

CONSENT AGENDA

Financials

Accounts Payable Check Register

Agenda Item 7-B

Accounts Payable Check Register Report - Citizens State Bank - AP-22-506-1*For The Fiscal Periods Range From 2021-1 To 2021-1**For All Vendors And For Outstanding, Cleared, Voided Checks - Computer Generated*

Check # / eCheck ID	Type	Date	Vendor	Name	Amount	Status
27369	C	10/6/2020	6	Alford Oil Company	\$1,160.25	O
27370	C	10/6/2020	936	Applied Concepts	\$80.00	O
27371	C	10/6/2020	9	Bayer Construction Electric	\$1,336.57	O
27372	C	10/6/2020	14	Burleson County Publishing Co.	\$834.59	O
27373	C	10/6/2020	923	Texas Child Support Disbursement Unit	\$419.54	O
27374	C	10/6/2020	1157	Cintas Corporation	\$52.02	O
27375	C	10/6/2020	28	Comptroller of Public Accounts	\$7,870.00	O
27376	C	10/6/2020	17	Citizens State Bank	\$80.00	O
27377	C	10/6/2020	228	CTWP	\$584.19	O
27378	C	10/6/2020	1078	Grantworks	\$4,852.50	O
27379	C	10/6/2020	1275	JBR Tire & Lube, LLC	\$530.00	O
27380	C	10/6/2020	712	Jones & Carter, Inc.	\$605.00	O
27381	C	10/6/2020	786	NAPCO Chemical Company, Inc.	\$412.50	O
27382	C	10/6/2020	1344	Otto Arnim	\$20.01	O
27383	C	10/6/2020	731	Praxair Distribution, Inc.	\$76.74	O
27384	C	10/6/2020	337	Spencer Schneider	\$200.00	O
27386	C	10/6/2020	1345	Texas First Group Repl. Svc., Inc.	\$2,800.00	O
27387	C	10/6/2020	853	The Bug Stoppers	\$225.00	O
27388	C	10/6/2020	798	Verizon Wireless	\$606.81	O
27389	C	10/6/2020	1219	Waller County Asphalt	\$2,263.20	O
27390	C	10/6/2020	586	UniFirst Holdings, L.P.	\$400.80	O
27391	C	10/7/2020	27	Overall Lumber, Hardware & Rental Equipment	\$430.00	O
27392	C	10/7/2020	1343	Americas Best Value Inn	\$1,503.18	O
27393	C	10/7/2020	1270	Susan Barnett	\$274.18	O
27394	C	10/7/2020	1145	Frontier Communications	\$661.11	O
27395	C	10/15/2020	224	Aflac	\$318.48	O
27396	C	10/15/2020	32	Atmos Energy	\$293.29	O
27397	C	10/15/2020	1281	Ancillary Billing Department	\$94.57	O
27398	C	10/15/2020	22	Entergy	\$3,642.49	O
27399	C	10/15/2020	51	Hart Intercivic	\$1,932.61	O
27400	C	10/15/2020	400	Knight & Partners	\$9,357.00	O
27401	C	10/15/2020	110	Lange Distributing Co., Inc.	\$8.50	O
27402	C	10/15/2020	13	Laser Answering Service, LLC	\$105.68	O
27403	C	10/15/2020	1294	Perdue, Brandon, Fielder, Collins & Mott LLP	\$2,164.86	O
27404	C	10/15/2020	949	Seidel, Schroeder & Co.	\$26,840.00	O

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Check # / eCheck ID	Type	Date	Vendor	Name	Amount	Status
27405	C	10/15/2020	1287	TekSys Net LLC	\$737.50	O
27406	C	10/15/2020	259	The Productivity Center	\$330.00	O
27407	C	10/15/2020	40	Texas Municipal League - IRP	\$1,540.17	O
27408	C	10/15/2020	1105	Watch Guard Video	\$1,985.00	O
27409	C	10/15/2020	1145	Frontier Communications	\$64.14	O
27410	C	10/19/2020	923	Texas Child Support Disbursement Unit	\$419.54	O
27411	C	10/19/2020	923	Texas Child Support Disbursement Unit	\$360.92	O
27412	C	10/19/2020	12	Brazos Valley Solid Waste Management Agency	\$146.72	O
27413	C	10/19/2020	1351	Cavender's Boot City	\$782.95	O
27414	C	10/19/2020	122	Department of State Health Services	\$213.92	O
27415	C	10/19/2020	284	Federal Licensing Inc.	\$110.00	O
27416	C	10/19/2020	779	GT Distributors, Inc.	\$379.75	O
27417	C	10/19/2020	155	Omni Base Services of Texas, LP	\$258.00	O
27418	C	10/19/2020	433	Reddy Ice	\$59.90	O
27419	C	10/19/2020	799	RVS Software	\$179.27	O
27420	C	10/19/2020	39	Texas Commercial Waste	\$14,001.82	O
27421	C	10/19/2020	1344	Otto Arnim	\$46.92	O
27422	C	10/19/2020	95	Bud Cross Ford	\$4,435.52	O
27423	C	10/21/2020	20	DXI Industries, Inc.	\$150.00	O
27424	C	10/21/2020	22	Entergy	\$3,024.82	O
27425	C	10/21/2020	1168	Strand Associates, Inc.	\$428.25	O
27426	C	10/21/2020	1345	Texas First Group Repl. Svc., Inc.	\$2,800.00	O
27427	C	10/21/2020	586	UniFirst Holdings, L.P.	\$400.80	O
27428	C	10/21/2020	1327	Elizabeth Rosser	\$62.72	O
27429	C	10/21/2020	1270	Susan Barnett	\$120.02	O
27430	C	10/28/2020	1352	Any Time Analysis Bryan, Texas	\$120.00	O
27431	C	10/28/2020	2	AT&T	\$86.10	O
27432	C	10/28/2020	889	Blue Cross Blue Shield	\$10,365.34	O
27433	C	10/28/2020	16	Chaparral Laboratories, Inc.	\$1,068.00	O
27434	C	10/28/2020	650	Code Enforcement Association of Texas	\$60.00	O
27435	C	10/28/2020	41	Core & Main	\$410.67	O
27436	C	10/28/2020	20	DXI Industries, Inc.	\$1,424.28	O
27437	C	10/28/2020	1279	First State Bank	\$11,093.24	O
27438	C	10/28/2020	1145	Frontier Communications	\$789.34	O
27439	C	10/28/2020	1269	HDU Services, LLC	\$7,840.00	O

Accounts Payable Check Register Report - Citizens State Bank - AP-22-506-1*For The Fiscal Periods Range From 2021-1 To 2021-1**For All Vendors And For Outstanding, Cleared, Voided Checks - Computer Generated*

Check # / eCheck ID	Type	Date	Vendor	Name	Amount	Status
27440	C	10/28/2020	1275	JBR Tire & Lube, LLC	\$85.00	O
27441	C	10/28/2020	1278	Kologik LLC	\$120.00	O
27442	C	10/28/2020	1344	Otto Arnim	\$34.00	O
27443	C	10/28/2020	656	Ray Criswell Distributing Company	\$89.62	O
27444	C	10/28/2020	549	Virgie B. Nolte, ED.D	\$300.00	O
27445	C	10/28/2020	1266	ZochNet	\$709.80	O
27446	C	10/28/2020	1321	Melinda N. Smith	\$200.00	O
27385	C	10/6/2020	1168	Strand Associates, Inc.	\$6,248.25	V

Cleared	\$0.00
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Outstanding	\$140,869.71
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Void	\$6,248.25
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PRESENTATIONS

John Banks, Tax Attorney

(information will be submitted at
meeting)

Agenda Item 8

ACTION ITEMS

Resolution R20-015

Resolution R20-016

Fair Housing Month Proclamation

2020 TxCDBG Program

Contract 7220439

Agenda Item 11-A thru C



Memo To: Honorable Mayor and City Council Members

From: Kathy Pollock, Code Enforcement Officer/ Assistant to the City Administrator

Date: November 5, 2020

Subject: Community Development Block Grant – 2020 Start up documents

Funding Needed: None

Action Requested:

- A. Discuss, consider and adopt a resolution to designate authorized signatories for the 2020 TxCDBG program Contract 7220439.
- B. Discuss, consider and approve a resolution adopting required CDBG Civil Rights Policies.
- C. Proclaim April as Fair Housing Month. (Note: This proclamation will help to fulfill Fair Housing Activity obligations as required by grant terms).

Details: A series of documents, postings, and resolutions are required to be approved, signed, and submitted and maintained in the grant file as part of the start-up for the 2020 TxCDBG grant. Any questions about these documents, their purpose, or statutory necessity should be addressed to Ms. Vicki Spiess from GrantWorks, Inc.

Attachments:

- 1. Resolution authorizing Signatories (A201) R20-015
- 2. Resolution regarding Civil Rights (A1014) R20-016
- 3. City of Somerville Citizen Participation Plan (A1013)
- 4. Spanish Version of Attachment 3
- 5. Section 3 Policy (A1002)
- 6. Excessive Force Policy (A1003)
- 7. Section 504 Policy Against Discrimination based on Handicap and Grievance Procedures (A1004)
- 8. Over 5% limited English proficiency plan – 7220439 (A1010)
- 9. Fair Housing Policy (A1015)
- 10. Code of Conduct Policy of the City of Somerville
- 11. Proclamation of April as Fair Housing Month (A1007)



- ☒ ATTACHMENT 1
- ☐ ATTACHMENT 2
- ☐ ATTACHMENT 3
- ☐ ATTACHMENT 4
- ☐ ATTACHMENT 5
- ☐ ATTACHMENT 6
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- ☐ ATTACHMENT 11

RESOLUTION AUTHORIZING SIGNATORIES - R20-015

A RESOLUTION BY THE CITY COUNCIL OF CITY OF SOMERVILLE DESIGNATING AUTHORIZED SIGNATORIES FOR CONTRACTUAL DOCUMENTS AND DOCUMENTS FOR REQUESTING FUNDS PERTAINING TO THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (TXCDBG) CONTRACT NUMBER 7220439.

WHEREAS, the City of Somerville has received a 2020 Texas Community Development Block Grant award to provide Water Improvements; and

WHEREAS, it is necessary to appoint persons to execute contractual documents and documents requesting funds from the Texas Department of Agriculture, and;

WHEREAS, an original signed copy of the TxCDBG Depository/Authorized Signatories Designation Form (Form A202) is to be submitted with a copy of this Resolution, and;

WHEREAS, the City of Somerville acknowledges that in the event that an authorized signatory of the City changes (elections, illness, resignations, etc.) the City must provide TxCDBG with the following:

- a resolution stating who the new authorized signatory is (not required if this original resolution names only the title and not the name of the signatory); and
- a revised TxCDBG *Depository/ Authorized Signatories Designation Form (Form A202)*.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SOMERVILLE, TEXAS, AS FOLLOWS:

The Mayor, Mayor Pro-Tem, and City Administrator are authorized to execute contractual and environmental review documents between the Texas Department of Agriculture and the City for the 2020 Texas Community Development Block Grant Program.

The Mayor, Mayor Pro-Tem, City Administrator, Assistant City Administrator, and City Secretary are authorized to execute the *State of Texas Purchase Voucher* and *Request for Payment Form* documents required for requesting funds approved in the 2020 Texas Community Development Block Grant Program.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SOMERVILLE, TEXAS, on November 10th, 2020.

APPROVED:

Micheal Bradford, Mayor

ATTEST:

Rose Rosser, City Secretary

09/01/2020

☐ ATTACHMENT 1

☒ ATTACHMENT 2

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Resolution Regarding Civil Rights - R 20-016**The City of Somerville, Texas**

Whereas, the City of Somerville, Texas, (hereinafter referred to as "City of Somerville") has been awarded TxCDBG funding through a TxCDBG grant from the Texas Department of Agriculture (hereinafter referred to as "TDA");

Whereas, the City of Somerville, in accordance with Section 109 of the Title I of the Housing and Community Development Act. (24 CFR 6); the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107); and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and for construction contracts greater than \$10,000, must take actions to ensure that no person or group is denied benefits such as employment, training, housing, and contracts generated by the CDBG activity, on the basis of race, color, religion, sex, national origin, age, or disability;

Whereas, the City of Somerville, in consideration for the receipt and acceptance of federal funding for the Contract, agrees to comply with all federal rules and regulations including those rules and regulations governing citizen participation and civil rights protections;

Whereas, the City of Somerville, in accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended, and 24 CFR Part 135, is required, to the greatest extent feasible, to provide training and employment opportunities to lower income residents and contract opportunities to businesses in the TxCDBG project area;

Whereas, the City of Somerville, in accordance with Section 104(1) of the Housing and Community Development Act, as amended, and State's certification requirements at 24 CFR 91.325(b)(6), must adopt an excessive force policy that prohibits the use of excessive force against non-violent civil rights demonstrations;

Whereas, the City of Somerville, in accordance with Executive Order 13166, must take reasonable steps to ensure meaningful access to services in federally assisted programs and activities by persons with limited English proficiency (LEP) and must have an LEP plan in place specific to the locality and beneficiaries for each TxCDBG project;

Whereas, the City of Somerville, in accordance with Section 504 of the Rehabilitation Act of 1973, does not discriminate on the basis of disability and agrees to ensure that qualified individuals with disabilities have access to programs and activities that receive federal funds;

Whereas, the City of Somerville, in accordance with Section 808(e)(5) of the Fair Housing Act (42 USC 3608(e)(5)) that requires HUD programs and activities be administered in a manner affirmatively to further the policies of the Fair Housing Act, agrees to conduct at least one activity during the contract period to affirmatively further fair housing; and

Whereas, the City of Somerville, agrees to maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERVILLE, TEXAS, THAT THE CITY OF SOMERVILLE ADOPTS THE FOLLOWING:

1. Citizen Participation Plan and Grievance Procedures (Form A1013);
2. Section 3 Policy (Form A1002);

3. Excessive Force Policy (Form A1003);
4. Section 504 Policy and Grievance Procedures (Form A1004);
5. Limited English Proficiency (LEP) Standards (Form A1010);
6. Fair Housing Policy (Form 1015); and
7. Code of Conduct Policy.

Passed and approved this 10th day of November, 2020.

Signature of Elected Official
City of Somerville

Micheal Bradford
Printed Name of Elected Official

☐ ATTACHMENT 1

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**CITY OF SOMERVILLE
CITIZEN PARTICIPATION PLAN
TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

Note to Grant Recipients regarding Limited English Proficiency (LEP) requirements:

In accordance with federal law, if there is a significant number of the population who are non-English speaking residents and are affected by the TxCDBG project, such citizens should have “meaningful access” to all aspects of the TxCDBG project. To provide ‘meaningful access’, Grant Recipients may need to provide interpreter services at public hearings or provide non-English written materials that are routinely provided in English. Examples of such vital documents include Citizen Participation notices (e.g. complaint procedures, hearing notices) civil rights notices, and any other published notice that may allow an eligible person with limited English proficiency to participate in discussing proposed CDBG activities.

For more information, see LEP.gov.

COMPLAINT PROCEDURES

These complaint procedures comply with the requirements of the Texas Department of Agriculture’s Texas Community Development Block Grant (TxCDBG) Program and Local Government Requirements found in 24 CFR §570.486 (Code of Federal Regulations). Citizens can obtain a copy of these procedures at the City of Somerville offices, 150 8th St., Somerville, TX 77879, (979) 596-1122 during regular business hours.

Below are the formal complaint and grievance procedures regarding the services provided under the TxCDBG project.

1. A person who has a complaint or grievance about any services or activities with respect to the TxCDBG project, whether it is a proposed, ongoing, or completed TxCDBG project, may during regular business hours submit such complaint or grievance, in writing to the Mayor, at City of Somerville at 150 8th St. or P.O. Box 159, Somerville TX 77879, or may call (979) 596-1122.
2. A copy of the complaint or grievance shall be transmitted by the Mayor to the entity that is the subject of the complaint or grievance and to the City Attorney within five (5) working days after the date of the complaint or grievance was received.
3. The Mayor shall complete an investigation of the complaint or grievance, if practicable, and provide a timely written answer to person who made the complaint or grievance within ten (10) days.
4. If the investigation cannot be completed within ten (10) working days per 3. above, the person who made the grievance or complaint shall be notified, in writing, within fifteen (15) days where practicable after receipt of the original complaint or grievance and shall detail when the investigation should be completed.
5. If necessary, the grievance and a written copy of the subsequent investigation shall be forwarded to the TxCDBG for their further review and comment.
6. If appropriate, provide copies of grievance procedures and responses to grievances in both English and Spanish, or other appropriate language.

