

Fifth Cycle of Regional Water Planning OBTAINING A WRITTEN NOTICE-TO-PROCEED TO EXPEND TASK 5A FUNDS

The regional water planning contract budgets include the total funding amount allocated for Task 5A (Evaluation and Recommendation of Water Management Strategies (WMSs) and associated WMS Projects (WMSPs)) but do not include the scope of work (SOW) subtasks for region-specific WMS evaluations. When a regional water planning group (RWPG) wishes to proceed on **any** subtask associated with Task 5A, they must submit an adequate subtask SOW for the Task 5A budget allocated to the region. This is required for the region to obtain a written notice-to-proceed from the TWDB that releases the Task 5A funds for expenditure. Task 5A is the only regional water planning contract SOW item that requires a notice-to-proceed.

RWPGs should, in general, develop the proposed SOW for potential WMS evaluations after identifying needs. As noted in the current contract SOW, the work effort associated with preparing and submitting a proposed region-specific Task 5A SOW for the purposes of obtaining a written notice-to-proceed from the TWDB is not included in Task 5A and is not reimbursable under the contract.

The process to obtain a written notice-to-proceed is as follows:

1. The RWPGs prepare a proposed SOW associated with the Task 5A budget amount, using the attached excel template. The proposed SOW (and supporting materials) and submission of the notice-to-proceed request to the TWDB must be an action item for approval from the RWPG at a regularly-scheduled public meeting and **with an opportunity for public input** (e.g. at the RWPG meeting where they approve the submittal).
2. The action item(s) should include language to address
 - a) approval and authorization to submit the approved notice-to-proceed request to the TWDB,
 - b) authorization for the consultant and/or political subdivision to work with the TWDB on any follow up information that might be required, and
 - c) authorization for the political subdivision to negotiate and execute the subsequent TWDB contract amendment that will be issued.
3. RWPGs should use the Task 5A subtask scope and budget request excel template provided, which must include enough basic information to allow the TWDB to adequately review the proposed subtask SOW, ensure the associated subtask budget is fully justified, and ensure that all the identified work is eligible under the TWDB's rules and contract. The associated WMSs must have been identified as "potentially feasible" prior to including them in a notice-to-proceed request.
4. The subtask and budget breakdown shall be presented in logical increments that allow the political subdivisions, RWPG members, and the TWDB to evaluate the proposed SOW and associated work effort. Submissions should not include grouping/aggregations that make it unnecessarily difficult for political subdivisions, RWPG members, or the TWDB to judge the amount of associated work, deliverables, or eligibility. Items a-g below provide some general guidance on acceptable levels of aggregation in the proposed SOW:
 - a) WMS groupings for certain types of WMSs may be acceptable for scoping purposes; for example, "Local Groundwater Development." This grouping could represent multiple,

smaller, WMSs for multiple water user groups (WUGs), where the WMSs are of a similar scale for each individual WUG. The individual WUGs would need to be identified in the SOW request.

- b) Multiple WMS evaluations of a larger scale and more complex configuration should not be aggregated into a single line item for scoping purposes, for example, an entity's new water supply Capital Improvement Plan for the next 50 years should not be aggregated into a singular WMS, especially if it includes multiple types of strategies.
 - c) To assist in determining which WMSs are grouped or scoped individually, the RWPG may wish to set a volumetric threshold, for example, WMSs that provide more than 5,000 acre-feet/year would be scoped individually. The definition of an appropriate threshold would be based on the discretion of the RWPG and may be relative to the size of the budget.
 - d) New major water supply development strategies, for example, major reservoirs or major well field development, must be scoped individually.
 - e) WMS evaluations may be aggregated at the WMS type level, as appropriate, however multiple WMS types should not be aggregated. This means, for example, that scoping for reuse WMSs should not be aggregated with conservation WMS evaluations, or groundwater development WMS evaluations.
 - f) WMS Projects (WMSPs) are not expected to be scoped, but if known, they may be discussed in the associated WMS "Scope of Work Write-Up" or "Deliverable" columns of the spreadsheet template, as appropriate.
 - g) For evaluations limited to updating costs of previously recommended or alternative WMSs and associated WMSPs, it is acceptable to aggregate this work by WMS type.
5. The notice-to-proceed submittal to the TWDB must also include the date on which the RWPG presented its overall methodology for identifying potentially feasible WMSs to the public for comment **and** the date on which the RWPG approved the methodology. The process for identifying potentially feasible WMSs must be approved prior to the RWPG taking action on a notice-to-proceed request.
 6. RWPGs' shall submit the formal notice-to-proceed request to their TWDB Project Manager. If the notice-to-proceed request is submitted prior to the RWPG's identification of water needs, the RWPG must also provide an explanation of why the RWPG finds it necessary to start on the associated WMS evaluation(s) before the region's water needs have been identified.
 7. TWDB staff will evaluate the notice-to-proceed request, justifications, proposed subtask SOW and budget and, if necessary, request additional information and negotiate with the RWPG to approve a final Task 5A SOW to go with the proposed subtask budget.
 8. If the notice-to-proceed request is approved by the TWDB, the TWDB will develop a contract amendment to add the new SOW subtasks under Task 5A and issue a notice-to-proceed letter. This is processed as a regular contract amendment that will require signature by the TWDB's Executive Administrator and the RWPG's political subdivision. Please note that:
 - a) RWPGs have the flexibility to submit multiple requests for a notice-to-proceed since they may want to begin evaluating some WMSs even though all of the region's needs may not be known for some time.
 - b) Each notice-to-proceed request requires RWPG approval at a public meeting with opportunity for public input.

- c) RWPGs may wish to leave some of the allocated Task 5A funds out of the proposed subtask SOW budget in order to address potential last-minute changes identified in the planning process, for example, if an entity requests a new WMS to be evaluated late in the cycle.
 - d) In past cycles, some RWPGs have developed a small subtask SOW for “Other WMSs” in order to address cases where entities are considering optional WMSs, but detailed information is not yet known at the time of scoping. In these cases, it would be preferable for the RWPG to scope these subtasks at a later time. If a subtask SOW for “Other WMSs” is approved by the TWDB, the RWPG consultant should brief the RWPG on the proposed work once the details are known, receive approval from the RWPG to perform the evaluation, and report on the scope to be performed to the TWDB in the form of a detailed progress report (this process will not result in an additional SOW amendment). If an “Other WMSs” subtask is proposed, the associated budget should be no more than 10 percent of the total budget allocated to Task 5A, and include a justification as to why such a subtask is necessary at this point plan development.
9. RWPG consultants should not perform work on **any** subtask associated with Task 5A prior to the RWPG taking action to approve the notice-to-proceed request. At the risk that the TWDB does not approve some portion of the proposed subtask SOW, RWPG consultants are permitted to start charging against Task 5A (including standard Task 5A subtasks and region-specific subtasks) from the date the RWPG approved the notice-to-proceed request.
10. The TWDB will not release funds for reimbursement associated with Task 5A until issuance of the written notice-to-proceed.