



City of Austin Purchasing Office

Certificate of Exemption for Professional Services, Public Health and Safety or Other Exempt Purchase (Non-Competitive)

DATE: **October 31,** 2022

DEPT: Watershed Protection Department

TO: Purchasing Officer or Designee

FROM: Irene Sanchez for Brent Bellinger & Mateo Scoggins

PURCHASING POC: **Ajani Aird**

PHONE: (512) 974-2821

Chapter 252 of the Local Government Code requires that municipalities comply with the procedures established for competitive sealed bids or proposals before entering into a contract requiring an expenditure unless the expenditure falls within an exemption listed in Section 252.022.

Refer to Local Government Code 252.022 for a complete list of exemptions:

[Link to Local Government Code](#)

The City has selected a vendor for contract award and declares the competitive solicitation procedures in Local Government Code Chapter 252.022 to be exempt for this procurement. This Certificate of Exemption is hereby executed and filed with the Purchasing Office as follows:

1. The undersigned is authorized and certifies that the following exemption is applicable to this procurement.

Please check the criteria listed below that applies to this request:

- ☐ A procurement made because of a public calamity that requires the immediate appropriation of money to relieve the necessity of the municipality's residents or to preserve the property of a municipality.
- ☒ A procurement necessary to preserve or protect the public health or safety of the municipality's residents.
- ☐ A procurement necessary because of unforeseen damage to public machinery, equipment, or other property.
- ☒ A procurement of personal, professional, or planning services
- ☐ Other exemption from Chapter 252.022: _____

2. Describe this procurement

- What it is for and why it is needed?

- **For Public Calamity, Public Health and Safety, Unforeseen Damage to Public Machinery or Equipment, or Critical Business Need Exemptions:**

The purpose of this professional services contract with the University of Texas – Jackson School of Geosciences (UT-JSG) researchers Marcy Davis, Dan Duncan, Cornel Olariu, and Jeff Cullen is to expand the use of analytical techniques available to screen for microplastics, nutrients, and isotopic ratio signatures in Austin's reservoirs Lake Austin and Lady Bird Lake. Sediment deposition is recognized as a key driver of lake and river eutrophication which can fuel toxic cyanobacterial blooms, and increasingly the sediment-associated transport and deposition of microplastics is being observed. Microplastics have the potential to adsorb contaminants and toxins of concern and because of their size can enter into the food web and biomagnify pollutants up to human consumers. This research project will synoptically survey sediment movement and deposition characteristics in the reservoirs, and hopefully after a large flood event, and the spatial distribution of sediment nutrients and microplastics. The results of this work can help managers institute best management practices in sensitive areas of the watershed in order to reduce erosion, runoff, and transport of sediments and microplastics. This work supports City of Austin programs to monitor waterways for nuisance algal species that may result in impairments of the beneficial uses desired by the community. The UT-JSG laboratory faculty and staff have been carrying out similar research projects in estuarine, marine, and freshwater systems across the country.

- **For Professional, Personal, or Planning Service Exemptions:**

The Principal Investigators have applied their methods to numerous coastal marine, tributary, and reservoir systems across the United States for effective descriptions that the Watershed Protection feels will provide valuable new insights into previously unstudied but recognized as important ecosystem attributes.