09/01/2020

TECHNICAL ASSISTANCE

When requested, the City shall provide technical assistance to groups that are representative of persons of low- and moderate-income in developing proposals for the use of TxCDBG funds. The City, based upon the specific needs of the community's residents at the time of the request, shall determine the level and type of assistance.

PUBLIC HEARING PROVISIONS

For each public hearing scheduled and conducted by the City, the following public hearing provisions shall be observed:

1. Public notice of all hearings must be published at least seventy-two (72) hours prior to the scheduled hearing. The public notice must be published in a local newspaper. Each public notice must include the date, time, location, and topics to be considered at the public hearing. A published newspaper article can also be used to meet this requirement so long as it meets all content and timing requirements. Notices should also be prominently posted in public buildings and distributed to local Public Housing Authorities and other interested community groups.
2. When a significant number of non-English speaking residents are a part of the potential service area of the TxCDBG project, vital documents such as notices should be published in the predominant language of these non-English speaking citizens.
3. Each public hearing shall be held at a time and location convenient to potential or actual beneficiaries and will include accommodation for persons with disabilities. Persons with disabilities must be able to attend the hearings and the City must make arrangements for individuals who require auxiliary aids or services if contacted at least two days prior to the hearing.
4. A public hearing held prior to the submission of a TxCDBG application must be held after 5:00 PM on a weekday or at a convenient time on a Saturday or Sunday.
5. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter should be present to accommodate the needs of the non-English speaking residents.

The City shall comply with the following citizen participation requirements for the preparation and submission of an application for a TxCDBG project:

1. At a minimum, the City shall hold at least one (1) public hearing to prior to submitting the application to the Texas Department of Agriculture.
2. The City shall retain documentation of the hearing notice(s), a listing of persons attending the hearing(s), minutes of the hearing(s), and any other records concerning the proposed use of funds for three (3) years from closeout of the grant to the state. Such records shall be made available to the public in accordance with Chapter 552, Texas Government Code.
3. The public hearing shall include a discussion with citizens as outlined in the applicable TxCDBG application manual to include, but is not limited to, the development of housing and community development needs, the amount of funding available, all eligible activities under the TxCDBG program, and the use of past TxCDBG contract funds, if applicable. Citizens, with particular emphasis on persons of low- and moderate-income who are residents of slum and blight areas, shall be encouraged to submit their views and proposals regarding community development and housing needs. Citizens shall be made aware of the location where they may submit their views and proposals should they be unable to attend the public hearing.

09/01/2020

4. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter should be present to accommodate the needs of the non-English speaking residents.

The City must comply with the following citizen participation requirements in the event that the City receives funds from the TxCDBG program:

1. The City shall also hold a public hearing concerning any substantial change, as determined by TxCDBG, proposed to be made in the use of TxCDBG funds from one eligible activity to another again using the preceding notice requirements.
2. Upon completion of the TxCDBG project, the City shall hold a public hearing and review its program performance including the actual use of the TxCDBG funds.
3. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, for either a public hearing concerning substantial change to the TxCDBG project or for the closeout of the TxCDBG project, publish notice in both English and Spanish, or other appropriate language and provide an interpreter at the hearing to accommodate the needs of the non-English speaking residents.
4. The City shall retain documentation of the TxCDBG project, including hearing notice(s), a listing of persons attending the hearing(s), minutes of the hearing(s), and any other records concerning the actual use of funds for a period of three (3) years three (3) years from closeout of the grant to the state. Such records shall be made available to the public in accordance with Chapter 552, Texas Government Code.

Micheal Bradford, Mayor

NOVEMBER 10, 2020
Date

☐ ATTACHMENT 1

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LA CIUDAD DE SOMERVILLE
PLAN DE PARTICIPACIÓN CIUDADANA
PROGRAMA DE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Nota a los receptores de subvención en relación a requisitos de Dominio Limitado del inglés:

De acuerdo con la ley federal hay un número significativo de población que son residentes y que no hablan inglés y son afectados por el proyecto TxCDBG, estos ciudadanos deben tener "acceso significativo" a todos los aspectos del proyecto TxCDBG. Para proporcionar "acceso significativo", receptores de la subvención pueden ser utilizados para proporcionar servicios de interpretación en las audiencias públicas o proporcionar materiales no escritos en inglés que se proporcionan de manera rutinaria en inglés.

Para obtener más información, consulte LEP.gov.

PROCEDIMIENTOS DE QUEJA

Estos procedimientos de queja cumplen con los requisitos del Departamento de Programa de Agricultura de Texas Community Development Block Grant (TxCDBG) y los requisitos del gobierno local de Texas se encuentran en 24 CFR §570.486 (Código de Regulaciones Federales). Los ciudadanos pueden obtener una copia de estos procedimientos en la Ciudad de dirección postal City of Somerville, 150 8th St., Somerville, TX 77879, (979) 596-1122, en horario de oficina.

A continuación se presentan los procedimientos formales de quejas y quejas relativas a los servicios prestados en el marco del proyecto TxCDBG.

1. Una persona que tiene una queja o reclamación sobre cualquiera de los servicios o actividades en relación con el proyecto TxCDBG, o si se trata de una propuesta, en curso o determinado proyecto TxCDBG, pueden durante las horas regulares presentar dicha queja o reclamo, por escrito a la Mayor, a City of Somerville, 150 8th St. o P.O. Box 159, Somerville, TX 77879, (979) 596-1122.
2. Una copia de la queja o reclamación se transmitirá por el alcalde a la entidad que es encargada de la queja o reclamación y al Abogado de la Ciudad dentro de los cinco (5) días hábiles siguientes a la fecha de la queja o día que la reclamación fue recibida.
3. El alcalde deberá cumplir una investigación de la queja o reclamación, si es posible, y dará una respuesta oportuna por escrito a la persona que hizo la denuncia o queja dentro de los diez (10) días.
4. Si la investigación no puede ser completada dentro de los diez (10) días hábiles anteriormente, la persona que hizo la queja o denuncia será notificada, por escrito, dentro de los quince (15) días cuando sea posible después de la entrega de la queja original o quejas y detallará cuando se deberá completar la investigación.
5. Si es necesario, la queja y una copia escrita de la investigación posterior se remitirán a la TxCDBG para su posterior revisión y comentarios.
6. Se proporcionará copias de los procedimientos de queja y las respuestas a las quejas, tanto en inglés y español, u otro lenguaje apropiado.

ASISTENCIA TÉCNICA

Cuando lo solicite, la Ciudad proporcionará asistencia técnica a los grupos que son representantes de las personas de bajos y moderados ingresos en el desarrollo de propuestas para el uso de los fondos TxCDBG. La Ciudad, en base a las necesidades específicas de los residentes de la comunidad en el momento de la solicitud, deberá determinar el nivel y tipo de asistencia.

DISPOSICIONES AUDIENCIA PÚBLICA

Para cada audiencia pública programada y llevada a cabo por la Ciudad, se observarán las disposiciones siguientes de audiencias públicas:

1. Aviso público de todas las audiencias deberá publicarse al menos setenta y dos (72) horas antes de la audiencia programada. El aviso público deberá publicarse en un periódico local. Cada aviso público debe incluir la fecha, hora, lugar y temas a considerar en la audiencia pública. Un artículo periodístico publicado también puede utilizarse para cumplir con este requisito, siempre y cuando cumpla con todos los requisitos de contenido y temporización. Los avisos también deben ser un lugar prominente en los edificios públicos y se distribuyen a las autoridades locales de vivienda pública y otros grupos interesados de la comunidad.
2. Cuando se tenga un número significativo de residentes que no hablan inglés serán una parte de la zona de servicio potencial del proyecto TxCDBG, documentos vitales como las comunicaciones deben ser publicados en el idioma predominante de estos ciudadanos que no hablan inglés.
3. Cada audiencia pública se llevará a cabo en un momento y lugar conveniente para los beneficiarios potenciales o reales e incluirá alojamiento para personas con discapacidad. Las personas con discapacidad deben poder asistir a las audiencias y la Ciudad debe hacer los arreglos para las personas que requieren ayudas o servicios auxiliares en caso de necesitarlo por lo menos dos días antes de la audiencia pública.
4. Una audiencia pública celebrada antes de la presentación de una solicitud TxCDBG debe hacerse después de las 5:00 pm en un día de semana o en un momento conveniente en sábado o domingo.
5. Cuando un número significativo de residentes que no hablan inglés se registra para participar en una audiencia pública, un intérprete debe estar presente para dar cabida a las necesidades de los residentes que no hablan inglés.

La Ciudad deberá cumplir con los siguientes requisitos de participación ciudadana para la elaboración y presentación de una solicitud para un proyecto TxCDBG:

1. Como mínimo, la Ciudad deberá tener por lo menos un (1) audiencia pública antes de presentar la solicitud al Departamento de Agricultura de Texas.
2. La Ciudad conservará la documentación de la convocatoria(s) audiencia, un listado de las personas que asistieron a la audiencia(s), acta de la vista(s), y cualquier otra documentación relativa a la propuesta de utilizar los fondos para tres (3) años a partir de la liquidación de la subvención para el Estado. Dichos registros se pondrán a disposición del público, de conformidad con el Capítulo 552, Código de Gobierno de Texas.

3. La audiencia pública deberá incluir una discusión con los ciudadanos como se indica en el manual correspondiente de aplicación TxCDBG, pero no se limita a, el desarrollo de las necesidades de vivienda y desarrollo comunitario, la cantidad de fondos disponibles, todas las actividades elegibles bajo el programa TxCDBG y el uso de fondos últimos contratos TxCDBG, en su caso. Los ciudadanos, con especial énfasis en las personas de bajos y moderados ingresos que son residentes de las zonas de tugurios y tizón, se fomentará a presentar sus opiniones y propuestas sobre el desarrollo de la comunidad y las necesidades de vivienda. Los ciudadanos deben ser conscientes de la ubicación en la que podrán presentar sus puntos de vista y propuestas en caso de que no pueda asistir a la audiencia pública.
4. Cuando un número significativo de residentes que no hablan inglés se registra para participar en una audiencia pública, un intérprete debe estar presente para dar cabida a las necesidades de los residentes que no hablan inglés.

La Ciudad debe cumplir con los siguientes requisitos de participación ciudadana en el caso de que la Ciudad recibe fondos del programa TxCDBG:

1. La Ciudad celebrará una audiencia pública sobre cualquier cambio sustancial, según lo determinado por TxCDBG, se propuso que se hará con el uso de fondos TxCDBG de una actividad elegible a otro utilizando de nuevo los requisitos de notificación
2. Una vez finalizado el proyecto TxCDBG, la Ciudad celebrará una audiencia pública y revisará el desempeño del programa incluyendo el uso real de los fondos TxCDBG.
3. Cuando un número significativo de residentes que no hablan inglés se puede registra para participar en una audiencia pública, ya sea para una audiencia pública sobre el cambio sustancial del proyecto TxCDBG o para la liquidación del proyecto TxCDBG, publicará un aviso en inglés y español u otro idioma apropiado y se proporcionara un intérprete en la audiencia para dar cabida a las necesidades de los residentes.
4. La Ciudad conservará la documentación del proyecto TxCDBG, incluyendo aviso de audiencia(s), un listado de las personas que asistieron a la audiencia(s), acta de la vista(s), y cualquier otro registro concerniente al uso real de los fondos por un período de a tres (3) años a partir de la liquidación del proyecto al estado.

Dichos registros se pondrán a disposición del público, de conformidad con el Capítulo 552, Código de Gobierno de

Micheal Bradford, Alcalde de la ciudad

November 10, 2020

Fecha

☐ ATTACHMENT 1

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SECTION 3 POLICY

In accordance with 12 U.S.C. 1701u, (Section 3), the City of Somerville agrees to implement the following steps, which, to the *greatest extent feasible*, will provide job training, employment and contracting opportunities for Section 3 residents and Section 3 businesses of the areas in which the program/project is being carried out.

- A. Introduce and pass a resolution adopting this plan as a policy to strive to attain goals for compliance to Section 3 regulations by increasing opportunities for employment and contracting for Section 3 residents and businesses.
- B. Assign duties related to implementation of this plan to the designated Civil Rights Officer.
- C. Notify Section 3 residents and business concerns of potential new employment and contracting opportunities as they are triggered by TxCDBG grant awards through the use of: Public Hearings and related advertisements; public notices; bidding advertisements and bid documents; notification to local business organizations such as the Chamber(s) of Commerce or the Urban League; local advertising media including public signage; project area committees and citizen advisory boards; local HUD offices; regional planning agencies; and all other appropriate referral sources. Include Section 3 clauses in all covered solicitations and contracts.
- D. Maintain a list of those businesses that have identified themselves as Section 3 businesses for utilization in TxCDBG funded procurements, notify those businesses of pending contractual opportunities, and make this list available for general Grant Recipient procurement needs.
- E. Maintain a list of those persons who have identified themselves as Section 3 residents and contact those persons when hiring/training opportunities are available through either the Grant Recipient or contractors.
- F. Require that all Prime contractors and subcontractors with contracts over \$100,000 commit to this plan as part of their contract work. Monitor the contractors' performance with respect to meeting Section 3 requirements and require that they submit reports as may be required by HUD or TDA to the Grant Recipient.
- G. Submit reports as required by HUD or TDA regarding contracting with Section 3 businesses and/or employment as they occur; and submit reports within 20 days of federal fiscal year end (by October 20) which identify and quantify Section 3 businesses and employees.
- H. Maintain records, including copies of correspondence, memoranda, etc., which document all actions taken to comply with Section 3 regulations.

As officers and representatives of the City of Somerville, we the undersigned have read and fully agree to this plan, and become a party to the full implementation of this program.

Micheal Bradford, Mayor

November 10, 2020
Date

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Excessive Force Policy

In accordance with 24 CFR 91.325(b)(6), the City of Somerville hereby adopts and will enforce the following policy with respect to the use of excessive force:

1. It is the policy of the City of Somerville to prohibit the use of excessive force by the law enforcement agencies within its jurisdiction against any individual engaged in non-violent civil rights demonstrations;
2. It is also the policy of the City of Somerville to enforce applicable State and local laws against physically barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction; and
3. The City of Somerville will introduce and pass a resolution adopting this policy.

As officers and representatives of City of Somerville, we the undersigned have read and fully agree to this plan, and become a party to the full implementation of this program.

Signature

Micheal Bradford
Mayor

November 10, 2020
Date

09/01/2020

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Section 504 Policy Against Discrimination Based on Handicap and Grievance Procedures

In accordance with 24 CFR Section 8, Nondiscrimination based on Handicap in federally assisted programs and activities of the Department of Housing and Urban Development, Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and Section 109 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5309), City of Somerville hereby adopts the following policy and grievance procedures:

1. Discrimination prohibited. No otherwise qualified individual with handicaps in the United States shall, solely by reason of his or her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Housing and Urban Development (HUD).
2. City of Somerville does not discriminate on the basis of handicap in admission or access to, or treatment or employment in, its federally assisted programs and activities.
3. City of Somerville's recruitment materials or publications shall include a statement of this policy in 1. above.
4. City of Somerville shall take continuing steps to notify participants, beneficiaries, applicants and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipients that it does not discriminate on the basis of handicap in violation of 24 CFR Part 8.
5. For hearing and visually impaired individuals eligible to be served or likely to be affected by the TxCDBG program, City of Somerville shall ensure that they are provided with the information necessary to understand and participate in the TxCDBG program.
6. Grievances and Complaints
 - a. Any person who believes she or he has been subjected to discrimination on the basis of disability may file a grievance under this procedure. It is against the law for City of Somerville) to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.
 - b. Complaints should be addressed to the Mayor, PO Box 159, Somerville, TX, 77879 or call (979) 596-1122, who has been designated to coordinate Section 504 compliance efforts.
 - c. A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
 - d. A complaint should be filed within thirty (30) working days after the complainant becomes aware of the alleged violation.
 - e. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by the Mayor. Informal but thorough investigations will afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
 - f. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by Mayor, and a copy forwarded to the complainant with fifteen (15) working days after the filing of the complaint where practicable.

- g. The Section 504 coordinator shall maintain the files and records of the City of Somerville relating to the complaint files.
- h. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the determination/resolution as described in f. above. The request for reconsideration should be made to the City of Somerville within ten working days after the receipt of the written determination/resolution.
- i. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the U.S. Department of Housing and Urban Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
- j. These procedures shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and assure that the City of Somerville complies with Section 504 and HUD regulations.

