



**AGENDA
REGULAR MEETING
FREEPORT CITY COUNCIL
MONDAY, MARCH 4, 2024 AT 6:00 PM**

Mayor:

Brooks Bass

Council Members:

Jeff Pena

Jerry Cain

George Matamoros

Winston Rossow

City Manager:

Lance Petty

THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, WILL MEET ON MONDAY, MARCH 4, 2024 AT 6:00 PM, AT THE FREEPORT, POLICE DEPARTMENT, MUNICIPAL COURT ROOM, 430 NORTH BRAZOSPORT BOULEVARD FREEPORT TEXAS

This meeting will be live streamed via YouTube Live and may be accessed on the City of Freeport

Facebook page: <https://www.facebook.com/freeporttexas> or by visiting

<https://www.youtube.com/@cityoffreeporttx8375/streams>

THE MEETING IS BEING HELD FOR THE FOLLOWING PURPOSES:

CALL TO ORDER: The Mayor will call the meeting to order, declare a quorum if present, and declare notices legally posted pursuant to Open Meetings Act.

INVOCATION AND PLEDGE OF ALLEGIANCE: (Council Member)

CITIZENS' COMMENTS:

Citizens who have registered with the City Secretary prior to the meeting being called to order and desire to address the City Council will be heard at this time, or the time the item is considered. Each speaker is limited to four (4) minutes, regardless of the number of agenda items to be addressed. All speakers must identify themselves by providing their name and residential address when making comments. Speakers making personal, impertinent, profane or slanderous remarks may be removed from the room and shall be barred from re-entering the meeting.

PRESENTATIONS/ANNOUNCEMENTS: Announcements by Mayor, City Council and/or Staff.

1. Community service award- Dow and Jacobs (**Lance Petty**)

2. Community service award- Michelle Backman (**Lance Petty**)

CONSENT AGENDA:

Consent Agenda items are considered to be routine in nature and may be acted upon in one motion. Any item requiring additional discussion may be withdrawn from the Consent Agenda by the Mayor, Councilmember or City Manager, and acted upon separately.

3. Consideration and possible action on the approval of City Council Meeting Minutes, from February 20, 2024. (**Clarisa Molina**)
4. Consideration and possible action approving Ordinance No. 2024-2722 amending polling locations for the May 4, 2024 General Election. (**Clarisa Molina**)
5. Consideration and possible action approving Ordinance No. 2024-2723 amending polling locations for the May 4, 2024 Special Election Amendments to the Charter. (**Clarisa Molina**)

COUNCIL BUSINESS – REGULAR SESSION:

6. Consideration and possible action approving Resolution No. 2024-2842 authorizing a revision to the City of Freeport Policy Handbook Chapter 8- Attendance and Leave Policy Section 8.14 Leave Donation Policy. (**Donna Fisher**)
7. Consideration and possible action approving Resolution No. 2024-2843 to Amend the City's existing Purchasing Policy Accordingly. (**Cathy Ezell**)
8. Consideration and possible action to approve Resolution No. 2024-2844 approving and adopting Electronic Funds Transfer (EFT) Policy and Procedures for the City of Freeport. (**Cathy Ezell**)
9. Consideration and possible action approving Ordinance No. 2024-2724 amending the definition of Short-Term rental in Section 155.201 of the Zoning Ordinance of the Code of Ordinances. (**Lance Petty**)
10. Second reading, Consideration and possible action approving Resolution No. 2024-2839 for consideration for the demolition of the building located at 208 W. Park Ave. (**Robert Johnson**)
11. Discussion and clarification pertaining to Candidate Application for May 4, 2024 Election. (**Lance Petty**)
12. Consideration and possible action to authorize entering an agreement with HUB International for Benefits Consulting and Actuarial Services. (**Cathy Ezell**)
13. Consideration and possible action to award the purchase of generators for Lift Station 3,4, and 14 to Worldwide Power Products in the amount of \$99,800.00. (**Cathy Ezell**)

14. Consideration and possible action approving Resolution No. 2024-2845 authorizing application for Grant FY2025 Criminal Justice Grant # 5104301 Radio Interoperability Project. **(Jennifer Howell)**
15. Consideration and possible action approving Resolution No. 2024-2846 authorizing application for Grant FY2025 Criminal Justice Grant # 5107601 Vehicle Radio Equipment Project. **(Jennifer Howell)**
16. Consideration and possible action approving Resolution No. 2024-2847 authorizing application for Bullet-Resistant Shield Grant Program # 5075701. **(Jennifer Howell)**
17. Consideration and possible action approving Freeport PD to sign a five (5) year contract with Axon Enterprise for in-car camera services. **(Jennifer Howell)**
18. Consideration and possible action approving Freeport PD to sign a five (5) year contract with Axon Enterprise for body camera services. **(Jennifer Howell)**
19. Consideration and possible action approving Freeport PD to sign a five (5) year contract with Axon Enterprise for interview room camera services. **(Jennifer Howell)**
20. Consideration and possible action approving Resolution No. 2024-2848 deeming items surplus and donating to local agency. **(Jennifer Howell)**

WORK SESSION:

21. The City Council may deliberate and make inquiry into any item specifically listed as a Subsection under the itemized Sections A-F below, an item appearing on the City Council agenda for this meeting, on matters related to community events, or on matters that are not within the jurisdiction of the City for consideration by City Council. The City Council may not deliberate on any City matters not specifically disclosed under this Work Session or on this posted City Council Meeting agenda. City Council members and the Mayor always reserve the right to request that a matter be placed on a future agenda for consideration.
 - A. Councilman Pena Ward A announcements and comments.
 - B. Councilman Cain Ward B announcements and comments.
 - C. Councilman Matamoros Ward C announcements and comments.
 - D. Councilman Rossow Ward D announcements and comments.
 - E. Mayor Brooks Bass announcements and comments.
 - F. City Manager Lance Petty announcements and comments.

CLOSED SESSION:

22. Executive Session regarding a.) (Consultation with Attorney) Update on City Hall pursuant to section 551.071 b.) (Deliberations about Real Property) Update on Heritage House pursuant to section 551.072.

COUNCIL BUSINESS – REGULAR SESSION:

23. Take any action resulting from Executive Session.

ADJOURNMENT:

24. Adjourn

Items not necessarily discussed in the order they appear on the agenda. The Council at its discretion may take action on any or all of the items as listed. This notice is posted pursuant to the Texas Open Meeting Act. (Chapter 551, Government Code).

