

A RESOLUTION authorizing the Executive Director in connection with the Commission's Special Protection Waters program to renew an agreement with the Academy of Natural Sciences of Drexel University for the analysis of ambient water and wastewater samples from the non-tidal Delaware River.

WHEREAS, the Commission has established the policy of no measurable change to existing water quality except towards natural conditions in waters it has classified as Special Protection Waters (SPW); and

WHEREAS, with funds from DRBC's Clean Water Act Section 106 program grant, staff of the Commission and the National Park Service (NPS) completed a five-year sampling program to assess existing water quality in the Middle and Upper Delaware SPW and a three-year sampling program to evaluate whether existing water quality in the Lower Delaware SPW has changed since the Commission amended the Water Quality Regulations by permanently classifying this reach as Significant Resource Waters (one of two SPW classifications) in 2008; and

WHEREAS, the Academy of Natural Sciences of Drexel University (ANS) conducted the sample analysis for both the three- and five-year programs, including the specialized analysis required for nutrient SPW parameters; and

WHEREAS, with funds derived from DRBC's Clean Water Act Section 106 program grant and the NPS, Commission and NPS staff are currently conducting sampling of the non-tidal Delaware River to complete and supplement the database created by the five-year and three-year ambient sampling programs; and

WHEREAS, in a complementary program undertaken by DRBC pursuant to an agreement with NPS, DRBC continues to collect wastewater samples from point source discharges to the Lower Delaware for the calibration of a water quality model for this reach; and

WHEREAS, the Commission's Section 106 grant application for calendar year 2012 requests that funds be allocated for analysis of the additional ambient water samples at an estimated cost of approximately \$65,000; funding in the amount of \$15,500 required for wastewater sampling was previously awarded by the NPS; and

WHEREAS, the Commission originally selected ANS as the most qualified bidder for analytical work in connection with the non-tidal sampling programs through a competitive bidding process in 2007; and

WHEREAS, DRBC and ANS entered into an initial three-year agreement with an option (which DRBC exercised) to extend the agreement for an additional two years expiring on December 31, 2011; and

WHEREAS, continued use of ANS to conduct sample analysis will provide continuity and comparability in the data assembled over the extended sampling period; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission:

1. The Executive Director is authorized to renew the Commission’s agreement with the Academy of Natural Sciences dated March 15, 2007, which expired on December 31, 2011, for the analysis of ambient water and wastewater samples from the non-tidal Delaware River.

2. The incremental amount of the agreement for these services shall not exceed \$80,500 or the sum of this amount and any additional funds expressly awarded to the Commission or allocated by it for this purpose.

3. Because the services to be provided are of a specialized nature and the contractor was initially selected through a competitive bidding process, the requirements of Section 14.9 of the Compact are hereby waived in accordance with subsection (5) of that section.

This Resolution shall take effect immediately.

/s/ LTC Chris Becking

Lieutenant Colonel Chris Becking

/s/ Pamela M. Bush

Pamela M. Bush, Esquire, Commission Secretary

ADOPTED: July 11, 2012