Micheal Bradford, Mayor

November 10, 2020
Date

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Over 5% Limited English Proficiency Plan - 7220439

Name of Grantee:	City of Somerville
Community Population:	1,424
LEP Population:	110 individuals 7.7%
Languages spoken: 1) By more than 5% of the eligible population or beneficiaries and has more than 50 in number; or 2) By more than 5% of the eligible population or beneficiaries but has less than 50 or less in number; or 3) By more than 1,000 individuals in the eligible population in the market area or among current beneficiaries	Spanish

Program activities to be accessible to LEP persons:	
<input checked="" type="checkbox"/>	Public Notices and hearings regarding applications for grant funding, amendments to project activities, and completion of grant-funded project
<input checked="" type="checkbox"/>	Publications regarding TxCDBG application, grievance procedures, <i>complaint procedures, complaint procedures, answers to complaints, notices, notices of rights and disciplinary action</i> , and other vital hearings, documents, and program requirements
<input checked="" type="checkbox"/>	Other program documents: Documents available in Spanish for directly assisted beneficiaries, if applicable.

Resources available to Grant Recipient:	
<input checked="" type="checkbox"/>	Translation services: available upon request
<input checked="" type="checkbox"/>	Interpreter services: available upon request with prior notice
	Other resources: _____

Language Assistance to be provided:	
<input checked="" type="checkbox"/>	Translation (oral and/or written) of advertised notices and vital documents for: <u>Public hearing, Complaint and Grievance, Equal Opportunity, Policy of Non-discrimination Based on Disability Status and Fair Housing notices are available in Spanish. Other CDBG required program notices are available in Spanish upon request.</u>
<input checked="" type="checkbox"/>	Referrals to community liaisons proficient in the language of LEP persons: <u>Spanish-speaking liaisons are available upon request.</u>
<input checked="" type="checkbox"/>	Public meetings conducted in multiple languages: <u>Available upon request with two days advance notice.</u>
<input checked="" type="checkbox"/>	Notices to recipients of the availability of LEP services: <u>Included in translated notices.</u>
	Other services: _____

Signature - Chief Elected Official or Civil Rights Officer

Micheal Bradford
Date

November 10, 2020

09/01/2020

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Fair Housing Policy

In accordance with Fair Housing Act, the City of Somerville hereby adopts the following policy with respect to the Affirmatively Furthering Fair Housing:

1. City of Somerville agrees to affirmatively further fair housing choice for all seven protected classes (race, color, religion, sex, disability, familial status, and national origin).
2. City of Somerville agrees to plan at least one activity during the contract term to affirmatively further fair housing.
3. City of Somerville will introduce and pass a resolution adopting this policy.

As officers and representatives of City of Somerville, we the undersigned have read and fully agree to this plan, and become a party to the full implementation of this program.

Signature

Micheal Bradford
Mayor

November 10, 2020
Date

☐ ATTACHMENT 1

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Code of Conduct Policy of the City of Somerville

As a Grant Recipient of a TxCDBG contract, City of Somerville shall avoid, neutralize or mitigate actual or potential conflicts of interest so as to prevent an unfair competitive advantage or the existence of conflicting roles that might impair the performance of the TxCDBG contract or impact the integrity of the procurement process.

For procurement of goods and services, no employee, officer, or agent of the City of Somerville shall participate in the selection, award, or administration of a contract supported by TxCDBG funds if he or she has a real or apparent conflict of interest. Such a conflict could arise if the employee, officer or agent; any member of his/her immediate family; his/her partner; or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

No officer, employee, or agent of the City of Somerville shall solicit or accept gratuities, favors or anything of monetary value from contractors or firms, potential contractors or firms, or parties to sub-agreements, except where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.

Contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements.

For all other cases, no employee, agent, consultant, officer, or elected or appointed official of the state, or of a unit of general local government, or of any designated public agencies, or subrecipients which are receiving TxCDBG funds, that has any CDBG function/responsibility, or is in a position to participate in a decision-making process or gain inside information, may obtain a financial interest or benefit from the TxCDBG activity.

The conflict of interest restrictions and procurement requirements identified herein shall apply to a benefitting business, utility provider, or other third-party entity that is receiving assistance, directly or indirectly, under a TxCDBG contract or award, or that is required to complete some or all work under the TxCDBG contract in order to meet the National Program Objective.

Any person or entity including any benefitting business, utility provider, or other third party entity that is receiving assistance, directly or indirectly, under a TxCDBG contract or award, or that is required to complete some or all work under the TxCDBG contract in order to meet a National Program Objective, that might potentially receive benefits from TxCDBG awards may not participate in the selection, award, or administration of a contract supported by CDBG funding.

Any alleged violations of these standards of conduct shall be referred to the City of Somerville Attorney. Where violations appear to have occurred, the offending employee, officer or agent shall be subject to disciplinary action, including but not limited to dismissal or transfer; where violations or infractions appear to be substantial in nature, the matter may be referred to the appropriate officials for criminal investigation and possible prosecution.

Passed and approved this 10th day of November, 2020.

Micheal Bradford, Mayor, City of Somerville

These procedures are intended to serve as guidelines for the procurement of supplies, equipment, construction services and professional services for the Texas Community Development Block Grant (TxCDBG) Program. The regulations related to conflict of interest and nepotism may be found at the Texas Government Code Chapter 573, Texas Local Government Code Chapter 171, Uniform Grant Management Standards by Texas Comptroller, 24 CFR 570.489(g) &(h), and 2 CFR 200.318

09/01/2020

ATTACHMENT 1

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PROCLAMATION OF APRIL AS FAIR HOUSING MONTH

WHEREAS Title VIII of the Civil Rights Act of 1968, as amended, prohibits discrimination in housing and declares it a national policy to provide, within constitutional limits, for fair housing in the United States; and

WHEREAS The principle of Fair Housing is not only national law and national policy, but a fundamental human concept and entitlement for all Americans; and

WHEREAS The National Fair Housing Law, during the month of April, provides an opportunity for all Americans to recognize that complete success in the goal of equal housing opportunity can only be accomplished with the help and cooperation of all Americans.

NOW, THEREFORE, WE, the City Council of the City of Somerville, do proclaim April as Fair Housing Month in City of Somerville and do hereby urge all the citizens of this locality to become aware of and support the Fair Housing law.

Passed and adopted by the City Council of the City of Somerville, Burleson County, State of Texas, on the 10th day of November, 2020.

APPROVED:

Micheal Bradford, Mayor

ATTEST:

Rose Rosser, City Secretary

ACTION ITEMS

Resolution R20-017

CDBG 2021 / 2022 Cycle

Agenda Item 11-D



Memo To: Honorable Mayor and City Council Members

From: Kathy Pollock, Code Enforcement Officer/ Assistant to the City Administrator

Date: November 5, 2020

Subject: Community Development Block Grant – 2021-2022 Cycle

Funding Needed: None at this time, possible match requirement to be determined as application is developed

Funding source: 2022- 2023 Budget

Funds available: Should be budgeted from PW funds during annual budget cycle

Expenditure requested: None

Action Requested: Discuss/approve hiring resolution designating an administration service provider for the 2021-2022 TxCDBG Community Development Fund application and project implementation, administered by the Texas Department of Agriculture.

Details: State and Federal law require that the City procure services such as grant writing and administration through a competitive method. Professional service providers are generally sought through a competitive proposal process. In the case of the TxCDBG Grant program, the Texas Department of Agriculture has simplified the process to an extent by creating and maintaining a list of pre-qualified grant administration firms. In order to meet the requirements for competitive procurement the City must identify a number of qualified firms from the list that provide services in our area and are qualified to provide the services that we need. An evaluation team looks at the information submitted to TDA for pre-qualification and makes those selections, which must include at least three firms that meet the criteria for Historically Underutilized Businesses (HUB), such as businesses that are woman owned, minority owned, and /or small businesses. Each selected vendor is sent a cover letter, scoring information, general project information and asked to submit a proposal. The proposals, including price, are evaluated by each team member and scores are combined to determine the best value for the City and make this recommendation to council for hiring.

We sent requests to 6 firms (one bounced), and we received two proposals. There was very little to choose from between the two firms in terms of qualifications. The tipping factor was probably the difference between in house staffing versus the amount of work sub-contracted. There was a negligible difference in the proposed fee that had no real impact. The scoring criteria are as follows:

Factor (Max Points)	GrantWorks	Langford
Experience (25)	20.2	24.2
Prior Work Performance (20)	19.3	18.3
Capacity to Perform (15)	11.7	12
Proposed Cost (25)	25	24.5
Staff Responsiveness (10)	9	7.3
CDBG Certification (5)	5	3.3
Totals (100)	90.2	89.6

Recommendation: The Evaluation Team recommends that GrantWorks, Inc be hired to provide grant application and administrative services for the TxCDBG 2021-2022 grant cycle.

If the council does not select the firm recommended by the Evaluation Committee, a reason for the decision must be provided and documented, so please include a reason for the decision to select another provider in the motion, if applicable.

Additional Information:

1. The contracts for this type of service provide that payment of the consultant is contingent upon award of the grant, which may occur in the first or second year of the cycle, or not at all. One of the factors considered when the granting authorities review the applications is the time elapsed since previous TxCDBG awards. Since we were (finally) awarded a grant to repair the water tower for the 2020 cycle, we may not be awarded funds for the 2021-2022 cycle.
2. The proposed project is to improve drainage in the Goings and WALWRR subdivisions (west of the tracks, Roundhouse, Steeple, Lantern and Spike Streets)

Attachments:

1. Hiring resolution
2. Survey of area where improvements may be made

ATTACHMENT 1

RESOLUTION NO. 20-017

A RESOLUTION OF CITY OF SOMERVILLE, TEXAS, AUTHORIZING THE AWARD OF PROFESSIONAL SERVICE PROVIDER CONTRACT FOR THE 2021-2022 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT FUND.

WHEREAS, the 2021-2022 TxCDBG Community Development Fund contract requires implementation by professionals experienced in the administration of federally-funded community development projects;

WHEREAS, in order to identify qualified and responsive providers for these services a Request for Proposals (RFP) process for administration services has been completed in accordance with Texas CDBG requirements;

WHEREAS, the proposals received by the due date have been reviewed to determine the most qualified and responsive providers for professional services;

NOW, THEREFORE, BE IT RESOLVED:

- Section 1. That Langford Community Management Services, Inc. be awarded a contract to provide Texas CDBG application and project-related **administration services** for the 2021-2022 Texas Community Development Block Grant Fund project.
- Section 2. That any and all contracts or commitments made with the above-named services providers are dependent on the successful negotiation of a contract with the service provider;

PASSED AND APPROVED ON NOVEMBER 10, 2020.

APPROVED:

Micheal Bradford, City Mayor

ATTEST:

Rose Rosser, City Secretary

RESOLUTION NO. 20-017

A RESOLUTION OF CITY OF SOMERVILLE, TEXAS, AUTHORIZING THE AWARD OF PROFESSIONAL SERVICE PROVIDER CONTRACT FOR THE 2021-2022 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT FUND.

WHEREAS, the 2021-2022 TxCDBG Community Development Fund contract requires implementation by professionals experienced in the administration of federally-funded community development projects;

WHEREAS, in order to identify qualified and responsive providers for these services a Request for Proposals (RFP) process for administration services has been completed in accordance with Texas CDBG requirements;

WHEREAS, the proposals received by the due date have been reviewed to determine the most qualified and responsive providers for professional services;

NOW, THEREFORE, BE IT RESOLVED:

- Section 1. That GrantWorks, Inc be awarded a contract to provide Texas CDBG application and project-related **administration services** for the 2021-2022 Texas Community Development Block Grant Fund project.
- Section 2. That any and all contracts or commitments made with the above-named services providers are dependent on the successful negotiation of a contract with the service provider;

PASSED AND APPROVED ON NOVEMBER 10, 2020.

APPROVED:

Micheal Bradford, City Mayor

ATTEST:

Rose Rosser, City Secretary

ATTACHMENT 2

ACTION ITEMS

11th Street Resurfacing

Agenda Item 11-E

AGENDA MEMORANDUM

MEMO TO:

Honorable Mayor and City Council Members

FROM:

Danny Segundo, City Administrator

DATE:

November 3, 2020

SUBJECT:

11th Street Resurfacing

BACKGROUND/INFORMATION:

In an effort to begin the process of repairing city streets we are requesting that City Council consider the resurfacing of 11th Street from Avenue C to 10th Street. Also, we have included the resurfacing of Avenue C from 10th Street to 12th Street. 11th street has never been resealed and thus it is beginning to deteriorate in some spots. We don't want to lose this street due to lack of maintenance, the re-sealing will allow for the street to be resurfaced and this will provide for the extension of life service. The project is identified in the city's Capital Improvement Plan 2020.

The City of Somerville has received three cost estimates for the resurfacing of 11th Street, and Avenue C. The lowest competitive bid the City has received is from Cornerstone Construction. The project will be monitored by the public works department. There is no engineering associated with this project as it is maintenance and not rehabilitation.

RECOMMENDED COUNCIL ACTION: Discuss, consider, approve or (disapprove) authorizing the City Administrator to enter into an agreement with Cornerstone Construction for the resurfacing of 11th Street, and Avenue C.

ATTACHEMENTS:

- 1) Exhibit A – Bid List



Bid Results

2020 Resurfacing of 11th Street

Scope of work:

- Seal coat Ave C. from 10th Street to 12th Street.
- Seal coat 11th Street from Ave. C to Ave H.,
- Seal coat from Ave H to 10th Street.

Bidder and Address	Bid Amount
Knife River Corporation 6310 State Highway 31 West Bryan, Texas 77807	<ul style="list-style-type: none"> • Ave. C (10th – 12th) - \$17,000 • 11th St. (Ave C – Ave H) - \$23,600 • Ave H (11th – 10th) - \$8,500 Total - \$49,100 * If all 3 done at same time cost will be \$39,760
Cornerstone Paving and Construction P.O. Box 170 Lyons, TX 77863	<ul style="list-style-type: none"> • 11th St. (Ave C – 10th St.) - \$27,768.30 • Ave C (10th to 12th) - \$7,475 Total - \$35,243.30
Texcon 1061 Innovation Drive Bryan, TX 77808	<ul style="list-style-type: none"> • 11th St. (Ave C – 10th St.) - \$52,800 • Ave C (10th – 12th) - \$15,000 Total - \$67,800

ACTION ITEMS

City Administrator Contract

Agenda Item 11-F

AGENDA MEMORANDUM

MEMO TO:

Honorable Mayor and City Council Members

FROM:

Danny Segundo, City Administrator

DATE:

November 3, 2020

SUBJECT:

City Administrator Contract

BACKGROUND/INFORMATION:

The City Administrator's contract expires on December 30, 2020. A copy of the contract is attached as Exhibit A. A new contract is attached as Exhibit B for your review. I have updated the dates and removed the last sentence in number 8, that referenced the moving expense stipend. I did provide for a three (3) percent cost of living increase in item number 4.

I'm very excited about the future of Somerville and I would like to continue as the City Administrator. We have many projects coming up, such as the water tower painting, drainage projects on 4th, and 5th street. A possible Community Development Block Grant for a drainage project to improve the drainage easement along the Spike, Lantern, and Steeple. Also, with the recent bond approval, it looks like we will have a road improvement project along 8th Street and Memory Ln.

I look forward to continuing my service to Somerville and thank you for the opportunity to serve this community.

RECOMMENDED COUNCIL ACTION: Discuss, consider, approve or (disapprove), extending the City Administrators contract for two (2) years.

ATTACHEMENTS:

- 1) Exhibit A – City Administrator Contract
- 2) Exhibit B – City Administrator Contract (new)

STATE OF
TEXAS

COUNTY OF
BURLESON

CITY OF SOMERVILLE

CITY ADMINISTRATOR EMPLOYMENT CONTRACT

This contract made and entered into the 18th day of December, 2018 (the "Effective Date"), by and between the City Council of the City of Somerville, Texas acting for the City of Somerville, Texas and Ismael "Danny" Segundo (the "Administrator").