The City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).

ACCESSIBILITY STATEMENT This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (979) 233-3526.

CERTIFICATE I certify the foregoing notice was posted in the official glass case at the rear door of the City Hall, with 24 hours a day public access, 200 West 2nd Street, Freeport Texas, before 6:00 p.m. in accordance with Open Meetings Act.



Clarisa Molina,
City Secretary, City of Freeport, Texas



State of Texas

County of Brazoria

City of Freeport

BE IT REMEMBERED, that the City Council of Freeport, Texas met on Tuesday, February 20, 2024 at 6:00 PM at the Freeport, Police Department, Municipal Court Room, 430 North Brazosport Boulevard Freeport Texas for the purpose of considering the following agenda items:

City Council:

- Mayor Brooks Bass
- Councilman Jeff Pena
- Councilman Jerry Cain
- Councilman George Matamoros
- Councilman Winston Rossow

Staff:

- Lance Petty, City Manager
- David Olson, Interim City Attorney
- Clarisa Molina, City Secretary
- Cathy Ezell, Finance Director
- Toby Cohen, IT Manager
- Donna Fisher, Human Resource Director
- Chris Motley, Fire Chief
- Robert Johnson, EDC Director
- Jennifer Howell, Police Chief

Visitors:	David McGinty	Sam Reyna
	Ronald Woodruff	Melanie Oldham
	Manning Rollerson	Desiree Pearson
	Karla Clark	Kenny Hayes
	Pamela Dancy	Nicole Mireles

THE MEETING IS BEING HELD FOR THE FOLLOWING PURPOSES:

CALL TO ORDER:

Mayor Bass called the meeting to order at 6:00P.M.

INVOCATION AND PLEDGE OF ALLEGIANCE:

Invocation and Pledge was led by Councilman Rossow.

CITIZENS' COMMENTS:

Manning Rollerson said he had several concerns and one of his major concerns was what was going to be on the agenda later on about the pump station and the building of the community of the East End. He said we need the infrastructure and homes in Freeport. He said when it comes down to the water system he does not care because it has been numerous years upon decades that it should have been done. He said there was no excuse for it. Mr. Rollerson said every piece of urban land that was in the city is gone. He said every contract that was done in the City to bring homes to the City, there are no homes, and there is not one home that has been built

between 2012 and 2016 under the last administration and under the MUD projects. He asked where the homes are? He said there were no homes, but now they were going to take the money from the East End, that the City was kindly to help the people that lost everything they had and get the money and fix the water system. He said no to that. He said to get the streets and new homes because there are no homes. He said the population has been decreasing since 1979. He asked how many people are here now? He said 10,000 in the whole city. He asked where are the homes at? He said those are lies and bad contracts that these people need to be held accountable for. He said he expects an answer from his Mayor regarding the six deaths in the City from fentanyl. He said there was an overdose at the high school, and why hasn't one of the Council that are elected to the City said anything about the deaths of these young people and fentanyl deaths in the community? He asked why had not one of the Council brought this up? He asked why the Council had not said anything about it? He asked if we are not important enough that the citizens should know about children and bad drugs in the community? He said that he could not get a phone call from the Council. He said this goes across the board and every last one of them is responsible for every single person in the City not only their ward, but the decisions they make are the decisions they make for everyone. He said when one person die in the City then you see two people, three people, and when it gets to six people dead that should be a concern especially when it comes to drugs in this community. He said to the Council that none of them had the Christianity to come out and say there are deaths in the community and the children are overdosing. He said and they have little babies. He asked who is going to raise those babies?

Sam Reyna resides at 2002 North Avenue G. He said he submitted a candidate packet for Mayor and he received a letter from the City. He said the letter said "Mr.Reyna this serves as a notification that after legal review of your application for a place on the ballot for a general election for a city, school, or other political subdivisions and in accordance with the Texas Election Code, Section 141.001-A (4), and as interpreted by Attorney General's opinion which was filed in 2019 as a convicted felon, you are not eligible to run for public office". He said this summary was filed in 2019. He said the subsection 141.001-A (4) to be eligible as a candidate for a public office, a person must not have been finally convicted of a felony from which the person has not been pardoned or otherwise released from the resulting disabilities. He said the result in disabilities is the one that given the First Court of Appeal problems but the First Court of Appeal has always been ruling on behalf of the appellant because of the resulting disabilities and is not clarifying enough. He said that has been amended by House Bill 1316 two years after the Attorney General filed his opinion in 2021. He said in Section 141.001 (A), election code is amended to read as follows; to be eligible to be a candidate for, or elected or appointed to a public elective office in this State, a person must not have been convicted of a felony, or if so convicted, has a fully discharged that person's sentence including any term of incarceration, parole or supervision, or completed a period of probation ordered by any court. He said his papers show he was fully discharged and that is what house bill 1316 says. He said his discharged date was April 12, 2019. He said this was when he was fully discharged. Mr. Reyna said his sentence started in 1994 and was discharged in 2019. He said his sentence was for 25 years. He said he has fully completed his sentence and is fully discharged. He said his obligation to the state is final. Mr. Reyna said he wants his name on the ballot.

PRESENTATIONS/ANNOUNCEMENTS:

Presentation by the EDC regarding Parks Improvement.

Presentation by the EDC regarding Parks Improvement was given by EDC Director Robert Johnson.

EDC Director Robert Johnson said the total for the Parks Project is \$610, 232.70. He said for Peppermint park it would be \$123,218.00, Arrington park \$196,927.90, and Stephen F. Austin park \$290,086.80.

Mayor Bass asked if there has been any interest from industry partners that are willing to invest yet? EDC Director Robert Johnson said he heard of one of them that is willing to invest but has not given a dollar amount yet, but is going through channels at their work to find out exactly how much they can give. Mr. Johnson said

he gave this business the opportunity to invest in and just take on one park, and that is what is being hoped for, but he is not sure that they will do that. Mr. Johnson said they are looking for a park sponsor and then get their name on a plaque type of thing. Mayor Bass asked if there would be any money used from the EDC budget for this? EDC Director Robert Johnson said there is \$400,000 earmarked toward the Park project, and he is hoping not to have to use that.

Manning Rollerson said all the equipment at Peppermint Park is brand new. He said Peppermint Park was redone under Tim Kelty. He said this was the last park that just got completed last year. He said the new toy equipment is not needed on Peppermint Park because it was just done.

