



SOLICITATION NO: B-21-010-JP

**REQUEST FOR PURCHASE BIDS
RELEASE DATE: September 16, 2021**

**Purchase of Transferable Edwards Aquifer Authority Groundwater
Withdrawal Rights**

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Rolling Deadlines: Purchase Bids will be opened every three (3) weeks from October 8 2021, at 3:00 PM Central Time (CDT) until the desired volume is acquired. Reference Section II., Bid Opening Schedule.

I. Project Information

a. Scope

The San Antonio Water System (SAWS) is soliciting sealed bids for the purchase of permitted transferable groundwater withdrawal rights from and out of the Edwards Aquifer Authority (EAA) Initial Regular Permits and Regular Permits (EAA groundwater rights). Types of EAA groundwater rights that are transferable include those for industrial or municipal use, as well as the portion of irrigation permits designated as "unrestricted irrigation groundwater" by the EAA. SAWS will not accept groundwater rights from the portion of irrigation permits designated as "base irrigation groundwater." **SAWS will not consider Purchase Bids of less than 20-acre feet per annum.**

b. Information and Instructions to Bidders:

- 1) SAWS reserves the right to reject any or all Bids, to waive any minor irregularities or technicalities, and to accept all Bids it deems to provide requested EAA groundwater permits at the best value to SAWS. SAWS reserves the right to accept the Bid(s) that represent the "best bid" to SAWS, which, without limitation, may take into consideration the amount of EAA groundwater rights offered in a particular Bid, whether such offered EAA groundwater rights are currently under lease to SAWS or other party, whether the entirety of the EAA groundwater rights or lesser amount of the bid will be available for withdrawal by SAWS in 2022, and whether there are title issues regarding the EAA groundwater rights that, in SAWS sole determination, may affect the bidder's ability to close and convey clear title.
- 2) All Bids submitted shall be valid and irrevocable for a period of not less than thirty (30) days from the SAWS' bid opening date, or if notified by SAWS in writing as to the acceptance or rejection of a Bid, whichever comes first.
- 3) A sample Purchase Agreement and EAA Permit Holder letter may be viewed on SAWS' website at the following link:

https://apps.saws.org/business_center/contractsol/
- 4) If the Bid is accepted, SAWS will prepare a Purchase Agreement for execution by the Bidder. Bidder must return executed Purchase Agreement to SAWS no later than 15 business days from the date mailed by SAWS. If the executed Purchase Agreement is not returned to SAWS within 15 business days, the bidder will be deemed as "non-responsive" and may be eliminated as a bidder.

Bids which do not result in notification of acceptance within 30 days from the date they are opened by SAWS will automatically expire, unless earlier rejected upon written notification by SAWS. Non-selected Bidder(s) may resubmit a new bid(s) for subsequent bid openings.

- 5) SAWS will accept Bids from September 16, 2021 until the desired volume is acquired, at the SAWS location referenced in Section II of this solicitation.
- 4) EAA groundwater rights rejected in a prior bid opening may be reoffered in subsequent

bid openings.

- 5) Payment for EAA groundwater rights will be made in one lump-sum payment at the time of Closing, as identified in the Purchase Agreement.

c. Eligibility Criteria:

The following eligibility criteria shall be mandatory to establish the responsibility and capability of the Bidder intending to meet SAWS' requirements. The Bidder must submit documentation to support criteria. Any Bidder that does not meet the following criteria may be deemed "non-responsive" and may be eliminated:

- 1) Amount of EAA groundwater permits to be conveyed: The amount of EAA groundwater rights offered for Bid shall be determined by the Bidder, but may not exceed the quantity in the issued permit(s) or the transferable portion of the Bidder's permit as allowed by EAA rules. The minimum amount of EAA groundwater permits that SAWS will accept in any transaction is twenty (20) acre-feet.
- 2) EAA groundwater rights under Lease: EAA groundwater rights under lease or sublease to any party other than SAWS will not be considered unless the lease or sublease expires on or before December 31, 2021.
- 3) Bidder must submit the following documents:
 - Complete and sign the attached form (Exhibit 1) indicating the EAA permit number(s) of the EAA groundwater rights offered for Bid, the amount of acre-feet (AF) offered, the price per acre-foot, and the total price.
 - Sign a consent form (Exhibit 2) allowing SAWS, upon acceptance of the bid, to access and review the records of the designated permit(s) from the EAA.
 - Submit copies of all contracts and agreements affecting the EAA groundwater rights, including without limitation leases, options to buy, rights of first refusal, and all amendments, modifications and supplements thereto, or any other related documents.

d. Closing:

Per the attached sample Purchase Agreement, closing will occur within 90 days from the effective date of the Purchase Agreement, subject to extension as provided in the Purchase Agreement.