WITNESSETH, THAT:

1. The City of Somerville hereby employs the Administrator as City Administrator for the City of Somerville, Texas to perform the duties of Chief Administrative officer of the City and such other duties set forth in this Agreement and as the City Council assign from time to time. Further, the Administrator shall comply with (collectively "Applicable Laws and Authorities"): state and federal law; all City policies, rules, regulations and ordinances as they exist or may hereinafter be amended; and, all lawful Council directives. All duties assigned to the Administrator by the Council shall be appropriate to and consistent with the professional role and responsibility of the City Administrator position. The Administrator shall perform the City Administrator's Duties with reasonable care, diligence, skill and expertise. Except to the extent prohibited by or in material conflict with Applicable Laws and Authorities, the Administrator or the Administrator's designee shall attend, and shall be permitted to attend, all meetings of the Council, both public and closed, with the exception of those closed meetings devoted to the consideration of any action or lack of action on this Agreement, or any amendment thereto, the Administrator's evaluation, or for purposes of resolving conflicts between individual Council members. The Administrator shall report for work, and the duties and employment of the Administrator shall commence on the 31st day of December, 2018 (the "Commencement Date").
2. The City Administrator shall manage all the day-to-day operations, departments and employees of the City through governance of the various Department Heads who will be accountable to the City Administrator for the performance of their respective Departments. As additional duties to be performed during the period of the contract, the Administrator shall perform the duties of Personnel Director and have direct control and oversight of the Public Works Department for the City of Somerville, Texas.
3. The term of this Agreement shall begin on the Commencement Date and end December 30, 2020, provided, however, that the term of this Agreement shall be subject to earlier termination at the pleasure of the Council, subject to the terms and conditions of Sections 13 below.

4. The City of Somerville shall compensate Administrator by payment of a beginning minimum annual salary of \$80,000.00.
5. This salary shall be paid in biweekly installments in accordance with the City Personnel Policy Manual on the date designated as city paydays in accordance with referenced manual with such payments beginning on the commencement date of this contract.
6. Additionally, the Administrator shall, during the life of this contract, receive additional pay and allowances as may be determined appropriate by the Somerville City Council.
7. The Administrator shall have paid on his/her behalf, or be reimbursed by the City of Somerville for registration or tuition, travel, lodging and per diem expenses, with per diem limited to \$35.00 per day incurred in attending professional meetings, training sessions, legislative sessions and hearings and conferences. Travel and training expenditures must not exceed the approved budgeted amount in the City of Somerville Annual Budget.
8. The Administrator shall, during the life of this contract, be permitted to reside anywhere within a 30-minute commute from his place of residence to the Somerville City Hall. In addition, the City of Somerville will provide the Administrator with a moving expense stipend of \$2,000.00.
9. The City of Somerville shall also pay, or reimburse to the Administrator all fees for membership in professional organizations, societies and associations, as may be necessary, for the Administrator to maintain so that he, and the City, may have benefit of state-of-the-art methods and procedures for management advanced by these organizations. The annual fiscal year payments by the City of Somerville under this provision shall be limited to a total of \$1,000.00.
10. The Administrator shall be entitled to and receive all benefits authorized by the City Personnel Policy, or other directives, and applicable to permanent full-time employees of the City as an incident to their employment relationship with the City. Such benefits shall include, but not be limited to, vacation leave, holiday leave, sick leave, and all other forms of leave and absence as well as insurance programs, retirement programs, tax sheltered annuities and all other employee benefits. During the period of this contract the Administrator shall receive, as a minimum, all benefits and leave granted to other city employees. However, the City Council may grant additional benefits, leave, pay and allowances not paid other city employees, as deemed appropriate by the City Council, to the Administrator.
11. The City of Somerville hereby agrees to provide the Administrator with a vehicle allowance of \$500.00 per month for use of his personal vehicle for business purposes related to his employment as the City Administrator for the City of Somerville.
12. It is recognized that the Administrator is expected to engage in the hours of work that are necessary to fulfill the obligations of the position, must be available at all times, and must devote

a great deal of time outside the normal office hours to the business of the City. The Administrator acknowledges the proper performance of the duties of the City Administrator of the City will require the Administrator to generally observe normal business hours and will also often require the performance of necessary services outside of normal business hours. The Administrator agrees to devote such additional time as is necessary for the full and proper performance of the Administrator's duties and that the compensation herein provided includes compensation for the performance of all such services. However, the City intends that reasonable time off be permitted to the Administrator, such as is customary for exempt employees, so long as the time off does not interfere with the normal conduct of the office of the City Administrator.

The Administrator will devote full time and effort to the performance of the duties of the City Administrator of the City, and shall remain in the exclusive employ of the City during the Term of this Agreement; provided that, with prior consent of the City Council, the Administrator may accept temporary or part time, outside work which will not in any way limit the performance of, or the Administrator's availability for, the Administrator's duties. The term "employed" shall not be construed to include occasional teaching, writing, or consulting performed.

13. In the event the Administrator is terminated by the Council before expiration of the aforesaid term of employment and during such time that the Administrator is willing and able to perform his duties under this agreement, then in that event the City agrees to pay the Administrator a lump sum cash payment equal to the Administrator's full salary and benefits for a three (3) month period from date of involuntary termination. Provided further, however, that, notwithstanding the foregoing, in the event the Administrator is terminated because of his: (a) conviction for a misdemeanor involving official misconduct, moral turpitude or personal gain, or any felony; (b) misappropriation of money in a special fund created by the municipality under Section 101.004, Texas Local Government Code; (c) intoxication while on duty caused by drinking an alcoholic beverage or use of illicit drugs; or (d) his flagrant, repeated disregard of the provisions of this contract, then, in the event, City shall have no obligation to pay the aggregate severance sum designated in this section.

If the Council desires not to continue the employment of the Administrator after the expiration of the Terms of this Agreement, then, in that event, the City shall have no obligations, and the Administrator shall have no entitlement to, the payment of any lump sum cash payment.

In the event that the City at any time during the term of this agreement reduces the salary or other financial benefits of the Administrator in a greater percentage than an applicable across-the-board reduction for all department heads of the City, or in the event the City refuses, following written notice, to comply with any other provision benefitting the Administrator herein, or the Administrator resigns following a suggestion, whether formal or informal, by a majority of Council that he resign, then, in that event, the Administrator may, at his option, be deemed to be "terminated" at the date of such reduction or such referral to comply within the meaning and content of the herein severance pay provision.

If the Administrator voluntarily resigns his position with the City, he shall give the City at least thirty (30) days' notice in advance, unless both parties otherwise agree.

14. Each calendar year, this contract may be reviewed and by written agreement of both parties may be amended. During this same time period, the City Council of the City of Somerville may, by vote in a public meeting, either extend the period of this contract for an additional two years, or allow the remaining term of the contract expire without extension. This vote shall be made a part of the minutes of the meeting at which the contract was considered. This contract may also be extended at other times of the year by an affirmative vote of the City Council of the City of Somerville, duly recorded in the minutes for the meeting at which the vote was taken with such extensions being agreed to by the Administrator.
15. It is further agreed that no verbal agreement entered into between the parties hereto, not covered by this contract, and no written agreement aside from this contract, shall become a part of this contract or bind either party to the same. Any amendments to or contingencies regarding this contract are to be written, made a part of and attached to this contract, agreed to by both parties, and signed by both parties hereto.
16. This contract shall become effective and in force on the 18th day of December, 2018.

This contract approved by the Somerville City Council, in a special called meeting, on the 18th day of December, 2018.

**I ACCEPT AND AGREE TO THIS
THE AGREEMENT AND CONTRACT.**

Ismael "Danny" Segundo, City Administrator

**ACCEPTED AND AGREED FOR
CITY OF SOMERVILLE, TEXAS.**

ATTEST:

Waylon Edwards, Mayor

Ross Rosser, City Secretary

STATE OF
TEXAS

COUNTY OF
BURLESON

CITY OF SOMERVILLE

CITY ADMINISTRATOR EMPLOYMENT CONTRACT

This contract made and entered into the 10th day of November 10, 2020 (the "Effective Date"), by and between the City Council of the City of Somerville, Texas acting for the City of Somerville, Texas and Ismael "Danny" Segundo (the "Administrator").

WITNESSETH, THAT:

1. The City of Somerville hereby employs the Administrator as City Administrator for the City of Somerville, Texas to perform the duties of Chief Administrative officer of the City and such other duties set forth in this Agreement and as the City Council assign from time to time. Further, the Administrator shall comply with (collectively "Applicable Laws and Authorities"): state and federal law; all City policies, rules, regulations and ordinances as they exist or may hereinafter be amended; and, all lawful Council directives. All duties assigned to the Administrator by the Council shall be appropriate to and consistent with the professional role and responsibility of the City Administrator position. The Administrator shall perform the City Administrator's Duties with reasonable care, diligence, skill and expertise. Except to the extent prohibited by or in material conflict with Applicable Laws and Authorities, the Administrator or the Administrator's designee shall attend, and shall be permitted to attend, all meetings of the Council, both public and closed, with the exception of those closed meetings devoted to the consideration of any action or lack of action on this Agreement, or any amendment thereto, the Administrator's evaluation, or for purposes of resolving conflicts between individual Council members. The Administrator shall report for work, and the duties and employment of the Administrator shall commence on the 31st day of December, 2020 (the "Commencement Date").
2. The City Administrator shall manage all the day-to-day operations, departments and employees of the City through governance of the various Department Heads who will be accountable to the City Administrator for the performance of their respective Departments. As additional duties to be performed during the period of the contract, the Administrator shall perform the duties of Personnel Director and have direct control and oversight of the Public Works Department for the City of Somerville, Texas.
3. The term of this Agreement shall begin on the Commencement Date and end December 30, 2022, provided, however, that the term of this Agreement shall be subject to earlier termination at the pleasure of the Council, subject to the terms and conditions of Sections 13 below.

4. The City of Somerville shall compensate Administrator by payment of a beginning minimum annual salary of \$82,400.00.
5. This salary shall be paid in biweekly installments in accordance with the City Personnel Policy Manual on the date designated as city paydays in accordance with referenced manual with such payments beginning on the commencement date of this contract.
6. Additionally, the Administrator shall, during the life of this contract, receive additional pay and allowances as may be determined appropriate by the Somerville City Council.
7. The Administrator shall have paid on his/her behalf, or be reimbursed by the City of Somerville for registration or tuition, travel, lodging and per diem expenses, with per diem limited to \$35.00 per day incurred in attending professional meetings, training sessions, legislative sessions and hearings and conferences. Travel and training expenditures must not exceed the approved budgeted amount in the City of Somerville Annual Budget.
8. The Administrator shall, during the life of this contract, be permitted to reside anywhere within a 30-minute commute from his place of residence to the Somerville City Hall.
9. The City of Somerville shall also pay, or reimburse to the Administrator all fees for membership in professional organizations, societies and associations, as may be necessary, for the Administrator to maintain so that he, and the City, may have benefit of state-of-the-art methods and procedures for management advanced by these organizations. The annual fiscal year payments by the City of Somerville under this provision shall be limited to a total of \$1,000.00.
10. The Administrator shall be entitled to and receive all benefits authorized by the City Personnel Policy, or other directives, and applicable to permanent full-time employees of the City as an incident to their employment relationship with the City. Such benefits shall include, but not be limited to, vacation leave, holiday leave, sick leave, and all other forms of leave and absence as well as insurance programs, retirement programs, tax sheltered annuities and all other employee benefits. During the period of this contract the Administrator shall receive, as a minimum, all benefits and leave granted to other city employees. However, the City Council may grant additional benefits, leave, pay and allowances not paid other city employees, as deemed appropriate by the City Council, to the Administrator.
11. The City of Somerville hereby agrees to provide the Administrator with a vehicle allowance of \$500.00 per month for use of his personal vehicle for business purposes related to his employment as the City Administrator for the City of Somerville.
12. It is recognized that the Administrator is expected to engage in the hours of work that are necessary to fulfill the obligations of the position, must be available at all times, and must devote a great deal of time outside the normal office hours to the business of the City. The Administrator

acknowledges the proper performance of the duties of the City Administrator of the City will require the Administrator to generally observe normal business hours and will also often require the performance of necessary services outside of normal business hours. The Administrator agrees to devote such additional time as is necessary for the full and proper performance of the Administrator's duties and that the compensation herein provided includes compensation for the performance of all such services. However, the City intends that reasonable time off be permitted to the Administrator, such as is customary for exempt employees, so long as the time off does not interfere with the normal conduct of the office of the City Administrator.

The Administrator will devote full time and effort to the performance of the duties of the City Administrator of the City, and shall remain in the exclusive employ of the City during the Term of this Agreement; provided that, with prior consent of the City Council, the Administrator may accept temporary or part time, outside work which will not in any way limit the performance of, or the Administrator's availability for, the Administrator's duties. The term "employed" shall not be construed to include occasional teaching, writing, or consulting performed.

13. In the event the Administrator is terminated by the Council before expiration of the aforesaid term of employment and during such time that the Administrator is willing and able to perform his duties under this agreement, then in that event the City agrees to pay the Administrator a lump sum cash payment equal to the Administrator's full salary and benefits for a three (3) month period from date of involuntary termination. Provided further, however, that, notwithstanding the foregoing, in the event the Administrator is terminated because of his: (a) conviction for a misdemeanor involving official misconduct, moral turpitude or personal gain, or any felony; (b) misappropriation of money in a special fund created by the municipality under Section 101.004, Texas Local Government Code; (c) intoxication while on duty caused by drinking an alcoholic beverage or use of illicit drugs; or (d) his flagrant, repeated disregard of the provisions of this contract, then, in the event, City shall have no obligation to pay the aggregate severance sum designated in this section.

If the Council desires not to continue the employment of the Administrator after the expiration of the Terms of this Agreement, then, in that event, the City shall have no obligations, and the Administrator shall have no entitlement to, the payment of any lump sum cash payment.

In the event that the City at any time during the term of this agreement reduces the salary or other financial benefits of the Administrator in a greater percentage than an applicable across-the-board reduction for all department heads of the City, or in the event the City refuses, following written notice, to comply with any other provision benefitting the Administrator herein, or the Administrator resigns following a suggestion, whether formal or informal, by a majority of Council that he resign, then, in that event, the Administrator may, at his option, be deemed to be "terminated" at the date of such reduction or such referral to comply within the meaning and content of the herein severance pay provision.

If the Administrator voluntarily resigns his position with the City, he shall give the City at least thirty (30) days' notice in advance, unless both parties otherwise agree.

14. Each calendar year, this contract may be reviewed and by written agreement of both parties may be amended. During this same time period, the City Council of the City of Somerville may, by vote in a public meeting, either extend the period of this contract for an additional two years, or allow the remaining term of the contract expire without extension. This vote shall be made a part of the minutes of the meeting at which the contract was considered. This contract may also be extended at other times of the year by an affirmative vote of the City Council of the City of Somerville, duly recorded in the minutes for the meeting at which the vote was taken with such extensions being agreed to by the Administrator.
15. It is further agreed that no verbal agreement entered into between the parties hereto, not covered by this contract, and no written agreement aside from this contract, shall become a part of this contract or bind either party to the same. Any amendments to or contingencies regarding this contract are to be written, made a part of and attached to this contract, agreed to by both parties, and signed by both parties hereto.
16. This contract shall become effective and in force on the 10th day of November 10, 2020.

This contract approved by the Somerville City Council, in a regular called meeting, on the 10th day of November, 2020.

**I ACCEPT AND AGREE TO THIS
THE AGREEMENT AND CONTRACT.**

Ismael "Danny" Segundo, City Administrator

**ACCEPTED AND AGREED FOR
CITY OF SOMERVILLE, TEXAS.**

ATTEST:

Micheal Bradford, Mayor

Ross Rosser, City Secretary

ACTION ITEMS

Police Fleet Vehicles

Agenda Item 11-G

AGENDA MEMORANDUM

MEMO TO:

Honorable Mayor and City Council Members

FROM:

Danny Segundo, City Administrator

DATE:

November 3, 2020

SUBJECT:

Purchasing Police Fleet Vehicle

BACKGROUND/INFORMATION:

During our (Otto, and I) initial review of the Police Department vehicles we discovered that we have a Dodge Charger (2017) that is not in good condition. The mileage on the Charger is approximately 76,191 miles on it. Otto and I decided to include the new chief in any decisions that would be made in regards to the vehicle since any repairs or work involve would be financed by the police department budget.

While discussing options with Chief Sullivan, he informed Otto and I of a program that would allow the delivery of a new fleet vehicle that if purchased this year, no payment would be made on the vehicle until the next budget year. Which, would mean the city would have to budget annual payments for the leased vehicle beginning in fiscal year 2021-22. The vehicle will be financed for five (5) years.

Currently, the police department has five (5) fleet vehicles. Four marked units and one unmarked unit. The intent is to replace the Dodge Charger via the program and to outfit the unmarked vehicle. We are also implementing a fleet management program that will detail responsibilities, maintenance repairs, and vehicle replacement criteria.

At this time, we are asking city council to consider approving the purchase of a 2020 Chevrolet Tahoe at a cost of \$35,400. Additional cost to outfit the vehicle with emergency lighting and controls, prisoner partition, is \$18,365. Total cost of the vehicle is \$54,515. The vehicle will be purchased via the Buyboard contract.