Karla Clark resides at 411 Sailfish. She asked if there is \$400,000 for the parks budget in the EDC and this is going to cost \$610,000 where is the other going to come from? She asked if it is going to come from the City and who is going to maintain these parks afterwards if this were done? EDC Director Robert Johnson said the money will hopefully be coming from the business community to help sponsor the parks, and are hoping to not have to spend any of the \$400,000 on the parks, and instead go to the area businesses and get those funds to cover the whole project. City Manager Lance Petty said the City will maintain the parks. Mr. Petty said they are currently being maintained by the City and will continue to maintain the parks after the projects are finished.

Pamela Dancy resides at South Front Street. She said she is for the Parks for the children. She said at the last EDC meeting Mr. Petty had stated that he had gone over and talked to some of the businesses and she would like to know the outcome of that. She said apparently they have not committed. She said she may be mistaken but she always thought the EDC money was supposed to be on something profitable. She said when it is given to restaurants they bring money into the City. She said she was not sure if things have changed but she could be incorrect, but she always thought it had to be profitable when the EDC money is spent. Interim City Attorney David Olson said he thinks the primary objective of EDC was at some point to encourage development that would bring primary jobs but parks and other public infrastructure are permissible projects by the EDC by statute. City Manager Lance Petty said he has met with Phillips 66, LNG, and still have others scheduled.

Melanie Oldham resides at 1206 West Broad said she just wanted to mention that the Brazoria County Petrochemical Council put money together and built a new playground at Surfside and it is all recyclable and really nice material. She said she is not sure if they have talked to the Brazoria County Petrochemical that way everybody will care about Freeport enough to put a little bit of money like Phillips and Dow back. She said this is just a suggestion but also to talk to the governmental affairs people of each of these industries because they are given a sum of money that they can spend each year on project that would be good for like the City of Freeport.

Councilman Pena said Mr. Johnson had mentioned there was \$400,000 in the budget for the EDC that was earmarked for potential use on these parks projects and is just trying to understand how they are determining what thresholds need to be met and what requirements need to be met so that in fact the \$400,000 is either used or not used? EDC Director Robert Johnson said this will be evaluated after they are done talking to all the businesses and see how much money they have and either have to scale the project back or obligate those funds. Councilman Pena asked so what he is saying is that they will make every effort to go out to private industry and get their governmental affairs and for that matter the City's money and whatever is not supplementing the entirety of the project then the EDC money will be used? EDC Director Robert Johnson said yes or will scale the project back. Councilman Pena said the sacred cow of do it for the kids is always great and he appreciates that. He said he would like to see there be in a decision matrix in advance so that it helps to determine whether or not to use this money for these parks. He asked and said he is curious if it is not used for the parks what would the \$400,000 be used for? He asked would it just go back to the general fund? EDC Director Robert Johnson said yes. Councilman Pena said when he thinks about what Mr. Johnson and Mr. Rollerson just said about the Peppermint Park it almost seems like maybe it has not really vetted which parks need what and so the budget needs to be adjusted, and would like to see if this could be done for the next

presentation. EDC Director Robert Johnson said Mr. Kelty, Mr. Petty, and himself went to those parks and looked at the equipment and the state of the equipment was bad. Councilman Pena said so it is his understanding that the toys and equipment that was put in last year has a life expectancy of one year. City Manager Lance Petty said there has not been new equipment put in Peppermint Park since he has been here in the last five years. Councilman Pena asked what is the equipment Mr. Rollerson was referring too? Mayor Bass said he would have to ask Mr. Rollerson after the meeting. City Manager Lance Petty said what is being referred to as new is the newer playground structure that is down there and had trouble getting parts for that. Mr. Petty said the slides have broken and things like that and it is nearly impossible to get replacement parts for it. Mr. Petty said the City had put in equipment throughout the City that were mismatch equipment so it is very difficult to get the replacement parts for. Councilman Pena asked if these proposals are being solicited in terms of pricing and equipment from contractors or vendors that provide a one stop solution so that they are not scrambling for parts down the road? EDC Director Robert Johnson said this was part of the objective was to get equipment that you can easily get parts to and have a consistency from, so they are not a bunch of different lines of equipment and try and chase all over to find parks. Councilman Pena said so this has been talked into consideration and asked so the pricing for toys and equipment that is already been vetted to be a one stop shop and has a life expectancy of how many years? Councilman Pena said these are the things that he is interested in to make sure that if in fact any city tax dollars are being spent on any of these projects that there is a return on the investment in terms of value and the usability of it all. Councilman Pena said he liked the idea that Mr. Johnson had mentioned the naming rights, and certainly a lot of corporations will use their governmental affairs and to just have the naming rights and for that matter even private citizens who want their names on those parks to also be used and is also hoping to see what list of corporations and contacts that the EDC has already reached out to and for that matter what other organizations they have also reached out to that are not simply corporate but as Ms. Oldham had described, the Brazoria County Petrochemical Company or the Petrochemical organization. He said he thinks it is probably a nonprofit but they probably have monies there and is just curious as to make sure and is almost certain that there is more money out there and hoping that they can show that the EDC has done their due diligence and actually meeting with these organizations and corporations. He said there are plenty of them, and they have a lot of industrial money millions if not billions of dollars. He said even the Port being asked to pitch in as they just had their taxes cut because they are very profitable. He said so hopefully they would also want to contribute to this community and the families in the households too. He said to also invite additional real estate residential development as well as commercial. He said with all that said he is curious what Mr. Johnson's thoughts were on how this particular project cultivate in business development and if that is the primary purpose of the EDC. EDC Director Robert Johnson said a Type B corporation can do a quality life project and this would fall squarely under the category of quality life project. Mr. Johnson said it has been shown in studies that parks bring money to a community and makes cities more livable etc. Councilman Pena said this makes sense to him in terms of what the Type Corp B or the Type B Corporation EDC structure actually allows for but he wants to make sure that they lean on the corporate partners because this whole endeavor which was driven by Mr. Matamoros as per Mr. Johnson own words said was put forward to the Council last year as a corporate sponsored endeavor so he would like to see if in fact due that and come to fruition with those dollars versus public dollars unless the Council should decide that this is what they want to put the park money to and for that matter do a budget adjustment for a parks department to actually do this versus the EDC funds. He said he would like to see the EDC not to reach for the lowest bar to spend money, to show that they are having some impact in the community. Councilman Pena said there are many tools at our disposal on the EDC and money is one of them but they are many other tools in terms of the relationships that were supposed to forge with the corporate partners and with the nonprofit organizations and he would like to see that and for that matter even the private citizens. He said he knows that the family for the Arrington Park that had promised previously to donate he thinks it was \$10,000 for the fence on the perimeter of that park reaching back out to them so that they might want to contribute that or follow through with that. Councilman Pena said he is glad that this is being talked about and this is the feedback he hopes that is taken into consideration.

