TWDB.

Other Activities

1. Review of all Regional Flood Plan-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 to provide to the public.
5. Documentation of meetings 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 Regional Flood Plan 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 Regional Flood Plan, including mediation between RFPG members, if necessary.
8. RFPG membership solicitation activities.
9. Meeting all posting, meeting, 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 a Regional Flood Plan 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 Regional Flood Plan documents.
- Any additional deliverables identified in the TWDB Flood Planning guidance documents.

Task 11 – Implementation and Comparison to Previous 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 must specifically include all work necessary to meet all the requirements of 31 TAC § 361.45.

The objective of this task is to.

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

1. Collect information from local sponsors of FMEs, FMSs, and FMPs regarding implementation of previously recommended FMEs, FMSs, and FMPs and provide to the EA; and
2. Include a general description of how the new RFP differs from the previous plan including with regards to the status of existing flood infrastructure, flood mitigation achieved, goals, and changes to the recommended FMEs, FMSs, and FMPs.

The information gathered and developed in preparation of this chapter must 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 Regional Flood Plan chapter by TWDB.

Deliverables: A completed Chapter 11 must be delivered in the 2028 Regional Flood Plan to include information regarding differences between the plans. Data must be submitted in accordance with TWDB guidance documents. Any additional deliverables identified in the TWDB Flood Planning guidance documents.

RFPGs must submit all data deliverables, related regional flood plan chapters, and related documents, as applicable, in the FINAL REGIONAL FLOOD PLAN, including required GIS files, maps, etc., to reflect work performed. Data must be organized and summarized in the Regional Flood Plan in accordance with TWDB Flood Planning guidance documents.

Exhibit C - DRAFT

Region <Region #> <Region Name>
Flood Planning Group
Task and Expense Budgets

January 2024

Second Cycle of Regional Flood Plan Development (2024–2028)

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² Contractor Salaries and Wages as described in 31 TAC§ 361.72(b) include the following administrative costs if the RFPG or its chairperson certifies, that the expenses are eligible for reimbursement and are correct and necessary: the Planning Group Sponsor’s personnel costs, for the staff hours that are directly spent providing, preparing for, and posting public notice for RFPG meetings, including time and direct expenses for their support of and attendance at such RFPG meetings in accordance with, and as specifically limited by, the flood planning grant contract with the Board. This may not exceed: \$5,000 per regular RFPG meeting nor a total of \$100,000 over the second planning cycle.

³Voting Planning Member Travel Expenses is defined as eligible mileage expenses incurred by regional flood planning members that cannot be reimbursed by any other entity, planning group sponsor, etc. as certified by the voting member. Travel expenses are available only for attendance at a posted meeting of the RFPG unless the travel is specifically authorized by the RFPG and EA. Liaison RFPG member travel is allowed under this as well with the same constraints. The reimbursed amount is limited to the maximum amounts authorized for state employees by the General Appropriations Act, Tex. Leg. Regular Session, 2019, Article IX, Part 5, as amended or superseded.

⁴ Ineligible Expenses as described in 31 TAC § 361.72(a) include, but are not limited to:

- a) Activities for which the EA determines existing information, data, or analyses are sufficient for the planning effort;
- b) Activities directly related to the preparation of applications for state or federal permits or other approvals, activities associated with administrative or legal proceedings by regulatory agencies, and preparation of engineering plans and specifications;
- c) Compensation for the time or expenses of RFPGs members' service on or for the RFPG;
- d) Costs of administering the RFPGs, other than those explicitly allowed under 31 TAC § 361.72(b);
- e) Costs for training;
- f) Costs of developing an application for funding or reviewing materials developed due to this grant;
- g) Analysis or other activities related to planning for disaster response or recovery activities;
- h) Analyses of benefits and costs of FMSs beyond the scope of such analyses that is specifically allowed or required by regional flood planning guidance to be provided by the EA unless the RFPG demonstrates to the satisfaction of the EA that these analyses are needed to determine the selection of the FMS or FMP.
- i) Labor, reproduction, or distribution of newsletters;
- j) Except as provided by 31 TAC § 361.72(b)(1) for certain travel expenses (see footnote #1 above), food, drink, or lodging for Regional Flood Planning Group

- members (including tips and alcoholic beverages);
- k) Except as provided by 31 TAC § 361.72(b)(6) for certain audio-visual equipment (see footnote #1 above), purchase, rental, or depreciation of equipment (e.g., computers, copiers, fax machines);
 - l) General purchases of office supplies not documented as consumed directly for the planning process; and
 - m) Costs associated with social events or tours.