RECOMMENDED COUNCIL ACTION: Discuss, consider, approve or (disapprove) authorizing resolution R20 – 014 for the purchase of a new police fleet vehicle for the Police Department.

ATTACHEMENTS:

- 1) Exhibit A – Caldwell County Chevrolet Quote (Buyboard)
- 2) Exhibit B – Government Capital Proposal
- 3) Exhibit C – Resolution R20 – 014

CALDWELL COUNTRY CHEVROLET

800 HWY. 21 E. CALDWELL, TEXAS 77836

BUYBOARD 601-19

QUOTEEnd User: SOMERVILLECaldwell Rep: MORGEN SWENSENContact: 0Phone: 979-567-6129Phone/email: 0Date: Wednesday, October 21, 2020Product Description: 2020 CHEVROLET TAHOE PPV 2WDemail: MSWENSEN@CAPFLEETUPFITTERS.COA. Bid Series: 23A. Base Price: \$ 35,400.00**B. Published Options [Itemize each below]**

Code	Options	Bid Price	Code	Options	Bid Price
	LH SPOTLIGHT	INCLD		KEYLESS ENTRY	INCLD
	PPV PACKAGE	INCL		TRAILER TOW HITCH	INCLD
	5.3 LV8 6-SPR AUTOMATIC	INCL			
	LOCKING DIFFERENTIAL	INCL			
	DUAL BATTERIES	INCL			
	AMFM-STEREO W/BLUETOOTH	INCL			
	TILT, CRUISE, POWER SEAT	INCL			
	POWER WINDOWS & LOCKS	INCL			
	CLOTH FRONT/VINYL REAR SEATS	INCL			
	FULL RUBBER FLOOR	INCL			
	RUNNING BOARDS	INCL			

Total of B. Published Options: \$ -**C. Unpublished Options [Itemize each below, not to exceed 25%]**\$= 0%

Options	Bid Price	Options	Bid Price

Total of C. Unpublished Options: \$ -COLOR: BLACKDELIVERY: 0

D. Registration, Inspection, Paperwork, Postage cost, Courthouse time, & Runner time:

\$ 150.00E. UPFITTERS: CAP FLEET UPFITTERS CAPQ62865\$ 18,365.00

F. Manufacturer Destination/Delivery:

\$ -

G. Floor Plan Interest (for in-stock and/or equipped vehicles):

\$ -

H. Lot Insurance (for in-stock and/or equipped vehicles):

\$ -

I. Contract Price Adjustment:

0\$ -

J. Additional Delivery Charge:

100 miles\$ 200.00

K. Subtotal:

\$ 54,115.00L. Quantity Ordered 1 x K =\$ 54,115.00M. Trade in: 0\$ -

N. COOP FEE PER PURCHASE ORDER

\$ 400.00

O. TOTAL PURCHASE PRICE WITH COOP FEE

\$ 54,515.00



November 4, 2020

Mr. Danny Segundo
Somerville City Hall
979-596-1122
managercos@somervilletx.gov

Dear Mr. Segundo,

Thank you for the opportunity to present proposed financing for Somerville City Hall. I am submitting for your review the following proposed structure:

ISSUER:	City of Somerville, Texas	
FINANCING STRUCTURE:	Public Property Finance Contract issued under Local Government Code Section 271.005	
EQUIPMENT COST:	\$ 54,515.00	
TERM:	4 Annual Payments	5 Annual Payments
INTEREST RATE:	2.98%	3.125%
PAYMENT AMOUNT:	\$ 14,732.29	\$ 12,005.85
PAYMENTS BEGINNING:	One year from signing, annually thereafter	

Financing for these projects would be simple, fast and easy due to the fact:

- ✓ We have your financial statements on file, expediting the process.
- ✓ We can provide familiar documentation for your legal counsel.

Government Capital is registered with Texas Ethics Commission to be HB 1295 compliant. The above proposal is subject to audit analysis, assumes bank qualification and mutually acceptable documentation. The terms outlined herein are subject to change and rates are valid for fourteen (14) days from the date of this proposal. If funding does not occur within this time period, rates will be indexed to markets at such time. The above payment amount includes \$500 documentation fee.

Our finance programs are flexible and as always, my job is to make sure you have the best possible experience every time you interact with our brand. We're always open to feedback on how to make your experience better. If you have any questions regarding other payment terms, frequencies or conditions, please do not hesitate to call.

With Best Regards,

Stephanie Cates

Stephanie Cates
Client Services
Main: 817-421-5400

The transaction described herein is an arm's length, commercial transaction between you and Government Capital Corporation ("GCC"), in which GCC: (i) is acting solely for its own financial and other interests that may differ from yours; (ii) is not acting as your municipal advisor or financial advisor, and has no fiduciary duty to you with respect to this transaction; and (iii) is not recommending that you take an action with respect to this transaction.

RESOLUTION NO. R20-014

**A RESOLUTION REGARDING A CONTRACT FOR THE PURPOSE OF FINANCING
“VEHICLES”.**

WHEREAS, City of Somerville (the "Issuer") desires to enter into that certain Finance Contract by and between the Issuer and Government Capital Corporation ("GCC") for the purpose of financing “Vehicles”. The Issuer desires to designate this Finance Contract as a "qualified tax-exempt obligation" of the Issuer for the purposes of Section 265 (b) (3) of the Internal Revenue Code of 1986, as amended.

NOW THEREFORE, BE IT RESOLVED BY CITY OF SOMERVILLE:

Section 1. That the Issuer will enter into a Finance Contract with GCC for the purpose of financing “Vehicles”.

Section 2. That the Finance Contract by and between the City of Somerville and GCC is designated by the Issuer as a "qualified tax-exempt obligation" for the purposes of Section 265 (b) (3) of the Internal Revenue Code of 1986, as amended.

Section 3. That the Issuer appoints the City Manager or their designee, as the authorized signer of the Finance Contract by and between the City of Somerville and GCC as well as any other ancillary exhibit, certificate, or documentation needed for the Contract.

Section 4. That should the need arise, if applicable, the City will use loan proceeds for reimbursement of expenditures related to the Property, within the meaning of Treasury Regulation § 1.150-2, as promulgated under the Internal Revenue Code of 1986, as amended.

This Resolution has been PASSED upon Motion made by Council Member _____, seconded by Council Member _____ by a vote of _____ to _____ and is effective this _____, 2020.

Issuer: City of Somerville

Witness Signature

Micheal Bradford, Mayor

Rose Rosse, City Secretary

ACTION ITEMS

Resolution R20-012

Purchasing Policy

Agenda Item 11-H

AGENDA MEMORANDUM

MEMO TO:

Honorable Mayor and City Council Members

FROM:

Danny Segundo, City Administrator

DATE:

November 3, 2020

SUBJECT:

Purchasing Policy

BACKGROUND/INFORMATION:

In the process of reviewing our city purchasing policy, I have made some minor changes to the amount level that may be used to purchase goods and services on behalf of the City of Somerville.

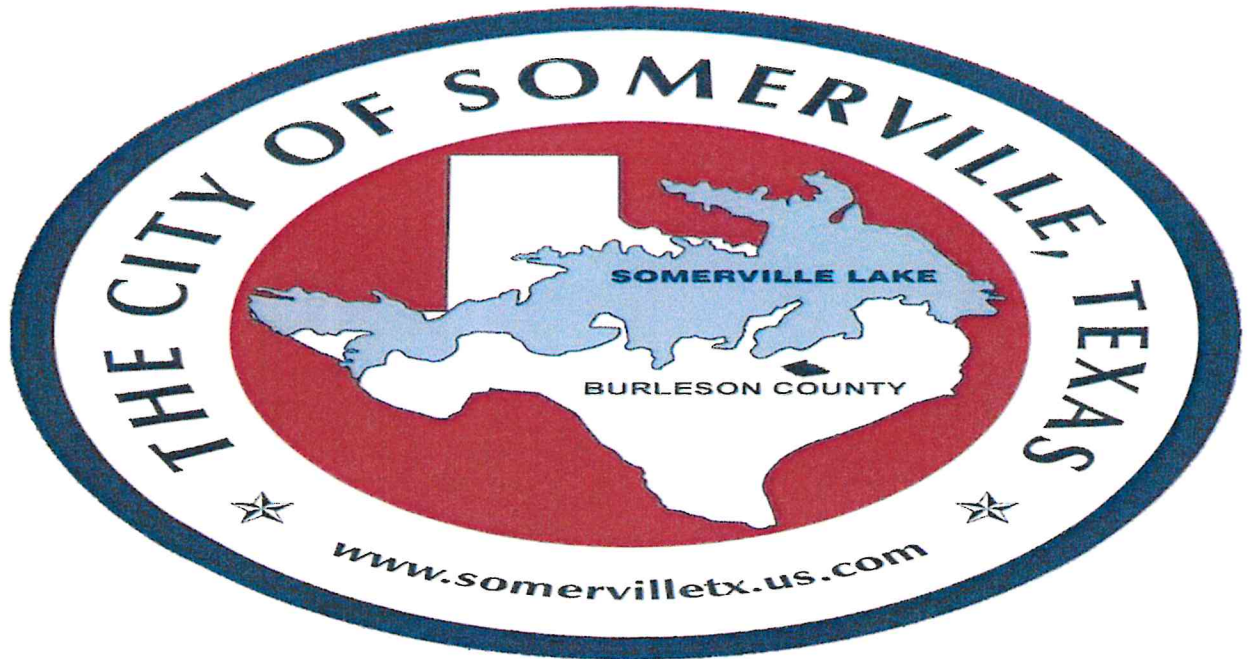
I'm requesting that City Council approve raising the amount from \$3,000 to \$5,000 for the purchasing of goods and services by the City Administrator. Also, I'm proposing that we increase the department head spending authorization from \$250 to \$1,000, provided that the cost of such items is covered by budgeted funds.

The proposed changes can be found in exhibit A, and are highlighted in red.

RECOMMENDED COUNCIL ACTION: Discuss, consider, approve or (disapprove), approving Resolution R20-012, revising the city's purchasing policy to increase the authorized spending for the city administrator and department heads.

ATTACHEMENTS:

- 1) Exhibit A – Purchasing Policy (old)
- 2) Exhibit B – Purchasing Policy (new)



CITY OF SOMERVILLE, TEXAS PURCHASING POLICY

UPDATED: NOVEMBER 10, 2020

STATEMENT OF GENERAL POLICY

- I. It is the policy of the City of Somerville that all purchasing shall be conducted strictly on the basis of economic and business merit. This policy is intended to promote the best interest of the citizens of the City of Somerville, Texas.
- II. In order to assure an open purchasing process and economy in purchasing, the Somerville City Council has determined that competitive price comparisons will be used as much as possible in the purchase of goods and services for the City. Within the framework of competitive pricing, the city of Somerville may use the “best value” option whenever allowable under state purchasing laws and requirements.
- III. The City of Somerville shall follow the applicable procurement and purchasing laws related to professional services as per Chapter 2254 of the Texas Government Code for Engineering, Architectural and other professional services included in the act.
- IV. The City of Somerville intends to comply with the requirements of 2 CFR 200 as appropriate for projects and programs funded partially or wholly by Federal Grant funds, including FEMA proceeds.
- V. The City of Somerville intends to maintain a cost-effective purchasing system conforming to good management practices. To be successful, the system must be backed by proper attitudes and cooperation of not only every department head and elected official, but also by every employee of the City of Somerville. The establishment and maintenance of a good purchasing system is possible only through cooperative effort and education.
- VI. It is important to remember the city purchasing operates in full view of the public.

PURCHASING POLICY

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SECTION 1. GENERAL

A. GOVERNING AUTHORITY

1. The primary governing authority for the City of Somerville's Purchasing Policy shall be Local Government Code Chapter 252, "Purchasing and Contracting Authority of Municipalities." All procurement activity shall be governed by the Purchasing Policy, in accordance with applicable state and local government codes. The Mayor and Council shall review the Purchasing Policy from time to time review and changes shall be adopted by council resolution.
2. All powers of the City vest in the City Council. Authority for purchasing of goods and services is delegated to the City Administrator, provided the purchase does not exceed \$3,000.00 (change to \$5,000).
3. All purchases and requisitions in excess of \$1,000.00 will be reported to Council monthly. The report will include the vendor, purchase, amount, and source of funds for the expenditure. (its in budget report)

B. PURPOSE AND SCOPE

1. The Purchasing Policy applies to the procurement and purchasing activities of the City of Somerville. All procurement activities for the City shall be administered in accordance with the provisions of this policy, with the express intent to promote open and fair conduct in all aspects of the procurement process.

C. OBJECTIVES

1. The Purchasing Policy is adopted to ensure that the City complies with federal, state and local statutes regulating competitive sealed bids, competitive sealed proposals, professional services, cooperative purchases, emergency purchases, sole-sourced purchases and specific requirements for procurement related to grants or other federally funded programs or projects. The City Administrator or his designee will work with department heads for all competitive procurements as required by law, evaluate bids and proposals, and make recommendations to the City Council for awarding of purchases and contracts as required by this policy.
2. Every city employee and staff member have the responsibility to obtain the most value for the tax dollar in a fair, efficient, and equitable manner. To achieve this objective the City Council adopts the goal of fairness to ensure that all who wish to compete for the opportunity to sell or provide services to the City of Somerville can do so. Our policy is intended to:
 - a. Give all suppliers full, fair, prompt and courteous consideration;
 - b. Encourage open and fair competition;
 - c. Do not apply unreasonable qualifications including excessive bonding requirements to possible vendors, suppliers or contractors.
 - d. Provide clear and adequate specifications technical requirements and standards for all materials, products and services to be supplied;
 - e. Ensure that vendors are provided with adequate information and time to prepare and submit bid or proposal documents; and

- f. Observe strict truthfulness and the highest ethics in all transactions

D. CODE OF CONDUCT.

1. Employees, officers and agents of the City who are involved in the procurement and selection of bids and purchases shall make reasonable efforts to avoid real, apparent, or potential conflicts of interest. No employee, officer or agent of the City shall participate in selection, award, or administration of a contract if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when any of the following parties has a financial or personal interest in the firm/vendor selected for award:
 - a. the employee, officer or agent,
 - b. any member of his or her immediate family,
 - c. his or her partner,
 - d. or an organization which employs, or is about to employ, any of the above persons.
2. An employee, officer, elected official or agent of the City who is involved in the procurement and selection of a bid or purchase and who has a real or apparent conflict of interest must disclose that conflict of interest in accordance with TLGC Section XXX before the bid selection or purchase takes place. Such disclosure must be documented in the minutes for that meeting which shall be retained as part of the official record surrounding the bid or purchase.
3. Officers, employees and agents of the City will not solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub-agreements, and shall not engage in any private business or professional activity that would create a conflict between the interests of the individual and the City of Somerville.
4. Personnel involved in procurement or purchasing activities shall handle confidential or proprietary information belonging to the City, contractors, vendors or suppliers with due care and proper consideration of ethical and legal ramifications and governmental regulations.
5. All city of Somerville staff and officers shall promote positive supplier relationships through courtesy and impartiality in all phases of the purchasing cycle.
6. All staff, officer and elected officials of the city of Somerville have a duty to report fraud or corruption whenever it is observed or uncovered.
7. Officers, employees and agents who fail to follow the above Code of Conduct may be sanctioned or disciplined, to the extent of permitted by law, for violations of the above standards.

SECTION 2. PROCURMENT AND PURCHASING WITH CITY FUNDS

A. COMPETITIVE PURCHASING REQUIREMENTS

1. Sealed competitive bids may be used for purchases at any level and shall be used for all purchases exceeding the Small Purchase Threshold of \$50,000. Under no

circumstances shall multiple requisitions be used in combination to avoid other applicable bidding requirements or City Council approval.

