



SOLICITATION NO: B-15-015-DS

**REQUEST FOR LEASE BIDS
RELEASE DATE: April 13, 2015**

**Regarding Additional Water Supplies in the Form of
the Lease of Transferable Edwards Aquifer Authority
Groundwater Withdrawal Rights.**

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Deadline: May 29, 2015 @ 2:00 PM CT

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I. Project Information

a. Scope

The San Antonio Water System ("SAWS") is soliciting Lease Bids for 5-year term leases by SAWS of permitted transferable groundwater withdrawal rights from and out of 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 that 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 Lease Bids of less than 20-acre feet.**

b. Information and Instructions to Bidders:

- 1) SAWS reserves the right to reject any or all Lease Bids, to waive any minor irregularities or technicalities, and to accept all Lease Bids. Bids will be evaluated on the basis of "lowest responsible bid" based on monetary value increasing from lowest to highest. For such purposes, SAWS may take into consideration whether there are title issues regarding the EAA groundwater rights that, in SAWS determination, may affect the bidder's ability to lease. Incomplete Lease Bids may not be considered.
- 2) All Lease Bids submitted shall be valid and irrevocable for a period of not less than 45 days from the date they are opened by SAWS, or if notified by SAWS as to acceptance or rejection of a Lease Bid, whichever is first. A sample Lease Agreement is posted on the SAWS Business Center website at http://www.saws.org/business_center/ under Contract Solicitations. A sample Lease Agreement may also be obtained by contacting Mr. Brandon Payne by phone at (210) – 233 – 3484 or by e-mail at bpayne@saws.org. Accepted Bidders will be required to execute a Lease Agreement in the form of such sample Lease Agreement.

Bidder should submit Lease Bids on the attached form (Exhibit 1). If the offer is accepted, SAWS will prepare the Lease Agreement for execution by the Bidder (see above). Bidder must return an executed Lease Agreement to SAWS no later than 10 business days from the date mailed by SAWS. If the executed Lease Agreement is not returned to SAWS within 10 business days, the Bidder will be deemed as "non-responsive" and may be eliminated as a Bidder.
- 3) SAWS will be accepting Lease Bids from April 13, 2015 through May 29, 2015, with a bid opening on May 29, 2015 @ 2:00 PM CT.
- 4) Lease payments will be made as described in the sample Lease 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. 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 offered in the Lease Bid: The amount of EAA groundwater rights offered in the Lease 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.
- 2) EAA groundwater rights under Lease to Third Parties: 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, 2015.

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 Lease Bid, the amount of acre-feet (AF) per annum offered and the lease rate of the offered EAA groundwater rights.
- Sign a consent allowing SAWS, upon acceptance of the Lease Bid, to access and review the records of the designated permit(s) from the EAA (Exhibit 2),
- 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.
- Submit a copy of the most recently issued EAA groundwater permit(s) offered for Lease Bids.

Administrative Information:

a. Bid Opening Timeline:

April 13, 2015, 2:00 PM Central Time Bid Issued
 May 29, 2015, 2:00 PM Central Time..... Bid Opening

II. Submittals

a. Technical Questions

Respondents may submit technical questions concerning this Lease Bid, in writing; electronic inquiries by e-mail will be accepted. The Contact Person for this project is:

Deborah Segovia
 Contract Manager
 San Antonio Water System
 2800 U.S. Hwy 281 North, Suite 171
 San Antonio, TX 78212
 Email: deborah.segovia@saws.org

b. Submittal Clarification

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

III. Submitting a Response

a. Submission

1. Submission of Bids – One original Lease Bid must be date and time stamped in at:

San Antonio Water System
 Attn: Contract Administration
 Customer Center Building
 2800 U.S. Hwy 281 North, Suite 171
 San Antonio, Texas 78212

2. Sealed Leased Bid submittals must be marked on the outside with the name and number

of this solicitation.

3. Responses submitted via any form of electronic transmission, such as electronic mail, or facsimile, will not be considered.
 4. If the submittal to this Lease Bid is by any means other than personal delivery, then it is the Respondent's sole responsibility to ensure the submittals are delivered to the exact location by the time specified.
 5. Responses should be made on the forms provided in Exhibits 1 through 2, with the appropriate copy of the EAA groundwater permit(s).
- b. **Response Format** - Parties submitting a Lease Bid in response to this Request for Lease Bids should submit a package with the following documents in the following order:
1. Exhibit 1 – Lease Bid for Lease of EAA Groundwater Rights - signed
 2. Exhibit 2 – Consent to Review Edwards Aquifer Authority (EAA) Records - signed
 3. Copy of most recently issued EAA Permit(s) Associated with EAA groundwater rights offered for Bids
 4. Copies of any Leases or Other Documents Affecting EAA groundwater rights offered for Lease Bids as described in Section I(c)(3) above

IV. Reservation of Rights

SAWS reserves the right to:

1. Issue a subsequent Lease Bid process;
2. Cancel the entire Lease Bid process;
3. Remedy technical errors in the Lease Bid process;
4. Waive informalities and irregularities;
5. Accept multiple Lease Bids at each bid opening;
6. Request additional information or clarification.
7. Reject any or all Lease Bids submitted.

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

EXHIBIT 1

Bid for Lease of EAA Groundwater Rights

Prepare and sign this page. It is required to submit this information.

Use Below for Bid Submittal, for a 5 year lease. :

Permit Number	Acre-feet per annum offered for Lease	Price per acre-foot	Total
Ex: P000-000	100	\$130.00	

Please sign using this signature block,

Print Name(s):

Signature(s):

Telephone Number(s):

Use additional copies of this page if additional signature blocs are required.

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(S):