Proclamation of the City of Freeport declaring April 2024 Fair Housing Month.

Mayor Bass signed Proclamation of the City of Freeport declaring April 2024 Fair Housing Month.

CONSENT AGENDA:

Consideration and possible action on the approval of City Council Meeting Minutes, from February 5, 2024 and City Council Workshop Minutes, from February 12, 2024.

Consideration and possible action on the approval of road closures for the Spring Festival hosted by Outriggers on March 9, 2024.

A motion was made by Councilman Matamoros to approve the Consent Agenda, seconded by Councilman Cain with all present voting "Aye" 5-0 council unanimously approved the Consent Agenda.

COUNCIL BUSINESS – REGULAR SESSION:

Consideration and possible action on approving Resolution No. 2024-2837 update on Brazosport Water Supply Corporation Reservoir and Resolution Supporting the Project.

City Manager Lance Petty said BWA has filed an application for financial assistance under the Texas Water Development Fund for an amount to not exceed \$2,500,000.00 and has filed an abridged application under the State Water Implementation Fund for Texas ("SWIFT"). He said the City recommends support for the Brazos Water Supply Corporation Reservoir project.

Mayor Bass said he does not have any concerns and understands this is something that must be done.

A motion was made by Mayor Bass to approve Resolution No. 2024-2837 update on Brazosport Water Supply Corporation Reservoir and Resolution Supporting the Project, seconded by Councilman Matamoros with 4-0 vote motion passed. Councilman Pena abstained from the vote.

Manning Rollerson said making a decision without the citizens about the water. He said to the Mayor he needed to do better. He said he rushed through this without the input of the citizens. Mayor Bass said he drinks the water every day. Manning Rollerson said he does not drink the water because it makes his children sick.

Consideration and possible action to approve a construction contract with Wharton Smith, Inc. for the CDBG-MIT 22-085-047-D300 for \$13,744,500.00; Authorizing the Mayor to execute all necessary documents.

Finance Director Cathy Ezell said the City of Freeport went out for BIDs on the wastewater treatment plant renovations and Wharton Smith was the lowest bidder with the total renovations costing \$13,744,500. She said the City is awarding the entire contract per the requirements of GLO grant. She said the City of Freeport applied for this grant a while back and had \$4.9 million in construction. She said this is short by \$8,794,500, and per the GLO regulations the contract must be approved at its entire amount.

Mayor Bass said it definitely more than doubled by 120% above the original estimate. Finance Director Cathy Ezell said yes, and that is what they are finding in a lot of the construction projects. Ms. Ezell said this is not the only city in this position, and a letter has been written to the GLO, not only the City of Freeport but also Freese and Nichols the engineer of the project, to request additional funding. She said the fact that this is not the only city in this position and some cities are not doing the projects because they cannot come up with the additional funding and there may be additional funding on the table. Ms. Ezell said two letters have been submitted to the GLO. Mayor Bass said this is not a though one and has to be done. Mayor Bass said the waste water treatment plant is sufficiently deficient that we have been lucky the last few years in regard to the folks in Austin and this has to be done and there is money for it. Mayor Bass said he would rather use the \$8.8 million for other projects, but can not think of any project greater than securing the wastewater treatment plant where all the wastewater goes. Finance Director Cathy Ezell said this is where Mr. Petty and her stand as well as they have discussed this at length and felt that the use of those funds was pertinent in this instance to get this wastewater treatment plant back up and running.

Melanie Oldham said it seems like years and years it has been talked about fixing the wastewater treatment plan and it must be done. She said she was not clear of the \$8.8 million if any of that money is from the selling of the East End park and the right of ways. She said because she thought that was going to the infrastructure for a new subdivision. Mayor Bass said most if not all of it is coming from the money from the East End sale of the property to the Port of Freeport. Melanie Oldham asked if new infrastructure was not designated when they did the contract with the port? Mayor Bass said no the park had to be put in there but other than that it was undesignated. Melanie Oldham said this was disappointing. Mayor Bass said yes but the wastewater treatment plant must be done because if the State of Texas comes down upon us it will not be good.

Councilman Cain asked on the BID of the \$13,744,500 when this was looked at the last time, when the scope was changed, there was one with the electronics in just a panel and one with the electronics in a room? Finance Director Cathy Ezell said at this time they are still working through that to create a possible change order to submit to the GLO. Ms. Ezell said there is a possibility for a change order with those respects and it will have to go through the process to be approved by the GLO, but in order to move this forward the way the GLO and HUD especially, the contract must be awarded in its entirety and then submit an application for a change order after the fact. Ms. Ezell said it is allowed to submit a possible change order to the GLO that does not decrease the scope of the project by 25% but they have come up with alternatives and know possibly which route to request.

A motion was made by Mayor Bass to approve the construction contract with Wharton Smith, Inc. for the CDBG-MIT 22-085-047-D300 for \$13,744,500.00; Authorizing the Mayor to execute all necessary documents, seconded by Councilman Cain with discussion that followed.