2. Micro-purchases (Up to ~~\$3,000.00~~ (change to \$5,000)).
 - a. Purchases less than \$1,000.00 do not require competitive bidding or written quotes, although obtaining multiple quotes is encouraged wherever possible. Department heads may authorize routine small purchases of up to ~~\$250.00~~, (change to \$1,000). provided that the cost of such items is covered by budgeted funds.
 - b. The city administrator shall approve all purchases in excess of ~~\$250.00~~. (change to \$1,000).
 - c. It is recognized and accepted that it may be advantageous to make minor purchases locally to avoid shipping or travel costs.
 - d. If the cost of an item purchased in Somerville does not exceed 110% of the same item purchased elsewhere, the City Council supports purchasing locally in this range.
 - e. Three or more quotes are preferred for purchases totaling \$1,001 to ~~\$3,000~~. (change to \$5,000). Request for such quotes may be informal, but shall be documented by city staff and confirmed by email or fax wherever possible. If any two solicitations for quotes are returned with no bid or declined by the vendor, they shall count as one quote. Quotes may be solicited and compiled by the department head, but shall be approved by the city administrator with the Mayor's consent, and such purchases will be included in the monthly City Council report.
 - f. A list of vendors solicited and quotes shall be retained at least until the purchase has been submitted for Council to review.
3. Small Purchases (~~\$3,001~~ (change to \$5,000) - \$50,000)
 - a. The State of Texas Small Purchase Threshold is \$50,000. This threshold is more restrictive than the Federal threshold, and therefore governs Texas municipalities.
 - b. Although not required, formal competitive procurement methods such as sealed bids, request for proposal, and request for offers may be used for small purchases. The City Administrator and department head of the requesting department shall determine the procurement method that will yield the best value for the city for a specific project or purchase.
 - c. The City Administrator, his designee or the head of the requesting department will be responsible for obtaining formal quotes or sealed bids for purchases over ~~\$3,000.00~~ (change to \$5,000). up to \$50,000.00. These quotes or bids, along with a recommendation, will be submitted to City Council for approval at a regular or special called meeting. City council may select the vendor recommended by staff, select a different vendor, or reject all bids.
4. Purchases over the Small Purchase Threshold (over \$50,000)
 - a. Except as otherwise exempted by applicable State or Federal law, requisitions for item(s) or services whose aggregate total cost is more than \$50,000 must

be obtained through competitive solicitations (e.g. sealed bids, requests for proposals, and requests for offers.)

Texas Local Government Code Chapter 252, Subchapter B, defines the requirements for competitive bids as follows:

- i. Before a municipality may enter into a contract that requires an expenditure of more than \$50,000 from one or more municipal funds, the municipality must:
 - comply with the procedure prescribed by this subchapter and Subchapter C for competitive sealed bidding or competitive sealed proposals;
 - use the reverse auction procedure, as defined by Section 2155.062(d), Government Code, for purchasing; or
 - comply with a method described by Chapter 2269, Government Code.
 - b. A municipality may use the competitive sealed proposal procedure for the purchase of goods or services, including high technology items and insurance.
 - c. The governing body of a municipality that is considering using a method other than competitive sealed bidding must determine, before notice is given, the method of purchase that provides the best value for the municipality. If the competitive sealed proposals requirement applies to the contract, the municipality shall consider the criteria described by Section 252.043(b) and the discussions conducted under Section 252.042 to determine the best value for the municipality.
 - d. The governing body may delegate, as appropriate, its authority under this subsection to a designated representative.
 - e. This chapter does not apply to the expenditure of municipal funds that are derived from an appropriation, loan, or grant received by a municipality from the federal or state government for conducting a community development program established under Chapter 373, if under the program, items are purchased under the request-for-proposal process described by Section 252.042. A municipality using a request-for-proposal process under this subsection shall also comply with the requirements of Section 252.0215.
5. Texas Local Government Code Chapter 252, Subchapter D outlines the penalties for violation of the purchasing requirements under state law:
- a. A municipal officer or employee commits an offense if the officer or employee intentionally or knowingly makes or authorizes separate, sequential, or component purchases to avoid the competitive bidding requirements of Section 252.021. An offense under this subsection is a Class B Misdemeanor.
 - b. A municipal officer or employee commits an offense if the officer or employee intentionally or knowingly violates Section 252.021, other than by conduct described in subsection(a). An offense under this subsection is a Class B Misdemeanor.
 - c. A municipal officer or employee commits an offense if the officer or employee intentionally or knowingly violates this chapter, other than by conduct described by subsection (a) or (b). An offense under this subsection is a Class C Misdemeanor.

6. Conviction for any of these offenses may result in immediate removal from office or employment, or incur other penalties as permitted under law.

B. AWARD OF CONTRACT

1. It is the intent of the City of Somerville to award all contracts based on criteria deemed in the best interest of the City as permitted by law.
2. If the Competitive sealed bidding requirement applies to the contract for good or services, the contract must be awarded to the lowest responsible Bidder or the Bidder that provides goods or services to the City of Somerville at the best value for the municipality.
3. Before awarding a contract under this section, a municipality must indicate in the bid specifications and requirements that the contract may be awarded either to the lowest responsible bidder or to the bidder who provides goods or services at the best value for the municipality.
4. To determine the best value for the city, the city may consider the following:
 - a. The purchase price;
 - b. The reputation of the bidder and of the bidder's goods or services;
 - c. The quality of the bidder's goods or services;
 - d. The extent to which the goods or services meet the municipality's needs;
 - e. **The bidder's past relationship with the municipality;**
 - f. The impact on the ability of the municipality to comply with laws and rules relating to contracting with historically underutilized businesses and nonprofit organizations employing persons with disabilities;
 - g. The total long-term cost to the municipality to acquire the bidder's goods or services; and
 - h. Any relevant criteria specifically listed in the request for bids or proposals.

C. PROFESSIONAL SERVICES

1. Personal and professional services are exempted from the competitive bidding process and are procured through the use of Request for Qualifications (RFQ) documents. The Purchasing Division is available to consult with departments regarding the preparation of information; the presentation of technical and qualifications aspects of personal and/or professional services included in the RFQ documents is the sole responsibility of the City Administrator or his designee.
2. In procuring architectural, engineering, or land surveying services, the city shall:
 - a. First select the most highly qualified provider of those services on the basis of demonstrated competence and qualifications; and
 - b. Attempt to negotiate with that provider a contract at a fair and reasonable price.
3. If a satisfactory contract cannot be negotiated with the most highly qualified provider of architectural, engineering, or land surveying services, the city shall formally end negotiations with that provider;
 - a. Select the next highly qualified provider; and

- b. Attempt to negotiate a contract with that provider at a fair and reasonable price.
- 4. The city shall continue the process described in Subsection (3) to select and negotiate with providers until a contract is entered into.
- 5. Texas Government Code, Chapter 2254, Subchapter A, Professional Services, states that contracts for the procurement of defined professional services may not be awarded on the basis of competitive bids. Instead, they must be awarded on the following basis:
 - a. Demonstrated competence and qualifications to perform the services;
 - b. For a fair and reasonable price; and
 - c. Such price must not exceed any maximum provided by law, as applicable.
- 6. For the purposes of TGC Chapter 2254 and this policy, professional services are defined as those “services within the scope of the practice” of
 - Accounting,
 - Architecture,
 - Landscape architecture,
 - Land surveying,
 - Medicine,
 - Optometry,
 - Professional engineering,
 - Real estate appraising,
 - Professional nursing,

And include services provided in connection with the professional employment or practice of a person who is licensed or registered as a:

- Certified public accountant,
- An architect,
- A landscape architect,
- A land surveyor,
- A physician, including a surgeon,
- An optometrist,
- A professional engineer,
- A state certified or state licensed real estate appraiser, or
- A registered nurse.

D. COOPERATIVE PURCHASES

1. Cooperative purchasing occurs when two or more governmental entities coordinate some or all purchasing efforts to: reduce administrative costs, take advantage of quantity discounts, share specifications, and create a heightened awareness of legal requirements. Cooperative purchasing can occur through interlocal agreements, state contracts, and joint purchases. Some purchases under certain forms of interlocal agreement may not be reimbursable under 2 CFR for FEMA grants.

2. The City Manager shall take advantage of the following types of cooperative purchases when deemed to be in the City's best interest:
 - a. Interlocal Agreement Purchases
 - b. State Contract Purchases
 - c. Joint Purchases

E. EMERGENCY PURCHASES

1. Valid emergencies are those that occur as a result of breakdown or equipment which must be kept in operation to maintain the public's safety or health, or whose breakdown would result in the disruption of City operations or cause additional damage to city equipment or facilities. Such purchases have been exempted from sealed bidding as per Texas Local Government Code Section 252.022(a), and include but not limited to:
 - 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 the municipality.
 - b. Procurement necessary to preserve or protect the public health or safety of the municipality's residents;
 - c. Procurement necessary because of unforeseen damage to public machinery, equipment or other property.
2. If the emergency is such that a delay of 72 hours as required to call an emergency City Council meeting is anticipated to result in loss of life, injury, public health hazards, or loss of city property, damage to a critical city facility or to city equipment, the City Administrator may request approval for such purchase under a declaration of emergency by the Mayor. Such purchases shall be followed immediately by an emergency called meeting of the City Council.
3. Purchases made subsequent to a natural disaster where application for FEMA funds is anticipated must comply with procurement requirements as per 2 CFR §200.317-326 and FEMA guidelines. Services and goods not obtained in compliance with the FEMA procurement requirements may be disallowed.

F. SOLE SOURCE PURCHASES

1. Sole-source purchases are items that are available from only source because of patents, copyrights, secret processes, or natural monopolies. The legislature exempted certain sole source items from sealed bidding requirements (Local Government Code Section 252.022 7), as follows:
2. Procurement of items available from only one source, including:
 - a. Items that are available from only one source because of patents, copyrights, secret processes, or natural monopolies;
 - b. Films, manuscripts, or books
 - c. Gas, water and other utility services;
 - d. Captive replacement parts or components for equipment;

- e. Books, papers, and other library materials for public library that are available only from the person holding exclusive distribution rights to the materials; and
 - f. Management services provided by a nonprofit organization to a municipal museum, park, zoo, or other facility to which the organization has provided significant financial or other benefits.
3. When a department has identified a specific item with unique features or characteristics essential and necessary to the requesting department and no alternate products are available, a detailed written justification must be provided to the City Administrator in advance of the purchase for review and approval.

G. OTHER PURCHASING CONSIDERATIONS

1. Historically Underutilized Businesses
 - a. If the city considers expending between ~~\$3,000~~ \$5,000 and \$50,000 on goods or services, at least two historically underutilized businesses provide the goods or services the city is seeking.
 - b. Contact with historically underutilized businesses shall be made by first class mail with signature service, and proof of mailing shall be maintained with the records for the contract.
 - c. The city shall use the list of HUB's provided by the Comptroller's Office to determine whether or not such businesses exist. If there are more than two such businesses in the county, the city may contact the listed businesses on a rotating basis.
 - d. The city is only excused from this notification requirement if that are no such businesses located in the county in which the city is located.
 - e. If the expenditure is for less than \$3,000 or for more than \$50,000, this special notification requirement does not apply for purchases made with City funds.

SECTION 3. PROCUREMENT POLICIES AND PROCEDURES FOR FEDERAL GRANTS

A. POLICIES

1. Those closely involved in the establishment of the written selection criteria and selection shall have no potential conflicts of interest with any of the individuals, firms, or agencies under review (e.g., family relationships, close friendships, business dealings). Any person who might potentially receive benefits from grant-assisted activities may not participate in the decision-making process. Nepotism and conflict of interest regulations can be found in the Texas Government Code Chapter 573, Texas Local Government Code Chapter 171, and 2 CFR 200.318(c)(1).
2. All procurement transactions will be conducted in a manner providing full and open competition.

- a. No unreasonable requirements are placed on firms in order for them to qualify.
 - b. No unnecessary experience or excessive bonding required.
 - c. Noncompetitive pricing practices between firms or between affiliated companies are disallowed.
 - d. Noncompetitive contracts are disallowed except for when there is an approved exception
 - e. No organizational conflicts of interest
 - f. If a “brand name” product is specified, an equal or like product is acceptable.
 - g. A vendor that intends to respond to the Request for Proposals, Request for Qualifications and/or Invitation for Bid may not participate in the development or drafting of specifications, requirements, statements of work, or invitations for bids or requests for proposals, including, but not limited to, the development of the scoring criteria, the final selection of firms to be contacted, or the scoring of proposals.
3. All procurement transactions shall incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured.
 4. All procurement transactions shall identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.
 5. All contracts shall contain the applicable provisions and contract clauses related to procurement required by Appendix 2 of the Uniform Rules (Contract Provisions for Non-Federal Entity Contracts Under Federal Awards).
 6. If the City of Somerville uses a prequalified list when acquiring goods or services, the City of Somerville will ensure the list is updated regularly, provides enough qualified sources to ensure maximum open and free competition.
 7. All procurement transactions must conform to applicable local, state, and federal laws and regulations.
 8. Small and minority businesses, women’s business enterprises, and labor surplus area firms are encouraged to participate. If the awarded vendor is a prime contractor and may use subcontractors, the following affirmative steps are required of the prime contractor:
 - a. Placing qualified small and minority businesses and women’s business enterprises on solicitation lists;
 - b. Assuring that small and minority businesses, and women’s business enterprises are solicited whenever they are potential sources;

- c. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
- d. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
- e. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and Minority Business Development Agency of the Department of Commerce.

B. PROCEDURES

1. Procurement Cycle Steps

- a. Need Defined- City of Somerville or the requesting department submits request and specifications.
- b. Procurement Method Selected- Based on type and estimated cost of good/service as well as purchasing authority, purchaser determines the procurement method that will result in a best value acquisition for the City of Somerville.
- c. Solicitation- The City of Somerville creates the appropriate solicitation document, with terms and conditions and evaluation criteria clearly defined, and notifies vendor sources for an informal or formal bid process.
- d. Receipt of Bids and Responses to Solicitation- Vendors submit their response to the solicitation.
- e. Evaluation and Awards- The City of Somerville review the responses from vendors, determine compliance with the solicitation and make an award recommendation based on the predefined best value criteria.

- 2. The City of Somerville will use one of the following five methods of procurement described at 2 CFR Section 200.320: (1) procurement by micro-purchases, (2) procurement by small purchase procedures, (3) procurement by sealed bids, (4) procurement by competitive proposals, or (5) procurement by noncompetitive proposals.

C. PROCUREMENT METHODS

1. Simplified Acquisition Procedures for Purchases Below Micro-Purchase Threshold

- a. For purposes of this section, the micro-purchase threshold is ~~\$3,000~~ \$5,000.
- b. Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (\$200.67 Micro-purchase).
- c. To the extent practicable, the City of Somerville must distribute micro-purchases equitably among qualified suppliers.

- d. Micro-purchases may be awarded without soliciting competitive quotations if the non-Federal entity considers the price to be reasonable.
2. Small Purchases
- a. Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the Simplified Acquisition Threshold.
 - b. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources.
 - c. For service contracts that are under the small purchase threshold and do not fall under professional services as defined in Section 2254.002(2) of Local Government Code, the City of Somerville may receive quotes and award the contract to any reasonable and responsible bidder.
 - d. The local governing body has the final authority to award contracts.
3. Construction and Materials Contracts
- a. In order for sealed bidding to be feasible, the following conditions should be present:
 - i. A complete, adequate, and realistic specification or purchase description is available;
 - ii. Two or more responsible bidders are willing and able to compete effectively for business; and
 - iii. The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.
 - b. If sealed bids are used, the following requirements apply:
 - i. Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids, for local, and tribal governments, the invitation for bids must be publicly advertised;
 - ii. The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
 - iii. All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be open publicly;
 - iv. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
 - v. Any or all bids may be rejected if there is a sound documented reason.
4. Professional Services Contracts

- a. This method is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:
 - (i) Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;
 - (ii) Proposals must be solicited from an adequate number of qualified sources;
 - (iii) The City of Somerville must have written method for conducting technical evaluations of the proposals received and for selecting recipients;
 - (iv) Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and
 - (v) The City of Somerville may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services through A/E potential source to perform the proposed effort.

5. Noncompetitive Proposals

- a. This method may be used only when one or more of the following circumstances apply:
 - (i) The item is available only from a single source;
 - (ii) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
 - (iii) The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request; or
 - (iv) After solicitation of a number of sources, competition is determined inadequate.

A. POLICY IMPLEMENTATION

These Policies and Procedures are implemented by the City of Somerville's administrative team of the City Administrator, City Secretary, and Assistant to the City Administrator.

Mayor

Date

Resolution R18-013-~~R20-XXX~~

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOMERVILLE
INSTITUTING A REVISED PURCHASING POLICY FOR THE CITY; AND
INCORPORATING PROCUREMENT AND PURCHASING POLICIES AND
PRACTISES FOR THE AWARD OF FEDERAL GRANTS.**

WHEREAS, the City Council adopted the current Purchasing Policy by Resolution on November 14, 2017; and

WHEREAS, the Purchasing Policy has been revised to bring it up to date with current purchasing standards established by state law, to clarify procedures and staff/ official responsibilities, and to incorporate a statement of intent to adhere to federal procurement requirements as applicable for projects or purchases involving the award of federal grants; and

WHEREAS, the adoption of a statement of intent to abide by applicable federal procurement regulations may facilitate certain documentation requirements for projects involving the award of federal funds; and

WHEREAS, the City Council now desires to institute the revised Purchasing Policy;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERVILLE THAT:

1. The City Council does hereby approve the attached Purchasing Policy, which is incorporated by this reference as though set forth in full, as the purchasing policy of the City of Somerville.
2. The attached purchasing policy shall supersede any prior policies and shall govern the City's purchasing and procurement activities henceforth.
3. The city administrator shall, from the time review state or federal law applicable to the city's purchasing policy and shall make recommendations to City Council for changes as necessary.

