

RESOLUTION FOR THE MINUTES

A RESOLUTION authorizing the Executive Director to enter into a contract for engineering services to inventory and evaluate the feasibility of options for additional storage to meet potential water supply and flow management needs in the Delaware River Basin.

WHEREAS, Section 3.6 of the *Delaware River Basin Compact* authorizes the Commission to:

Conduct and sponsor research on water resources, their planning, use, conservation, management, development, control and protection, and the capacity, adaptability and best utility of each facility thereof, and collect, compile, correlate, analyze, report and interpret data on water resources and uses in the basin, including without limitation thereto the relation of water to other resources, industrial water technology, ground water movement, relation between water price and water demand, and general hydrological conditions;

and

WHEREAS, the most comprehensive evaluation of storage options in the Basin was performed by the United States Army Corps of Engineers (USACE or “Corps”) at the direction of Congress in the late 1950’s, through 1961, which culminated in the Corps’ *Comprehensive Survey of the Water Resources of the Delaware River Basin* (House Document 522) (Revised, May 1961); and

WHEREAS, during the early 2000’s, the Corps in cooperation with the Commission performed a cursory evaluation of a limited number of storage options, which is described in the 2008 USACE report, *Enhancing Multi-Jurisdictional Use and Management of Water Resources for the Delaware River Basin: NY, NJ, PA and DE*; and

WHEREAS, the Commission’s *State of the Basin Report* (2019) and sections of the *Comprehensive Conservation and Management Plan for the Delaware River Estuary* (CCMP) (Partnership for the Delaware Estuary, 2019) authored by the DRBC staff both recognized potentially significant challenges to management of the Basin’s water resources posed by climate change; and

WHEREAS, ongoing work by the Commission, USACE, United States Geological Survey and others has shown the potential for changes in the seasonality and volume of streamflows, as well as the potential for sea level rise to impact the location of the salt front and the availability of storage to manage salinity in the Delaware River Estuary; and

WHEREAS, Section 2.400 of the Delaware River Basin Water Code, captioned “Design Streamflow Criteria,” provides in relevant part that “[t]he drought of record, which occurred in the period 1961-1967, shall be the basis for determination and planning of dependable Basin water supply ... [and] for planning and development of facilities and programs for control of salinity in the Delaware Estuary” (sec. 2.400.1 – 2.400.2); and

WHEREAS, the Commission deems the development of a comprehensive updated inventory of potential storage options for meeting water resource objectives within the Basin to be prudent at this time, using funds available for this purpose in the Water Supply Storage Facilities Fund; and

WHEREAS, the contemplated study would not include recommendations regarding storage needs or compare storage vs. non-storage alternatives; rather, it would identify and evaluate the feasibility of storage options in the Basin. As such, it would complement ongoing investigations regarding the Francis E. Walter Dam and the Excess Release Quantity (“ERQ”) defined by the Supreme Court Decree of 1954 in the matter of *New Jersey v. New York*, 347 U.S. 995; and

WHEREAS, in connection with the contemplated study the Commission on July 11, 2019 issued a Request for Qualifications (“RFQ”) soliciting Statements of Qualifications and Interest (“SQIs”) from consulting engineering firms, to which it received three SQIs from qualified firms prior to the deadline of Friday, September 13, 2019; and

WHEREAS, on January 28, 2020 the Commission invited the three qualified firms to respond to a Request for Proposals (“RFP”) prior to March 27, 2020; and on February 26, 2020 held a mandatory pre-bid meeting for those firms interested in submitting a proposal; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission:

1. The Executive Director, in consultation with the Commissioners, is authorized to select and enter into a contract with the most qualified vendor that has submitted a conforming proposal and acceptable cost estimate for engineering services to inventory and evaluate options for additional storage to meet potential water supply and flow management needs in the Delaware River Basin.
2. The initial term of such contract shall be 18 months, with an option for one extension.
3. In accordance with Section 14.9, of the *Delaware River Basin Compact*, the competitive bidding provisions of that section are waived in this instance because the services to be provided are of a specialized and professional nature.
4. The contract and any other applicable and appropriate costs to support this project will be funded using the Water Supply Storage Facilities Fund.
5. This Resolution shall take effect immediately.

ADOPTED: March 11, 2020