Councilman Pena asked with the 25% savings what is being lost in terms of infrastructure to this project? Finance Director Cathy Ezell said at this time they have not come up with the full scope, but it will not be jeopardizing what this project was. Ms. Ezell said this project is changing possibly instead of being the panels enclosed in the building they are going to be outside. Ms. Ezell said most of the work is still going to be done and it is just scaling back on some of the electronics possibly. Ms. Ezell said it is not going to change the package plant, it is not going to change the feeding system to the package plant, the electricity to the package plant, or the chlorination system to the package plant. Ms. Ezell said it is not going to change the big ticket items. Ms. Ezell said when Freese and Nichols engineered it there is a second phase of what the renovations of the Wastewater Treatment Plant 2 and part of what they did is some of the electrical work that is slated for Phase 2 it was wrapped up in Phase 1. Ms. Ezell said that may be the only difference and it will not be any different from the original Phase 1 it will just be part of the possibly electrical that was considered Phase 2 then they were going to try to wrap it into this. Councilman Pena said he is just trying to understand and get a real clear understanding before he can vote to approve this in terms of the "big ticket items". He said when buying a car everybody understands that they want that anti-lock brake system that has seatbelts, airbags, and all the safety measures. He said he wants to make sure that there is all of the safety measures. David Hunn with Freese and Nichols said earlier it was talked about taking out the chemical system and using the existing system, but decided that was taking out too much and the new chemical system is needed. Mr. Hunn said all they are looking to change is to get rid of the building. Mr. Hunn said the electrical equipment in the building, moving the electrical equipment specific to the new plant closer to the plant rather than having before having a new building that served both the new plant and the old trickling filter plant but just scaled this back to get this to help get within budget. Mr. Hunn said everything else is essential, and at one point it was looked at to not replacing the chemical system and talked to Mr. Petty and everyone agreed that it was the right decision to include that although it reduces the savings that were initially looked at. Councilman Pena asked and said he wanted to make sure that safety or functionality is not being compromised with this approach? Mr. Hunn said no they are not compromising safety or functionality. Councilman Pena said he will go back to his automobile analogy. Councilman Pena said there is an LS package or the DX package. Councilman Pena asked if the DX package was being looked at? Mr. Hunn said on the electrical side yes, but he would not compare electrical

equipment like parking your car in a garage versus under a carport. Councilman Pena asked if it will be under a carport or will it have its own housing? David Hunn said it will be inside with weatherproof panels on a slab with a canopy over it rather than being in an enclosed building. Councilman Pena said and without doing any reverse algebra he asked what the total amount is of that 25%? Mr. Hunn said the 25% is a cap. Councilman Pena said so looking at about 3.4 million. Mr. Hunn said no that is the cap that if they got to the 25% they would be compromising safety and operations so they are just limited and cannot exceed 25% per GLO rules. Councilman Pena asked in terms of the 13.744 that will give us the wastewater treatment plant that is needed not only to serve the community as it is in its size in capacity now but is there room for growth, because it is talked about putting in infrastructure for parks, infrastructure for sewer and streets, and everything else, but have to make sure that it is also going to be there for the growth that is being hoped and planning for? Mr. Hunn said it is not expanding the current capacity and it does not enlarge the permit. Mr. Hunn said right now it is well under the permitted flow. Mr. Hunn said right now the trickling filter plant is not operational and that is .6 MGD of the total 2.25 MGD, but these improvements are just to bring the plant up to good operating conditions. Mr. Hunn said it is not a permit amendment, and they are not building additional capacity but instead replacing current capacity. Mayor Bass said and current capacity can include additional capacity. Mr. Hunn said yes, it is not bumping up against the capacity. Councilman Pena said this is a very interesting point then if it is being said that it is only utilizing 40% of the potential capacity that is great if it became then there is room for growth but if there is 75% or 80% of capacity well that is not really good because if it is going to be replaced then it does not allow for much growth especially if trying to do those city blocks of residential development over there on the OA Fleming space and for that matter any of the other infill development that is also trying to promote with the 25 foot lots. He said it is very important to understand this collectively because this is very important and this is why Manning Rollerson got kicked out of there because these are the issues that matter most the wastewater, the water that we drink. Councilman Pena said since he has been here and it has not been 50 years but it just took him six or seven years for people to tell him that sewer is coming up in their sinks and sewer is coming out of their tub. He said he completely agrees that this is very important but it just trying to understand where do we go from here and where are we really and wants to make sure that the residents are aware that all that is being done is fixing the current problem but it does not afford the ability to grow or if there is room for growth he would like some numbers to that. Mr. Hunn said he does not have that offhand but the grant money required to replace in-kind, and the grant money would not have applied for betterment in other words building a larger plant. Mr. Hunn said this was talked about at the time doing the duns they talked about building a concrete plant for different options but the grant money was just for in-kind for storm mitigation or replacement of last year. City Manager Lance Petty said as Mr. Hunn said currently it is not bumping close to the capacity of the plant and the trickling filters not in service which is an additional 600,000 gallons a day, and so when the trickling filter is put back in you are utilizing the 600,000 gallons of the trickling filter that you did not have prior to the improvements. Mr. Petty said as far as getting close to the permit requirements it is not going to be close to it right now and can handle more development. Councilman Pena said if this project is kicked off and goes to completion he asked the timetable on this? Mr. Hunn said it will not go underway have a construction kick off meeting at end of April and are looking at a year of construction, so looking to wrap this up in April or May of next year 2025. Councilman Pena asked by summer 2025 the City of Freeport sewer system should be up to code brand new? Mayor Bass said except all the lines running through it that are not replaced but yes. Mr. Hunn said the package plant will be replaced, and the old trickling filter plant which is .6 MGD of the total and the new package plant is 1.6 MGD and the package plant is .65 for a total of 2.25MGD. Mr. Hunn said so they are replacing the package plant at 1.6 million gallons a day should define that and but the trickling filter plant is still inoperable which is the second package and is to go back and repair it. Councilman Pena asked so this is just the first phase and first package that is being taken care of? Mr. Hunn said yes. Councilman Pena said he wants to make sure that what they are trying to do here is not only fix what is broken but wants to make sure that we do not pin ourselves in a corner. Councilman Pena asked if the repairs for \$13.7 million allow for the new system to expanded upon either modularity or other wise or are pinning ourselves in the corner that next time will have to spend \$20 million and scrap this one just to fit the demand of future development? Mr. Hunn said the funds were for replacement in-kind and this plant is stand alone there is no design provisions. Councilman Pena asked so no availability or the scope of the project

was never to look at it to expand it? Mr. Hunn said correct. Mayor Bass asked because the scope of the project already included additional expansion because we were not using what we were supposed to be using? Mr. Hunn said yes.

Melanie Oldham said she knows there is a Port Commissioner in attendance. She said the tenants of Port of Freeport have used the wastewater treatment plant for decades and she knows in negotiations over and over they have been asked to put in some money on this wastewater treatment plant. She said if Port Freeport wants to start being a good neighbor and improve their ESG environmental social governance score this would be a time to do it.

Councilman Pena said this is a good comment from Ms. Oldham.

Councilman Matamoros thanked Mr. Petty for explaining all of this in the Workshop which made it a lot easier to understand. He said when they agreed to the port settlement we wanted to better our infrastructure. He said this is a way that we are going to better the infrastructure. He said yes there was different ideas on how to better the infrastructure but this is the most pressing need and that is why we are going to utilize the funds not already allocated for projects for this infrastructure. He said he just want it to be known that they are living up to their words that they will be using this for infrastructure.