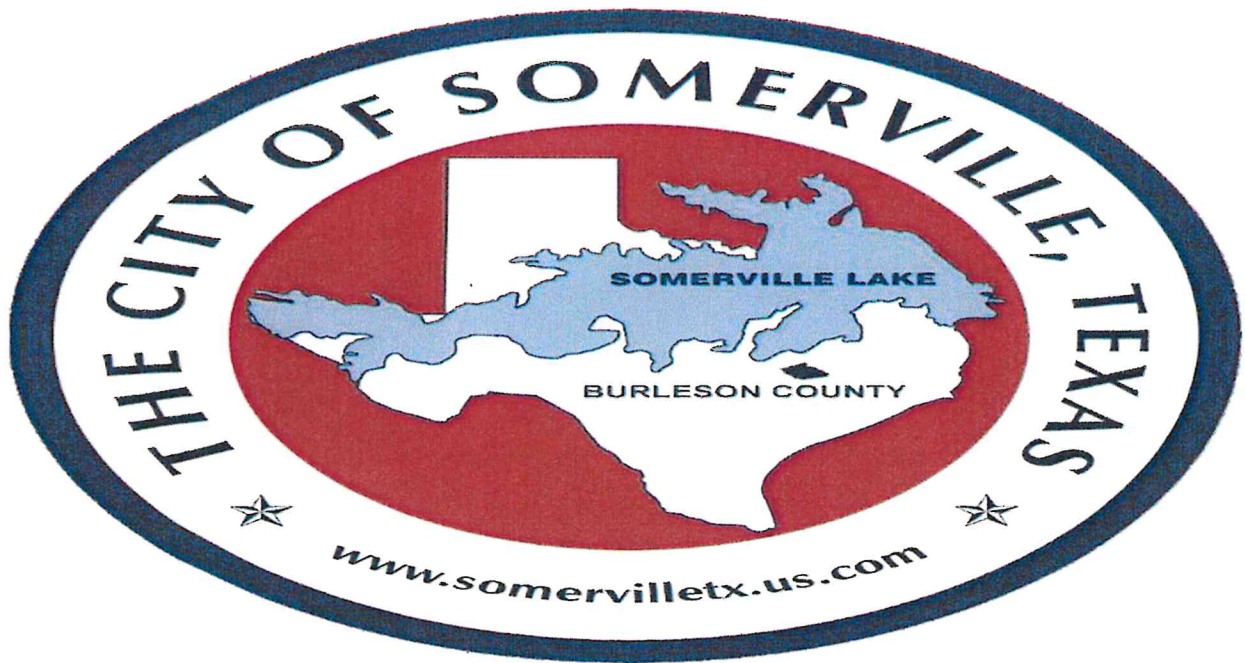
Duly passed and approved by the City Council of the City of Somerville, Texas this 10th day of November, 2020.

____AYES ____NOES ____ABSTENTIONS

Mayor

Attest:

Rose Rosser, City Secretary



CITY OF SOMERVILLE, TEXAS PURCHASING POLICY

UPDATED: NOVEMBER 10, 2020

STATEMENT OF GENERAL POLICY

- I. It is the policy of the City of Somerville that all purchasing shall be conducted strictly on the basis of economic and business merit. This policy is intended to promote the best interest of the citizens of the City of Somerville, Texas.
- II. In order to assure an open purchasing process and economy in purchasing, the Somerville City Council has determined that competitive price comparisons will be used as much as possible in the purchase of goods and services for the City. Within the framework of competitive pricing, the city of Somerville may use the “best value” option whenever allowable under state purchasing laws and requirements.
- III. The City of Somerville shall follow the applicable procurement and purchasing laws related to professional services as per Chapter 2254 of the Texas Government Code for Engineering, Architectural and other professional services included in the act.
- IV. The City of Somerville intends to comply with the requirements of 2 CFR 200 as appropriate for projects and programs funded partially or wholly by Federal Grant funds, including FEMA proceeds.
- V. The City of Somerville intends to maintain a cost-effective purchasing system conforming to good management practices. To be successful, the system must be backed by proper attitudes and cooperation of not only every department head and elected official, but also by every employee of the City of Somerville. The establishment and maintenance of a good purchasing system is possible only through cooperative effort and education.
- VI. It is important to remember the city purchasing operates in full view of the public.

PURCHASING POLICY

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SECTION 1. GENERAL

A. GOVERNING AUTHORITY

1. The primary governing authority for the City of Somerville's Purchasing Policy shall be Local Government Code Chapter 252, "Purchasing and Contracting Authority of Municipalities." All procurement activity shall be governed by the Purchasing Policy, in accordance with applicable state and local government codes. The Mayor and Council shall review the Purchasing Policy from time to time review and changes shall be adopted by council resolution.
2. All powers of the City vest in the City Council. Authority for purchasing of goods and services is delegated to the City Administrator, provided the purchase does not exceed \$5,000.

B. PURPOSE AND SCOPE

1. The Purchasing Policy applies to the procurement and purchasing activities of the City of Somerville. All procurement activities for the City shall be administered in accordance with the provisions of this policy, with the express intent to promote open and fair conduct in all aspects of the procurement process.

C. OBJECTIVES

1. The Purchasing Policy is adopted to ensure that the City complies with federal, state and local statutes regulating competitive sealed bids, competitive sealed proposals, professional services, cooperative purchases, emergency purchases, sole-sourced purchases and specific requirements for procurement related to grants or other federally funded programs or projects. The City Administrator or his designee will work with department heads for all competitive procurements as required by law, evaluate bids and proposals, and make recommendations to the City Council for awarding of purchases and contracts as required by this policy.
2. Every city employee and staff member have the responsibility to obtain the most value for the tax dollar in a fair, efficient, and equitable manner. To achieve this objective the City Council adopts the goal of fairness to ensure that all who wish to compete for the opportunity to sell or provide services to the City of Somerville can do so. Our policy is intended to:
 - a. Give all suppliers full, fair, prompt and courteous consideration;
 - b. Encourage open and fair competition;
 - c. Do not apply unreasonable qualifications including excessive bonding requirements to possible vendors, suppliers or contractors.
 - d. Provide clear and adequate specifications technical requirements and standards for all materials, products and services to be supplied;
 - e. Ensure that vendors are provided with adequate information and time to prepare and submit bid or proposal documents; and
 - f. Observe strict truthfulness and the highest ethics in all transactions.

D. CODE OF CONDUCT.

1. Employees, officers and agents of the City who are involved in the procurement and selection of bids and purchases shall make reasonable efforts to avoid real, apparent, or potential conflicts of interest. No employee, officer or agent of the City shall participate in selection, award, or administration of a contract if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when any of the following parties has a financial or personal interest in the firm/vendor selected for award:
 - a. the employee, officer or agent,
 - b. any member of his or her immediate family,
 - c. his or her partner,
 - d. or an organization which employs, or is about to employ, any of the above persons.
2. An employee, officer, elected official or agent of the City who is involved in the procurement and selection of a bid or purchase and who has a real or apparent conflict of interest must disclose that conflict of interest in accordance with TLGC Section 2261.252., before the bid selection or purchase takes place. Such disclosure must be documented in the minutes for that meeting which shall be retained as part of the official record surrounding the bid or purchase.
3. Officers, employees and agents of the City will not solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub-agreements, and shall not engage in any private business or professional activity that would create a conflict between the interests of the individual and the City of Somerville.
4. Personnel involved in procurement or purchasing activities shall handle confidential or proprietary information belonging to the City, contractors, vendors or suppliers with due care and proper consideration of ethical and legal ramifications and governmental regulations.
5. All city of Somerville staff and officers shall promote positive supplier relationships through courtesy and impartiality in all phases of the purchasing cycle.
6. All staff, officer and elected officials of the city of Somerville have a duty to report fraud or corruption whenever it is observed or uncovered.
7. Officers, employees and agents who fail to follow the above Code of Conduct may be sanctioned or disciplined, to the extent of permitted by law, for violations of the above standards.

SECTION 2. PROCURMENT AND PURCHASING WITH CITY FUNDS

A. COMPETITIVE PURCHASING REQUIREMENTS

1. Sealed competitive bids may be used for purchases at any level and shall be used for all purchases exceeding the Small Purchase Threshold of \$50,000. Under no circumstances shall multiple requisitions be used in combination to avoid other applicable bidding requirements or City Council approval.

2. Micro-purchases (Up to \$5,000)
 - a. Purchases less than \$1,000 do not require competitive bidding or written quotes, although obtaining multiple quotes is encouraged wherever possible. Department heads may authorize routine small purchases of up to \$1,000, provided that the cost of such items is covered by budgeted funds.
 - b. The city administrator shall approve all purchases in excess of \$1,000.
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 - e. Three or more quotes are preferred for purchases totaling \$1,001 to \$5,000. Request for such quotes may be informal, but shall be documented by city staff and confirmed by email or fax wherever possible. If any two solicitations for quotes are returned with no bid or declined by the vendor, they shall count as one quote. Quotes may be solicited and compiled by the department head, but shall be approved by the city administrator, and such purchases will be included in the monthly City Council report.
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- i. Before a municipality may enter into a contract that requires an expenditure of more than \$50,000 from one or more municipal funds, the municipality must:
 - comply with the procedure prescribed by this subchapter and Subchapter C for competitive sealed bidding or competitive sealed proposals;
 - use the reverse auction procedure, as defined by Section 2155.062(d), Government Code, for purchasing; or
 - comply with a method described by Chapter 2269, Government Code.
 - b. A municipality may use the competitive sealed proposal procedure for the purchase of goods or services, including high technology items and insurance.
 - c. The governing body of a municipality that is considering using a method other than competitive sealed bidding must determine, before notice is given, the method of purchase that provides the best value for the municipality. If the competitive sealed proposals requirement applies to the contract, the municipality shall consider the criteria described by Section 252.043(b) and the discussions conducted under Section 252.042 to determine the best value for the municipality.
 - d. The governing body may delegate, as appropriate, its authority under this subsection to a designated representative.
 - e. This chapter does not apply to the expenditure of municipal funds that are derived from an appropriation, loan, or grant received by a municipality from the federal or state government for conducting a community development program established under Chapter 373, if under the program, items are purchased under the request-for-proposal process described by Section 252.042. A municipality using a request-for-proposal process under this subsection shall also comply with the requirements of Section 252.0215.
5. Texas Local Government Code Chapter 252, Subchapter D outlines the penalties for violation of the purchasing requirements under state law:
 - a. A municipal officer or employee commits an offense if the officer or employee intentionally or knowingly makes or authorizes separate, sequential, or component purchases to avoid the competitive bidding requirements of Section 252.021. An offense under this subsection is a Class B Misdemeanor.
 - b. A municipal officer or employee commits an offense if the officer or employee intentionally or knowingly violates Section 252.021, other than by conduct described in subsection(a). An offense under this subsection is a Class B Misdemeanor.
 - c. A municipal officer or employee commits an offense if the officer or employee intentionally or knowingly violates this chapter, other than by conduct described by subsection (a) or (b). An offense under this subsection is a Class C Misdemeanor.
 6. Conviction for any of these offenses may result in immediate removal from office or employment, or incur other penalties as permitted under law.

B. AWARD OF CONTRACT

1. It is the intent of the City of Somerville to award all contracts based on criteria deemed in the best interest of the City as permitted by law.
2. If the Competitive sealed bidding requirement applies to the contract for good or services, the contract must be awarded to the lowest responsible Bidder or the Bidder that provides goods or services to the City of Somerville at the best value for the municipality.
3. Before awarding a contract under this section, a municipality must indicate in the bid specifications and requirements that the contract may be awarded either to the lowest responsible bidder or to the bidder who provides goods or services at the best value for the municipality.
4. To determine the best value for the city, the city may consider the following:
 - a. The purchase price;
 - b. The reputation of the bidder and of the bidder's goods or services;
 - c. The quality of the bidder's goods or services;
 - d. The extent to which the goods or services meet the municipality's needs;
 - e. The bidder's past relationship with the municipality;
 - f. The impact on the ability of the municipality to comply with laws and rules relating to contracting with historically underutilized businesses and nonprofit organizations employing persons with disabilities;
 - g. The total long-term cost to the municipality to acquire the bidder's goods or services; and
 - h. Any relevant criteria specifically listed in the request for bids or proposals.

C. PROFESSIONAL SERVICES

1. Personal and professional services are exempted from the competitive bidding process and are procured through the use of Request for Qualifications (RFQ) documents. The Purchasing Division is available to consult with departments regarding the preparation of information; the presentation of technical and qualifications aspects of personal and/or professional services included in the RFQ documents is the sole responsibility of the City Administrator or his designee.
2. In procuring architectural, engineering, or land surveying services, the city shall:
 - a. First select the most highly qualified provider of those services on the basis of demonstrated competence and qualifications; and
 - b. Attempt to negotiate with that provider a contract at a fair and reasonable price.
3. If a satisfactory contract cannot be negotiated with the most highly qualified provider of architectural, engineering, or land surveying services, the city shall formally end negotiations with that provider;
 - a. Select the next highly qualified provider; and
 - b. Attempt to negotiate a contract with that provider at a fair and reasonable price.

4. The city shall continue the process described in Subsection (3) to select and negotiate with providers until a contract is entered into.
5. Texas Government Code, Chapter 2254, Subchapter A, Professional Services, states that contracts for the procurement of defined professional services may not be awarded on the basis of competitive bids. Instead, they must be awarded on the following basis:
 - a. Demonstrated competence and qualifications to perform the services;
 - b. For a fair and reasonable price; and
 - c. Such price must not exceed any maximum provided by law, as applicable.
6. For the purposes of TGC Chapter 2254 and this policy, professional services are defined as those “services within the scope of the practice” of
 - Accounting,
 - Architecture,
 - Landscape architecture,
 - Land surveying,
 - Medicine,
 - Optometry,
 - Professional engineering,
 - Real estate appraising,
 - Professional nursing,

And include services provided in connection with the professional employment or practice of a person who is licensed or registered as a:

 - Certified public accountant,
 - An architect,
 - A landscape architect,
 - A land surveyor,
 - A physician, including a surgeon,
 - An optometrist,
 - A professional engineer,
 - A state certified or state licensed real estate appraiser, or
 - A registered nurse.

D. COOPERATIVE PURCHASES

1. Cooperative purchasing occurs when two or more governmental entities coordinate some or all purchasing efforts to: reduce administrative costs, take advantage of quantity discounts, share specifications, and create a heightened awareness of legal requirements. Cooperative purchasing can occur through interlocal agreements, state contracts, and joint purchases. Some purchases under certain forms of interlocal agreement may not be reimbursable under 2 CFR for FEMA grants.
2. The City Manager shall take advantage of the following types of cooperative purchases when deemed to be in the City’s best interest:

- a. Interlocal Agreement Purchases
- b. State Contract Purchases
- c. Joint Purchases

E. EMERGENCY PURCHASES

1. Valid emergencies are those that occur as a result of breakdown or equipment which must be kept in operation to maintain the public's safety or health, or whose breakdown would result in the disruption of City operations or cause additional damage to city equipment or facilities. Such purchases have been exempted from sealed bidding as per Texas Local Government Code Section 252.022(a), and include but not limited to:
 - 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 the municipality.
 - b. Procurement necessary to preserve or protect the public health or safety of the municipality's residents;
 - c. Procurement necessary because of unforeseen damage to public machinery, equipment or other property.
2. If the emergency is such that a delay of 72 hours as required to call an emergency City Council meeting is anticipated to result in loss of life, injury, public health hazards, or loss of city property, damage to a critical city facility or to city equipment, the City Administrator may request approval for such purchase under a declaration of emergency by the Mayor. Such purchases shall be followed immediately by an emergency called meeting of the City Council.
3. Purchases made subsequent to a natural disaster where application for FEMA funds is anticipated must comply with procurement requirements as per 2 CFR §200.317-326 and FEMA guidelines. Services and goods not obtained in compliance with the FEMA procurement requirements may be disallowed.