II. Bid Opening Schedule:

All bid openings will be held via WebEx at **3:00 PM (CT)** on the dates shown on the table below.

<https://saws.webex.com>

Meeting number (access code): 1466 82 9557

Meeting password: cKy99j76ExR

Audio Connection (Call-In): (210) 233-2090

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Bid Opening Date and Time	Method of Bid Opening
October 8, 2021 @ 3:00 PM CDT	WebEx
October 29, 2021 @ 3:00 PM CDT	WebEx
November 19, 2021 @ 3:00 PM CST	WebEx
December 10, 2021 @ 3:00 PM CST	WebEx

III. Submittals

a. Questions

Bidders may submit questions concerning this Purchase Bid, in writing, including via e-mail, to the contact person:

Brandon Payne
San Antonio Water System
2800 U.S. Hwy 281 North
San Antonio, TX 78212
Email: Brandon.Payne@saws.org

b. Clarification on Submitted Purchase Bids

SAWS reserves the right to request clarification to assist in evaluating the Bidder's response, when the Bid response is unclear with respect to pricing, quantity or other factors. The information provided is not intended to change the Bid response in any fashion and such information must be provided within two days from request.

IV. Submitting a Purchase Bid

a. Submission

- 1) Complete and sign Exhibits 1 & 2 indicating the EAA permit number(s) of the EAA groundwater rights offered for Bid, the amount of acre-feet (AF) per annum offered, and the price of the offered EAA groundwater rights indicating price per acre-foot and total purchase price.
- 2) Bidders submitting a bid electronically shall do so per the Electronic Bid Opening Instructions (Exhibit 3).
- 3) Hand delivered Sealed Bid(s) submittals must be marked on the outside with the Solicitation Title and Solicitation Number and should be submitted in a sealed envelope or package via mail or overnight service (Fed Ex, etc.), to the following address:

Mail or FedEx, etc.:
San Antonio Water System
<i>Attn: Contract Administration</i>
2800 U.S. Hwy 281 North
San Antonio, Texas 78212

- 4) If the Bid is submitted by any other means other than electronically or by personal delivery, then it is the Bidder's sole responsibility to ensure the Bid is delivered to the exact location by bid opening date and the time specified. It is Bidder's responsibility to maintain documentation that the Bid was delivered timely.

b. Response Format

Bidders shall ensure that the bid package submitted includes all of the below documents in the following order:

1. Exhibit 1 – Signed Bid Price Form (Exhibit 1)
2. Exhibit 2 – Signed Consent to Review Edwards Aquifer Authority (EAA) Records (Exhibit 2)
3. Copies of any Leases or other documents affecting EAA groundwater rights offered for Bid(s) as described in Section I(c)(3) above

V. Reservation of Rights

SAWS reserves the right to:

1. Cancel the entire Bid process;
2. Remedy technical errors in the Bid process;
3. Waive informalities and irregularities;
4. Accept multiple Bids;
5. Request additional information or clarification; and
6. Reject any or all Bids submitted.

All responses and their contents will become the property of SAWS.

**EXHIBIT 1
Bid Price Form**

**PURCHASE OF TRANSFERABLE EDWARDS AQUIFER AUTHORITY (EAA)
GROUNDWATER WITHDRAWAL RIGHTS
SOLICITATION NO: B-21-010-JP**

Complete, sign, and submit this exhibit as outlined in the solicitation.

Use the table below to submit a Purchase Bid:

EAA Permit Number	Acre-feet (AF) per annum offered	Price Per acre-foot (PPA)	Total Purchase Cost
Ex: P000-000 (UV00000)	100	\$4500	AF * PPA = Cost 100 * \$4,500 = \$450,000

Sign this document using the signature blocks below:

Signature

Signature

Print/Type Name

Print/Type Name

Date

Date

Address

Address

Email

Email

Phone Number

Phone Number

Use additional copies of this exhibit if additional signature blocks are necessary.