Mayor Bass called the motion to a vote, with all present voting "Aye" 5-0 council unanimously approved the motion.

Consideration and possible action approving Resolution No. 2024-2838 amending the City of Freeport Policy Handbook Chapter 3-Employee Appointments revising Section 3.03 Application Process.

Human Resource Director Donna Fisher said to the Council to authorize a revision of the application process in the policy manual to allow current employees to apply for a promotion or transfer before a position is advertised to the public.

Councilman Pena asked if this particular document or resolution had been reviewed and approved by Olson and Olson. Human Resource Director Donna Fisher said yes, Brian Begly with Olson and Olson went over the policy and in fact made a revision to her revision. Councilman Pena said he knows the personnel policy is trying to be changed to give preference to City employees to open positions, and he thinks that it is a good idea in certain circumstances and not such a good idea in other circumstances. Councilman Pena said the memo currently says we must advertise the position before they can provide someone with those positions for the police and fire departments. He said the current policy says that they take applications from employees for five days and if nobody applies internally, then they can be opened up to the public. Human Resource Director Donna Fisher said that if none of the applicants are qualified, it would also be opened up to the public. Ms. Fisher said this was the revision that was not in the red line copy, but it is in the final copy. Councilman Pena asked if there was a copy of the final copy? Ms. Fisher said it was in the packet. She said the way the final copy reads if no current city employee applies for the position or if no current city employee meets the minimum qualifications, then it is opened up to the public. Councilman Pena said he thinks, in a different way, he does not have a problem with this and thinks it is a good idea maybe in the police department and fire department, but in the rest of City Hall he thinks it can pose a lot of problems. Councilman Pena said basically you get somebody who is an admin and then all of a sudden the position for assistant city manager becomes open and then they can just step in and apply for it. Human Resource Donna Fisher said they would have to meet the minimum qualifications. Mayor Bass said then they would have to be hired. Councilman Pena said he does not want to be put in a position where an employee can say they thought they were qualified and then there is a lawsuit because they were not hired. Councilman Pena said he is wondering if the language can be amended such that it gives the City more flexibility literally in the language of the memo that does not have line stipulate that it should be granted to the employees. Human Resource Donna Fisher said the policy does not say that, but they can apply in advance but then after five days if the department director feels that they are not qualified or if no one applies and they decide to apply after the five days it is open to the general public. Ms. Fisher said it is

letting the employees apply in advanced and it is not a guarantee of a position it is just an advance change to get their application in. Councilman Pena said he is just trying to make sure that this does not open up any kind of liability. Councilman Pena asked if Mr. Olson had a chance to review this himself and if he saw that there was any kind of discrepancy or conflict of language that might put the City at a legal disadvantage? Interim City Attorney David Olson said he has reviewed it and has talked to Brian Begly about it and in no way does this create a property interest in a potential job this just essentially gives somebody in-house the opportunity to submit their application but in no way this gives them any kind of rights or obligates the City in any way to hire that individual. Mr. Olson said there can be somebody qualified for the position but it is still discretionary upon whoever is hiring for that position whether they want to hire that person just like any applicant. Councilman Pena said in case it is a lifeguard employee and they basically want to be employed as the assistant city manager and so or the parks director, and then the City Manager says he likes that person they are not qualified but he is going to hire them. Councilman Pena said he wants to make sure the City is protected in terms of the residents and the taxpayers to making sure that there is not systems in the ordinances or resolutions on how to hire that is going to allow for either some political hiring or nepotism hiring or otherwise but so always hiring for the most qualified person. Human Resource Director Donna Fisher said for someone to be hired it is required to have four signatures which include the department director, finance director, city manager, and herself. Interim City Attorney David Olson said at the end of the day this does not change the way people are hired. Mayor Bass said there is nepotism rules. Interim City Attorney David Olson said this really only changes the way people in house can apply for the position but as far consideration ultimate hiring for that position does not change a thing.

A motion was made by Councilman Matamoros to approve Resolution No. 2024-2838 amending the City of Freeport Policy Handbook Chapter 3-Employee Appointments revising Section 3.03 Application Process, seconded by Councilman Cain with all present voting "Aye" 4-1 motion passed. Councilman Pena voted "Nay".

First reading of Resolution No. 2024-2839 for consideration for the demolishing of the building located at 208 West Park Avenue.

Karla Clark resides at 411 Sailfish. She went down to the area on Park Drive Street and asked how many of those places down there are up for sale, for rent, or for lease? She said there are three buildings there altogether and the one that is being projected to be torn down, and if she is not mistaken, the three that the EDC owns are right there together. Ms. Clark asked if any of those buildings are habitable, or would it be better to just tear down the three of them? She said she knows the cost is quite a bit for tearing down, and she understands that it is a lot to dispose of things, and that is a lot of what you are charged with. She said the building used to be cheaper than actually tearing down to dispose of the property. She said she had not seen anybody showing any interest in these properties.

EDC Director Robert Johnson said the two buildings on 212 and 210 West Park are in fine condition. He said they are in condition to be refurbished and maintained and would also caution against demolishing buildings that are extant from the historic preservation Main Street perspective. He said those buildings are perfectly fine but 208 is falling in on itself, and it is a safety hazard at this point. Mayor Bass said he would like to see it torn down and maybe get somebody in there that has a restaurant with an open air plaza next to it. EDC Director Robert Johnson said he has a prospect right now very carefully considering 212.

Mayor Bass read Resolution No. 2024-2839.