F. SOLE SOURCE PURCHASES

1. Sole-source purchases are items that are available from only source because of patents, copyrights, secret processes, or natural monopolies. The legislature exempted certain sole source items from sealed bidding requirements (Local Government Code Section 252.022 7), as follows:
2. Procurement of items available from only one source, including:
 - a. Items that are available from only one source because of patents, copyrights, secret processes, or natural monopolies;
 - b. Films, manuscripts, or books
 - c. Gas, water and other utility services;
 - d. Captive replacement parts or components for equipment;
 - e. Books, papers, and other library materials for public library that are available only from the person holding exclusive distribution rights to the materials; and

- f. Management services provided by a nonprofit organization to a municipal museum, park, zoo, or other facility to which the organization has provided significant financial or other benefits.
3. When a department has identified a specific item with unique features or characteristics essential and necessary to the requesting department and no alternate products are available, a detailed written justification must be provided to the City Administrator in advance of the purchase for review and approval.

G. OTHER PURCHASING CONSIDERATIONS

1. Historically Underutilized Businesses
 - a. If the city considers expending between \$5,000 and \$50,000 on goods or services, at least two historically underutilized businesses provide the goods or services the city is seeking.
 - b. Contact with historically underutilized businesses shall be made by first class mail with signature service, and proof of mailing shall be maintained with the records for the contract.
 - c. The city shall use the list of HUB's provided by the Comptroller's Office to determine whether or not such businesses exist. If there are more than two such businesses in the county, the city may contact the listed businesses on a rotating basis.
 - d. The city is only excused from this notification requirement if that are no such businesses located in the county in which the city is located.
 - e. If the expenditure is for less than \$3,000 or for more than \$50,000, this special notification requirement does not apply for purchases made with City funds.

SECTION 3. PROCUREMENT POLICIES AND PROCEDURES FOR FEDERAL GRANTS

A. POLICIES

1. Those closely involved in the establishment of the written selection criteria and selection shall have no potential conflicts of interest with any of the individuals, firms, or agencies under review (e.g., family relationships, close friendships, business dealings). Any person who might potentially receive benefits from grant-assisted activities may not participate in the decision-making process. Nepotism and conflict of interest regulations can be found in the Texas Government Code Chapter 573, Texas Local Government Code Chapter 171, and 2 CFR 200.318(c)(1).
2. All procurement transactions will be conducted in a manner providing full and open competition.
 - a. No unreasonable requirements are placed on firms in order for them to qualify.

- b. No unnecessary experience or excessive bonding required.
 - c. Noncompetitive pricing practices between firms or between affiliated companies are disallowed.
 - d. Noncompetitive contracts are disallowed except for when there is an approved exception
 - e. No organizational conflicts of interest
 - f. If a “brand name” product is specified, an equal or like product is acceptable.
 - g. A vendor that intends to respond to the Request for Proposals, Request for Qualifications and/or Invitation for Bid may not participate in the development or drafting of specifications, requirements, statements of work, or invitations for bids or requests for proposals, including, but not limited to, the development of the scoring criteria, the final selection of firms to be contacted, or the scoring of proposals.
- 3. All procurement transactions shall incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured.
 - 4. All procurement transactions shall identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.
 - 5. All contracts shall contain the applicable provisions and contract clauses related to procurement required by Appendix 2 of the Uniform Rules (Contract Provisions for Non-Federal Entity Contracts Under Federal Awards).
 - 6. If the City of Somerville uses a prequalified list when acquiring goods or services, the City of Somerville will ensure the list is updated regularly, provides enough qualified sources to ensure maximum open and free competition.
 - 7. All procurement transactions must conform to applicable local, state, and federal laws and regulations.
 - 8. Small and minority businesses, women’s business enterprises, and labor surplus area firms are encouraged to participate. If the awarded vendor is a prime contractor and may use subcontractors, the following affirmative steps are required of the prime contractor:
 - a. Placing qualified small and minority businesses and women’s business enterprises on solicitation lists;
 - b. Assuring that small and minority businesses, and women’s business enterprises are solicited whenever they are potential sources;
 - c. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by

- small and minority businesses, and women's business enterprises;
- d. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
- e. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and Minority Business Development Agency of the Department of Commerce.

B. PROCEDURES

1. Procurement Cycle Steps
 - a. Need Defined- City of Somerville or the requesting department submits request and specifications.
 - b. Procurement Method Selected- Based on type and estimated cost of good/service as well as purchasing authority, purchaser determines the procurement method that will result in a best value acquisition for the City of Somerville.
 - c. Solicitation- The City of Somerville creates the appropriate solicitation document, with terms and conditions and evaluation criteria clearly defined, and notifies vendor sources for an informal or formal bid process.
 - d. Receipt of Bids and Responses to Solicitation- Vendors submit their response to the solicitation.
 - e. Evaluation and Awards- The City of Somerville review the responses from vendors, determine compliance with the solicitation and make an award recommendation based on the predefined best value criteria.
2. The City of Somerville will use one of the following five methods of procurement described at 2 CFR Section 200.320: (1) procurement by micro-purchases, (2) procurement by small purchase procedures, (3) procurement by sealed bids, (4) procurement by competitive proposals, or (5) procurement by noncompetitive proposals.

C. PROCUREMENT METHODS

1. Simplified Acquisition Procedures for Purchases Below Micro-Purchase Threshold
 - a. For purposes of this section, the micro-purchase threshold is \$5,000
 - b. Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (§200.67 Micro-purchase).
 - c. To the extent practicable, the City of Somerville must distribute micro-purchases equitably among qualified suppliers.
 - d. Micro-purchases may be awarded without soliciting competitive quotations if the non-Federal entity considers the price to be reasonable.

2. Small Purchases

- a. Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the Simplified Acquisition Threshold.
- b. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources.
- c. For service contracts that are under the small purchase threshold and do not fall under professional services as defined in Section 2254.002(2) of Local Government Code, the City of Somerville may receive quotes and award the contract to any reasonable and responsible bidder.
- d. The local governing body has the final authority to award contracts.

3. Construction and Materials Contracts

- a. In order for sealed bidding to be feasible, the following conditions should be present:
 - i. A complete, adequate, and realistic specification or purchase description is available;
 - ii. Two or more responsible bidders are willing and able to compete effectively for business; and
 - iii. The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.
- b. If sealed bids are used, the following requirements apply:
 - i. Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids, for local, and tribal governments, the invitation for bids must be publicly advertised;
 - ii. The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
 - iii. All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be open publicly;
 - iv. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
 - v. Any or all bids may be rejected if there is a sound documented reason.

4. Professional Services Contracts

- a. This method is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

- (i) Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;
- (ii) Proposals must be solicited from an adequate number of qualified sources;
- (iii) The City of Somerville must have written method for conducting technical evaluations of the proposals received and for selecting recipients;
- (iv) Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and
- (v) The City of Somerville may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services through A/E potential source to perform the proposed effort.

5. Noncompetitive Proposals

- a. This method may be used only when one or more of the following circumstances apply:
 - (i) The item is available only from a single source;
 - (ii) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
 - (iii) The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request; or
 - (iv) After solicitation of a number of sources, competition is determined inadequate.

A. POLICY IMPLEMENTATION

These Policies and Procedures are implemented by the City of Somerville's administrative team of the City Administrator, City Secretary, and Assistant to the City Administrator.

RESOLUTION R20-012

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOMERVILLE
INSTITUTING A REVISED PURCHASING POLICY FOR THE CITY.**

WHEREAS, the City Council adopted the current Purchasing Policy by Resolution on November 13, 2018; and

WHEREAS, the Purchasing Policy has been revised to increase the authorized spending for the city administrator; and

WHEREAS, the Purchasing Policy has been revised to increase the authorized spending for the department heads; and

WHEREAS, the City Council now desires to institute the revised Purchasing Policy;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERVILLE THAT:

1. The City Council does hereby approve the attached Purchasing Policy, which is incorporated by this reference as though set forth in full, as the purchasing policy of the City of Somerville.
2. The attached purchasing policy shall supersede any prior policies and shall govern the City's purchasing and procurement activities henceforth.
3. The city administrator shall, from the time review state or federal law applicable to the city's purchasing policy and shall make recommendations to City Council for changes as necessary.

Duly passed and approved by the City Council of the City of Somerville, Texas this 10th day of November, 2020.

____AYES ____NOES ____ABSTENTIONS

Mayor

Attest:

Rose Rosser, City Secretary

ACTION ITEMS

Nuisance Abatement Services

Agenda Item 11-I



Memo To: Honorable Mayor and City Council Members

From: Kathy Pollock, Code Enforcement Officer/ Assistant to the City Administrator

Date: November 5, 2020

Subject: Award a one-year contract for nuisance abatement mowing services for the City of Somerville

Funding Needed:

Funding source: 2021-2022 Budget, Abatement Services, 100-16-5061

Funds available: Yes.

Expenditure requested: None

Action Requested: Discuss, consider and approve awarding a one-year contract (with the option to extend the contract for a one-year period, two times) with C&S - Barnett Services, LLC for nuisance abatement mowing, clearing and cleaning operations in accordance with contract NAM-116-0720.

Details: The city went out for bids on this contract with the intent of awarding one or more contracts to qualified service providers who are capable of being on call for mowing and abatement services as needed by the city under warrant when notification does not result in abatement by the owner. The work requires flexibility, responsible and timely work and documentation, insurance, appropriate equipment, qualified staff and good communication with city coordinators.

The contractor is aware that there is no set or minimum value of work to be assigned; the total contract amount is dependent upon weather conditions and owner compliance with violation notices issued by the City. All work will be done under warrant. There are provisions for weather or other unavoidable delays, including a penalty for not notifying the city timely of such delays.

The mowing services are fairly straightforward and are based on the size of the lot to be mowed or shredded, as per the CAD records. This type of work is not intended to compare with quality lawn maintenance, but to simply bring a property into general compliance with City regulations. For example, trimming and edging will rarely be required and the work will generally be limited only to portions of a property visible from the public right of way. Litter pickup is always required before the start of mowing operations, and grass clippings are not to be permitted to remain on the street or public sidewalks.

For clean-up activities, a quote based on the hourly rates in the contract will be requested. The property will be evaluated by the contractor and city staff to determine a fair price for the work. The work shall not include Dangerous Building Abatements, or the demolition of any structure requiring asbestos inspections or abatement.

The city has a fee schedule in place for the abatement of nuisance properties as required by law. Although the format of those fees differs from the fee schedule in the contract (hourly vs. lot size), the existing provision for a

\$100.00 administrative fee should ensure that the City is not losing money on abatements until the fee schedule can be adjusted to match the costs in the contract, and re-adopted.

The fees are paid by the landowner to the City. If the fees are not paid, the city can file a lien on the property in the real property records. If the fees remain unpaid and there is no active utility account at the property, utilities will not be provided until such fees are paid. The City will pay the Contractor for its work as approved invoices are submitted.

Attachments:

1. Adopted Fee Schedule for nuisance abatement
2. Proposed Fee sheets from bid.

ATTACHMENT 1

CITY OF SOMERVILLE

FEE SCHEDULE ABATEMENT OF NUISANCE PROPERTIES

The City of Somerville is authorized under the police powers granted to it by the state, and the authority granted under the Nuisance Ordinance 12-002, to abate nuisance conditions on private property provided that requirements for notice, compliance period, and posting have been met. The cost of such abatement must be based on a reasonable cost for the work performed, and may include an administrative fee.

Abatement Fees:

Mowing, weed eating, trimming (mechanical)	\$50.00/hour
Trimming, hauling, stacking brush or limbs	\$35.00/hour/man
Clean-up, (removal of trash, litter, or junk)	\$35.00/hour/man
Disposal Fee (per load, or any part thereof)	\$50.00/load
Roll-off Container	TCW Contract Rate
Shredding, bush-hogging	\$75.00/hour
Tree Removal	Cost of Removal
(minimum two estimates, from insured vendors)	

Administrative Fee:

Per abatement:	\$100.00
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The minimum charge for any abatement shall be no less than the hourly rate for the abatement activity or activities, plus the administrative fee.

After the abatement has been completed, the owner and/or occupant of the property will receive an invoice for the cost of the abatement in keeping with the fees herein. The invoice shall be past due after thirty days. If the invoice is not paid, a lien will be filed with the county clerk's office for the amount invoiced plus the filing fee. The lien accrues interest at ten (10%) per cent per annum. If the property cleaned and/or mowed does not have utilities, no utility service shall be provided until such fees are paid.

ATTACHMENT 2

Shredding, Bush/Brush Hogging. Optional Bid Item. If the property is in such condition that the use of standard mowing equipment is not practical for all or part of the property, shredding with a tractor, bush or brush hog or similar equipment may be required. Shredding may also be more practical for large acreage lots, Subject to City approval. The work consists of rough cutting, trash and litter removal as necessary to bring the property into general compliance. Trimming will be minimal; edging is not required.

Lot Size SF (AC)	Cost for mowing, standard conditions	Cost for shredding, standard conditions	Subdivisions with single lots in this category
0 – 8712 (.20)	\$30.00	\$50.00	60x125 (Camp Place), 50x140 (Oak Hill, WALERR), 125x75 (Anita Heights, standard lots)
8713 – 17424 (.40)	\$40.00	\$50.00	100x150 (Brenham, Landolt #7, Watson, Seals)
17425 – 32670 (.75)	\$50.00	\$75.00	155x165, 170x186, 200x100 (random lots)
32671 – 43125 (.99)	\$60.00	\$75.00	150x200, 200x200
1 - 2 Acre	\$100.00	\$150.00	
Each additional Acre	\$75.00	\$50.00	

General Clearing Services. Required Bid Item. Generally assigned in addition to either Cleaning or Mowing Services. All bidders must submit bids for general brush removal and branch and tree limb pickup. These services are intended to supplement other services and shall not include land clearing and grubbing operations.

Tree Removal Services. Optional Bid Item. This work is generally assigned in addition to either cleaning or mowing services or may be assigned in order to make a nuisance lot mowable. The work may include cut up removal of large sections or branches of trees too large to transport in addition to the removal of entire trees. If a living or standing dead tree needs to be removed, a quote will be requested for that specific work from successful contractors who indicate capability for such work by checking the box below.

Task	Hourly rate/worker	Minimum charge per lot for stand-alone work
Brush removal	\$50.00	\$100.00
Branch/tree limb pickup	\$50.00	\$100.00
Cut up and Remove Downed trees	\$50.00	\$100.00
Drop, cut up and remove standing dead or live tree	() No Bid	(X) Bidder is qualified, equipped and staffed to perform this service and is willing to submit quote on request.

Cleaning Services. **Optional Bid Item.** Typically, this work will consist of removing moderate to extra heavy debris, including the remains of structures such as sheds and fences, and hauling collected debris to a legal disposal site. On occasion, the work may include assisting city workers to clean up illegal dump sites. Prior to starting the work, the contractor shall provide a written quote based on the observed conditions using the hourly amounts submitted below, indicating the number of workers, the hourly rate and the time frame for completion of the work. Cleaning services may be assigned in addition to mowing, at the city's discretion.

Type of Work, per Man Hour, inclusive of equip., fuel, etc.	Including Disposal	Disposal at City Facility	Minimum charge per lot
Laborer, with or without hand tools	\$50	\$50	\$100.00
Laborer, power tools or equipment	\$50	\$50	\$100.00
Crew chief/ equipment operator	\$50	\$50	\$100.00

G. PAYMENT

Each property, or each group of properties assigned must be invoiced and the invoice(s) returned to the city with the original work order(s). At the city's discretion, invoice(s) may be emailed and submitted with a scanned copy of the completed work order(s). Invoices and work orders shall be reviewed by the code officer and submitted to accounts payable for processing. Terms of payment are thirty (30) days from the date invoices are submitted to Accounts Payable. Invoices may be combined by Accounts Payable as convenient.

Any deductions, such as the failure to complete the work before an administrative warrant expires with no notice shall be deducted from the payment.

Any property on which the work is found to be substandard and which requires correction may be held until the next accounts payable cycle (bi-monthly).

H. PAYMENT AND PERFORMANCE BONDS. Pursuant to *Section 2253.021, Texas Government Code*, for all public works contracts with governmental entities, a payment bond is required if the Contract Sum exceeds \$50,000. A performance bond is required if the Contracts exceeds \$100,000. Although the City may require payment bonds for contract sums below those amounts, it is not anticipated that such bonds will be required for this work.

I. VENUE

This contract shall be construed according to the laws of the State of Texas. The performance for this Contract shall be Burleson County, and venue for any action will lie in Burleson County, Texas. The Contractor warrants that the completed Work shall be adequate for the purposes intended.