EXHIBIT 2

Consent to Review of Edward Aquifer Authority (“EAA”) Records

The undersigned, as the owner or representative acting on behalf of the owner of certain water rights (“Consenting Party”) hereby consents to and agrees to allow the review and copying by SAWS of any and all EAA records relating to Consenting Party and the Consenting Party’s EAA Initial Regular Permit No(s). _____, as contained in the files of the Edwards Aquifer Authority (“EAA”) at any location of the EAA. Such right granted hereby to SAWS includes but is not limited to files relating to permit issuance, amendment, revocation, application, adjudication or other action affecting such permit or permits, all files relating to compliance or noncompliance with the terms of such permit(s), compliance or noncompliance with EAA Act, rules and regulations, any and all correspondence by and between Consenting Party and the EAA or involving any third party, all materials relating to fees assessed, paid, adjudicated or protested with respect to such permit(s), all information relating to pumpage, water measurement, critical period/demand management withdrawal allocation schedules, water usage or non-usage, all files relating to transfers of water rights into and/or out of Consenting Party’s EAA Initial Regular Permit No(s). _____ and any other data or information affecting such permit(s) as contained in the files of the EAA. Consenting Party in addition hereby requests the EAA to allow access to all such files by SAWS and its representatives without further consent or approval from Consenting Party.

This consent is effective until written notice revoking this consent is provided by Consenting Party to both SAWS and to the EAA.

Date: _____

Consenting Party:



EXHIBIT 3

PURCHASE OF TRANSFERABLE EDWARDS AQUIFER AUTHORITY GROUNDWATER WITHDRAWAL RIGHTS Solicitation Number: B-21-010-JP

ELECTRONIC BID OPENING INSTRUCTIONS

FTP BID UPLOAD

In order to receive electronic bids for this project, SAWS will utilize a SAWS secured File Transfer Protocol (FTP) site. Only Bidders bidding electronically will need to submit their request at least one (1) business day prior to a scheduled bid opening to receive access to the FTP site via email to **Janie.Powell@saws.org**. Bidder's email shall provide the legal name of the Bidder and the intended recipient's email address and phone number. No requests for FTP site access will be accepted the same day as a scheduled bid opening. Once a Bidder is approved for access, an email with a hyperlink to the FTP site and a unique password for the Bidder will be provided to the Bidder's email recipient.

Once access is received, Bidders may upload the required documents per Section IV. Submitting a Purchase Bid, of this Solicitation, any time before 3:00 PM (CT) on the scheduled bid opening date. Please ensure to allow sufficient time should Bidder's experience technical difficulties in uploading the required documents. No changes to the Bid nor bid price can be made once the Bid has been submitted.

Bidders shall comply with the following:

- 1) Limit files to one (1) pdf file that includes all requested documents, per Section IV. Submitting a Purchase Bid. **ONLY ONE SUBMITTAL WILL BE ACCEPTED PER REQUEST.** Do not upload any zip files.
- 2) Ensure that the completed and signed Exhibit 1 is (are) the first page(s) of your file.
- 3) Bidders may protect the document from **editing** by adding a password. However, the document must be accessible for **viewing** by SAWS without requiring a password.
- 4) File shall be named: **B-21-010-JP – PURCHASE OF TRANSFERABLE EDWARDS AQUIFER AUTHORITY GROUNDWATER WITHDRAWAL RIGHTS_<Bidder Name>**
- 5) **DO NOT SHARE ACCESS AND/OR PASSWORD WITH OTHER PARTIES.**
- 6) **ENSURE THE BID IS SENT NO LATER THAN THE DUE DATE AND TIME. BIDS SUBMITTED AFTER THE BID OPENING DEADLINE WILL NOT BE ACCEPTED.**

If the Bidder is in need of help, they may contact the SAWS Contract Administrator, **Janie M. Powell**, at **(210) 233-2443** or view troubleshooting tips at <http://www.Serv-U.com/sharefiles>

WEBEX BID OPENING MEETING

The WebEx meeting details are below if you would like to view the public opening of the bids.

When it's time, start or join the WebEx meeting from [here](#).

Access Information

Meeting Number: 1466 82 9557

Meeting Password: cKy99j76ExR

Audio Connection: 210-233-2090 (SAWS WebEx)

If you have any questions or concerns, please feel free to contact me.

Thank you,

Janie M. Powell

Contract Administrator

2800 U.S. Highway 281 North, Ste. 171 | San Antonio, TX 78212

Office | 210-233-2443

Email | Janie.Powell@saws.org