1 Contractor Task Budget

CAS Item No.	Regional Flood Planning Task No.	Task Description	AMOUNT
1	1	Planning Area Description	\$103,920.00
2	2A	Existing Condition Flood Risk Analysis	\$145,488.00
3	2B	Future Condition Flood Risk Analysis	\$145,488.00
4	3A	Evaluation and Recommendations on Floodplain Management Practices	\$20,784.00
5	3B	Flood Mitigation Needs Analysis	\$41,568.00
6	3C	Floodplain Mitigation and Floodplain Management Goals	\$20,784.00
7	4A	Identification and Evaluation of Potential Flood Management Evaluations and Potentially Feasible Flood Management Projects and Flood Mitigation Strategies	\$207,840.00
8	4B	Preparation and Submission of Technical Memorandum	\$41,568.00
9	4C	Performance of Flood Management Evaluations	\$519,600.00
10	5A	Recommendation of Flood Management Evaluations, Flood Management Projects and Flood Mitigation Strategies	\$207,840.00
11	5B	Recommend a List of Flood Management Evaluations to be Performed by TWDB	\$20,784.00
12	6A	Impacts of Regional Flood Plan	\$62,352.00
13	6B	Contributions to and Impacts on Water Supply Development and the State Water Plan	\$20,784.00
14	7	Flood Response Information and Activities	\$20,784.00
15	8	Administrative, Regulatory, and Legislative Recommendations	\$20,784.00
16	9	Flood Infrastructure Financing Analysis	\$41,568.00

CAS Item No.	Regional Flood Planning Task No.	Task Description	AMOUNT
17	10	Public Participation and Plan Adoption	\$415,680.00
18	11	Implementation and Comparison to Previous Regional Flood Plan	\$20,784.00
		Total Committed Funds	\$2,078,400.00

2 Contractor Expense Budget

CATEGORY	AMOUNT
Other Expenses ¹	\$15,000.00
Contractor Salaries and Wages ²	\$85,000
Subcontract Services #1	\$2,013,360.00
Subcontract Services #2	N/A
Subcontract Services #3	N/A
Voting Planning Member Travel ³	\$5,000.00
Total Committed Funds ⁴	\$2,078,400.00

¹Eligible Other Expenses as described in 31 TAC § 361.72(b) include the following administrative costs if the RFPG or its chairperson certifies that the expenses are eligible for reimbursement and are correct and necessary:

- a) Travel expenses as authorized by the General Appropriations Act are available only for attendance at a posted meeting of the RFPG, unless the travel is specifically authorized by the RFPG and EA;
- b) Costs associated with providing translators and accommodations for persons with disabilities for public meetings when required by law or deemed necessary by the RFPGs and certified by the chairperson;
- c) Direct costs, of the Planning Group Sponsor, for placing public notices for the legally required public meetings and of providing copies of information for the public and for members of the RFPGs as needed for the efficient performance of planning work:
 1. expendable supplies actually consumed in direct support of the planning process;
 2. direct communication charges;
 3. limited direct costs/fees of maintaining RFPG website domain, website hosting, and/or website;
 4. reproduction of materials directly associated with notification or planning activities (the actual non-labor direct costs as documented by the Contractor);
 5. direct postage (e.g., postage for mailed notification of funding applications or meetings); and
 6. other direct costs of public meetings, all of which must be directly related to planning (e.g., newspaper and other public notice posting costs).
- d) The cost of public notice postings including a website and for postage for mailing notices of public meetings; and
- e) The reasonable cost of purchase or rental of audio-visual equipment that is necessary to comply with Texas Government Code Chapter 551 related to Open Meetings; and
- f) The reasonable cost of rental space to hold RFPG meetings.

ATTACHMENT B

FORM CD-512
COMMERCE
(REV 05-17)

U.S. DEPARTMENT OF

CERTIFICATION REGARDING LOBBYING LOWER TIER COVERED TRANSACTIONS

Applicants should review the instructions for certification included in the regulations before completing this form. Signature on this form provides for compliance with certification requirements under 15 CFR Part 28, "New Restrictions on Lobbying."

LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 15 CFR Part 28, for persons entering into a grant, cooperative agreement or contract over \$100,000 or a loan or loan guarantee over \$150,000 as defined at 15 CFR Part 28, Sections 28.105 and 28.110, the applicant certifies that to the best of his or her knowledge and belief, that:

Statement for Loan Guarantees and Loan Insurance

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

In any 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

(1) 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 any agency, 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, or the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement. \$10,000

connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall attempt to influence an officer or employee of any agency, a Member 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, or the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than

(2) 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.

and not more than \$100,000 for each such failure occurring on or before October 23, 1996, and of not less than \$11,000 for each such failure occurring after October 23, 1996.

(3) The undersigned shall require that the language of this 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 section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure occurring on or before October 23, 1996, and of not less than \$11,000 and not more than \$110,000 for each such failure occurring after October 23, 1996.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above applicable certification.

NAME OF APPLICANT

AWARD NUMBER AND/OR PROJECT NAME

PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE

SIGNATURE

DATE

CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor doing business with local governmental entity

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

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).

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.

OFFICE USE ONLY

Date Received

1 Name of vendor who has a business relationship with local governmental entity.

2

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.)

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

Name of Officer

4 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

5 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.

6

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)(B), excluding gifts described in Section 176.003(a-1).

7

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
- (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 § 176.006(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.