- Does this vendor have a history of working with the City? If so, was it on this particular service? Yes, the City has previously collaborated with other departments at the University of Texas.
- Is the vendor a City of Austin local vendor? Yes.
- Does the vendor hold an M/WBE certification with the City, a HUB certification with the State of Texas, or any other minority or women owned certifications? No.
- What qualifications, certifications, or specialized training does the vendor have? Marcy Davis is an engineering scientist at the University of Texas and over the past 20+ years has supported geophysical field science teams working all over the world. Marcy specialized in acquisition and processing of marine geological and geophysical data. Cornel Olariu is a Research Scientist with expertise in sedimentology and has worked at the University of Texas at Austin for 17 years. Currently he is working on projects related to plastic and microplastic transport in sedimentary systems. Jeff Cullen is a Research Engineer and manager of the Light Stable Isotope Lab housed within the Jackson School of Geosciences at UT Austin and specializes in high temperature aqueous geochemistry and the use of stable isotopes to elucidate chemical processes occurring between the solid-liquid-gas phases in natural systems.
- What is the impact if a contract is not secured with this particular vendor (loss of project timeline, loss of funding etc.)? We would be unable to carry-out a study that is hoped to provide new monitoring techniques and ecosystem information that will better enable us to assess and evaluate the potential of sediments to further fuel toxic cyanobacteria blooms and bring potentially harmful microplastics into Austin's reservoirs to the detriment of present and

future uses.

- What other vendors can provide these services and why are they not the best fit for the contract? At this time, I am unaware of another lab that combines the skills, technical equipment, and expertise of the UT-JSG groups.

For Other Exceptions from Chapter 252.022:

- Explain the circumstances of the procurement.
- **Prices were determined to be reasonable based on the following (select all that apply):**
 - ☒ Prices are established under a current Cooperative contract.
Notes: **At a minimum, note the contract number, contract title, cooperative entity, and government or entity who created the contract.**
 - ☐ Prices are the same or similar to current City contract.
Notes: **At a minimum, note the City of Austin contract number and title.**
 - ☐ Prices are the same or similar to current contract with another government.
Notes: **At a minimum, note the contract number, title and government that created the contract.**
 - ☐ Prices are on a current and publicly available list price, for the same or similar products, available to all government and commercial customers.
Notes: **At a minimum, note the list price title, source of the list price (catalog and catalog publish date or web address and download date).**
 - ☐ Prices are established by law or regulation.
Notes: **At a minimum, note the legal or regulatory reference that established the prices.**
 - ☐ Other means of determining Price Reasonableness.
Notes: **Describe any other source that was used to establish Price Reasonableness.**

* The questions in the form are designed to justify why this purchase should be exempt from a competitive procurement process. Failure to provide adequate documentation to substantiate the request may lead to the request being rejected.

We do not feel there is another facility that combines the skills, resources, and experience needed to fulfil the goals of the proposed contract.

3. Forward the completed and signed Certificate of Exemption to the Purchasing Office along with the following documentation:
- ☐ Scope of Work or Statement of Work (if applicable)
 - ☐ Vendor's proposal/quote (if applicable)
 - ☐ Project timeline with associated tasks, schedule of deliverables or milestones, and proposed payment schedule
 - ☐ Professional resumes, certifications, and/or licenses (Professional, Personal or Planning Services Only)
 - ☐ Other supporting documentation
4. Because of the above facts and supporting documentation, the City of Austin exempts this procurement from Local Government Code Chapter 252 and intends to contract with:
- (Vendor Name): University of Texas – Jackson School of Geophysics for
- (Description of Procurement): Sediment microplastics, nutrients, and bedforms in Austin's reservoirs
5. Check the contract type (one-time or multi-term) and fill in the dollar amount and term as applicable:
- ☐ This is a one-time request for \$_____
- ☒ This is a multi-term contract request for Twelve (# months for base term) in the amount of \$80,000.00 with one (# of renewal options) for \$80,000.00 each for a total contract amount of \$160,000.00.

Recommended Certification	<i>Brent Bellinger, Ph.D.</i>	10/31/2022
	Originator	Date

Approved Certification	Department Director or designee (For Austin Energy, Deputy General Manager or designee)	Date
	Assistant City Manager or designee* (For Austin Energy, General Manager or designee*)	Date

* Only needed for procurements requiring Council approval)

Purchasing Office Review	Authorized Purchasing Office Staff	Date
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Purchasing Office Management Review (If required due to signature authority level)	Purchasing Officer or designee	Date
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