Councilman Pena said earlier in the year Mr. Johnson was standing before the Council asking to approve another study for one of the Main Street experts out of UTSA. Councilman Pena asked what was the amount that was approved? EDC Director Robert Johnson said the study without the design guidelines was \$30,000 and with the design guidelines it was \$70,000. Councilman Pena said the \$70,000 was approved. EDC Director Robert Johnson said the EDC is covering \$30,000. Councilman Pena said he still sees it as taxpayer money and so he wants to make sure to talk to that point. Councilman Pena said there is the EDC money and the EDC

money is not a slush fund where we just go willy nilly breaking the rules here and there or get really aggressive with the rules and push them to get the little pet projects. Councilman Pena said he is okay with some pet projects that make sense to the overreaching goal of the City's push for growth for development and vibrancy. He said things need to be done differently. He said he thought it was voted on to allow UTSA to do a study to help understand what the best strategy is going forward. Councilman Pena asked why are buildings being torn down before they even come back with their response? Councilman Pena said might as well go ahead and say to stop and hold that check because we are going to do what we want and how we see fit. Councilman Pena asked how are these decisions being done if it is being said we are not the experts on this so we hired experts yet they are still making decisions that the experts are getting paid for to make. EDC Director Robert Johnson said in the pre study meetings with himself and Ana this building was discussed with Dr. Ian Cane from UTSA. Mr. Johnson said this was also brought up to the attention of the Main Street program in Austin. Mr. Johnson said this building is a safety hazard and needs to come down. Mr. Johnson said he is loathe to tear any building down with his historic preservation background but this one absolutely needs to come down before it comes down upon somebody. Councilman Pena said with this building he had various contractors look at it. Councilman Pena asked if engineers looked at this recently. EDC Director Robert Johnson said yes. Councilman Pena said he thought last year the EDC was getting BIDs on remodeling those and were getting engineer reports as well. EDC Director Robert Johnson said yes and in this round of contractors that submitted BIDs they were for 208 specifically and had them submit a BID for demolition and a BID for refurbishment and wanted to compare the two and refurbishment was astronomical. Councilman Pena asked if he had a number on the refurbishment? EDC Director Robert Johnson said no but he will get it to him. Mayor Bass said that is actually not part of the consideration for the demolishing of the building located on 208 West Park Avenue. Councilman Pena said what is germane to his question is in terms of this particular topic is the structure, and it is being said it is unsafe. Councilman Pena asked if there is any literature that says it is unsafe? Councilman Pena said two and a half years ago there were various contractors that came forward that provided estimates to refurbish the whole three buildings that the EDC owned, and all three of them that included the roof, front facades, bathrooms, and the kitchen that were going to be used and planned for those spaces. Councilman Pena said what it did not include however was the alley and the infrastructure the City would end up having to fix to make sure that those particular buildings would not get flooded at the next rainstorm. Councilman Pena said what is crazy to him is that almost whatever the engineers are being told to tell us that is what they will say, and sometimes the lawyers will do the same thing. He said so he is thinking if we are telling these guys to just say what it is going to take to take it down. Mayor Bass asked if Mr. Johnson told the engineers to have this building torn down? EDC Director Robert Johnson said no. Mayor Bass asked if the engineers came forth and said that this building needed to come down because it was unsafe? EDC Director Robert Johnson said the engineers did come forth and say that it needed to come down because it was unsafe. Councilman Pena said he would be very interested in seeing that report at the next reading if possible. Mayor Bass said that will be fine and thinks it should be brought forward. Councilman Pena said it is interesting that there has been a lot of subjectivity in terms of what buildings need to be torn down and he is with Mr. Johnson on this and does not see why any building in downtown needs to be torn down that is structurally sound. Councilman Pena said the construction company that was looking at that space the 208 had evaluated the roof structure and they basically said all that has to be replaced is the trusses and were given a price and it was a net \$300,000. EDC Director Robert Johnson asked what price was given to him? Councilman Pena said he would forward the estimate to him. Councilman Pena said it was close to about \$360,000. Councilman Pena said where he is going with this is that Mr. Johnson is saying that the particular structure is unsound but he had never heard any of those conversations from any of the other contractors and engineers that had been there to see the space itself. Mayor Bass asked if Councilman Pena had said it was two and a half years ago he had said they looked at it? Councilman Pena said maybe two years ago, but he would also say that last year there was a set of contractors that looked at it and were looking at that space in the posture of how to save it and how to make it happen. He said nobody came out categorically saying the sky is falling on this run for the hills and do not even get near the sidewalk because this might fall on you. He said nobody said any of that but they were beams that were sticking out about seven feet long and the City required them to shave those off because they were cantilevered over the sidewalk. Mayor Bass asked if the costs was \$360,000 at that time too or is that two

years ago? Councilman Pena said that his point is he does not think it is double or tripled he would hope not he has seen math like that before. Mayor Bass said to just look at the wastewater treatment plant that went from \$5 million to \$13 million in two years. Councilman Pena said he is just concerned that this building is being framed as being unsafe when in fact it can be preserved and when he looks at this roof and the conversations that they had then were simply replace these beams and there was never any circumstance or any conversation about 208 and 210 share a wall and if this wall or roof is taken out the wall can easily fall over into 208. Councilman Pena said same thing with White's Cafe if those supports are taken out it might also potentially fall over into the 208 space and then there is another problem because now the structural integrity of 210 has been compromised. He said so now they are all these questions of is this going to be demolished or how is it going to be done to have supports on the walls. He said he has a lot of questions and maybe they will be answered later but the first question is if it is really unsafe and unsalvageable. Councilman Pena said the answer before was always categorically it is salvageable and is curious why they are leaning on this to demolish buildings. He said buildings are trying to be preserved like the theater, pharmacy, bank building, and even City Hall. Mayor Bass asked if the theater had its roof work on yet or does it still have a big hole? Councilman Pena said he is not familiar with the status of that particular project at this point.

Mayor Bass said Mr. Johnson has a lot of homework to do. Mayor Bass said he would like to see the engineer's report as well. He said to Mr. Johnson if there is not one to get one. Mayor Bass said Councilman Pena had legitimate questions.

Consideration and possible action on approval of Individual Project Order #1 Kimley Horn East End Lift Station relocation.

City Manager Lance Petty said the Freeport City Council authorized entering into an agreement with Kimley Horn to serve as the City's Engineer. He said the attached Individual Project Order #1 is for the re-location of the east end lift station and re-location of the water transmission line. Mr. Petty said the re-location of this lift station and water main is required per the agreement with Port Freeport for the acquisition of the east end property. He said once this is approved and all the engineering has been done on it, it will be brought back and will have to BID out that project for approval. He said the engineering cost for the sewer and water was \$360,000.

Mayor Bass asked if this had to be done? City Manager Lance Petty said yes.

A motion was made by Councilman Cain to approve Individual Project Order #1 Kimley Horn East End Lift Station relocation, seconded by Councilman Rossow with discussion that followed.

