



## City of Austin Purchasing Office

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

DATE: October 15, 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 Florida International University (FIU) - BBC at Florida and Schonna Manning (Manning Laboratory) is to expand the use of analytical techniques available to screen for toxins and identify the algal species that produce toxins in our drinking and recreational water supplies. After the 2019 harmful algal bloom event, an increased need is recognized to track the development of a bloom and identify and quantify algal toxins that can negatively impact recreational uses of Austin's reservoirs. Early detection through monitoring will enable more accurate prediction of harmful bloom development targeted management strategies toward mitigation, and hopefully, prevention. 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. Schonna Manning Laboratory is unmatched in their algal taxonomic skills, culturing species, and developing the molecular tools that provide the detailed information crucial to understanding the risk posed by an algae bloom.

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

Florida International University Laboratory under the direction of Schonna Manning is unmatched in their algal taxonomic skills, culturing species, and developing the molecular tools that provide the detailed information crucial to understanding the risk posed by an algae bloom. The Principal Investigator has applied her methods to numerous reservoirs and tributaries and is well published in the development and application of the techniques Watershed Protection feels will provide valuable new insight into the ecology of our aquatic systems.

- Does this vendor have a history of working with the City? If so, was it on this particular service? Florida International University - BBC at Florida and Schonna Manning Laboratory, the City specifically worked in 2019 with Schonna Manning Laboratory on molecular screening for toxic algae.
- Is the vendor a City of Austin local vendor? No.
- 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? Schonna Manning Laboratory has a PhD, decades of analytical expertise, numerous trained graduate and post graduate students, publications, and up-to-date information about the state of the methods.
- 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 that will better enable us to assess and evaluate the potential of an algae bloom in our lakes or reservoirs to have toxins present that could be harmful to water users.
- 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 with the culturing and molecular expertise of the Manning Laboratory. The only other identified lab that historically was able to perform this service was the University of Texas under the direction of Schonna Manning (Manning Laboratory). Manning Laboratory has now relocated to FIU – BBC.

**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: **NA200000089 University of Texas**
  - ☐ 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.

Without this contract WPD staff will be unable to continue their toxic algae monitoring in it's current capacity.

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): Florida International University - BBC for
- (Description of Procurement): Molecular and Biochemical Screening for Toxic Algae
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 \$99,910.00 with two (# of renewal options) for \$99,910.00 each for a total contract amount of \$299,730.00.

Recommended Certification      Brent Bellinger, Ph.D.      11/3/2022  
Originator      Date

Approved Certification            11/08/2022  
Department Director or designee      Date  
(For Austin Energy, Deputy General Manager or designee)

      11/09/2022  
Assistant City Manager or designee\*      Date  
(For Austin Energy, General Manager or designee\*)  
\* Only needed for procurements requiring Council approval)

Purchasing Office Review      \_\_\_\_\_  
Authorized Purchasing Office Staff      Date

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