Councilman Pena asked if the \$360,000 was strictly for the engineering and not for the actual cost of the structure? City Manager Lance Petty said correct. Councilman Pena asked what the anticipated total cost is? Mayor Bass said hopefully less than 1.2, as it had been anticipated for quite a while. Councilman Pena said he is really glad that when they were having these negotiations with the Port that they did not take the offer that was being passed around for \$400,000 a baseball field and that in fact held to the gun so that they could get the \$8.9 million and potentially even more. Councilman Pena said he is glad they had the opportunity to force the Port's hand to give the City of Freeport a decent amount of money for the East End but is not sure if it was the full value but is hoping those moneys get well spent in a timely manner.

Mayor Bass said he appreciated Councilman Pena all he did in the negotiations.

Mayor Bass called the motion to a vote, with all present voting "Aye" 5-0 council unanimously approved the motion.

Consideration and possible action approving the Interlocal Cooperation Contract between the Department of Public Safety of the State of Texas, an agency of the State of Texas and the City of Freeport Court.

Finance Director Cathy Ezell said due to the changes occurring in the 88th Legislative Session, the DPS revised

the Failure to Appear contract. She said the following changes have been made to the contract: changes to language and restructuring of the original Interlocal Cooperation Contract (ICC) to provide clarity regarding the specific responsibilities held by each party, inclusion of indigency into the program as mandated by House Bill 291, 88th Legislative Session, and language to account for future changes to the current statute, either federal or state, ensuring that the ICC remains in compliance with the latest legal requirements until a revised ICC is available. Ms. Ezell said, basically, this is a contract between the City Municipal Court and the State of Texas that allows them to put a driver's license on hold on those people who have failed to appear in court. She said if they have not appeared, the information is released to DPS, and they put a hold on their license, and they can not renew their license. She said they would have to clear up their court fines and fees before they can pull off the hold on their driver's license and this comes from the state of Texas.

Mayor Bass asked if this is something that is necessary? Finance Director Cathy Ezell said yes.

A motion was made by Mayor Bass to approve the Interlocal Cooperation Contract between the Department of Public Safety of the State of Texas, an agency of the State of Texas and the City of Freeport Court, seconded by Councilman Pena with all present voting "Aye" 5-0 council unanimously approved this motion.

Consideration and possible action to adopt Resolution No. 2024-2840 to designate authorized signatories for the Community Development Block Grant - Mitigation Program (CDBG-MIT) General Land Office (GLO) state contract 24-065-007-E164.

Finance Director Cathy Ezell said this Resolution sets up the signatories for the new grant for the water pumping station. She said this has to be done with every grant and this resolution sets up those signatories, and it is required per the grant.

A motion was made by Mayor Bass to approve Resolution No. 2024-2840 to designate authorized signatories for the Community Development Block Grant-Mitigation Program (CDBG-MIT) General Land Office (GLO) state contract 24-065-007-E164, seconded by Councilman Cain with all present voting "Aye" 5-0 council unanimously approved this motion.

Consideration and possible action approving the Lead and Copper Field Service Line Verification Agreement with Ameresco.

City Manager Lance Petty said this request is for approval of the required Lead and Copper Field Service Line Verification in the amount of \$225,000.00 with Ameresco, per the EPA/TCEQ requirements with a submittal deadline of October 16, 2024. Mr. Petty said the Ameresco is part of the cooperative purchasing program that does not require advertising for services through a BID process. He said the project would be funded by additional revenue from bulk water sales. He said to date, the City currently has \$273,389.00 to allocate from the additional revenue to fund this project. He said the City advertised this project and one came in at \$3 million and one was \$166,000. He said the contractor BID for \$166,000 gave him a call and questioned his BID and this was the first time that he completed this project and did not accept those BIDs. Mr. Petty said Ameresco does these projects all the time and this was presented at the workshop as well.

Mayor Bass asked City Manager Lance Petty to tell the public what it means by line verification? City Manager Lance Petty said per the state requirements, you have to verify all of your lead. Mr. Petty said if there are any lead copper lines what they do is go out in every single meter box that there is and clean it out, dig out both sides of the meter box, and verify the type of service that they have. Mr. Petty said they take photographs of all that and there is an app that is downloaded into the system, which this will all be downloaded into the app and then sent over to the engineers and once completed they send it over to TCEQ for verification. Mayor Bass asked what they are verifying? City Manager Lance Petty said lead and copper lines. Mayor Bass asked what if we had them? City Manager Lance Petty said we would be required to issue notices to the homeowners and then also be required to come up with a replacement plan. Mayor Bass asked how much this would cost? City Manager Lance Petty said he was not sure.

Councilman Cain asked in the replacement lines is the City required to replace up to the meter or to the house? City Manager Lance Petty said on the private side it would have to go all the way to the house.

A motion was made by Mayor Bass to approve the Lead and Copper Field Service Line Verification Agreement with Ameresco, seconded by Councilman Matamoros with discussion that followed.

Councilman Pena said he thought at the workshop Ameresco was going to do a sampling first. Mayor Bass said the sampling is going to be on the water meters. Mayor Bass said this is the project plan that was talked about with the water meters where they would do a sampling of 68. Councilman Pena asked if the sampling can be done on these? City Manager Lance Petty said no because they are right at 3,500 that will be tested. Councilman Pena asked if the other two BIDs were discarded because? City Manager Lance Petty said one was \$3 million and the other one is \$166,000 and the contractor did not want to do it for \$166,000 he realized he did not BID that correctly. Councilman Pena asked if they underbid it? City Manager Lance Petty said yes. Councilman Pena asked how would he know that? City Manager Lance Petty said because going off of the BID he went against in the advertisement and this would have been his first project to do a job like this and there was a lot of unknowns for him.

Mayor Bass called the motion to a vote, with all present voting "Aye" 4-1 motion passed. Councilman Pena voted "Nay".

Consideration and possible action approving Freeport Fire/EMS & BISD Affiliation Agreement for Unpaid Work-Based Learning.

Fire Chief Chris Motley said staff recommended approving the Freeport Fire/EMS and BISD affiliation agreement for an unpaid work-based learning agreement with the school. He also said his second recommendation was to authorize the Fire Chief to sign the agreement. He said the affiliation agreement supports a new program with Brazosport Independent School District. He said BISD is teaching Prehospital care to emergency medical technicians. He said there is a shortage of about 70,000 EMTs, so they are addressing that in the workforce through the program. He said this allows high school students to test with the National Registry for an EMT license, so they can work anywhere in the USA. He said once they get the national registry they are able to transfer it to the State licensing DSHS just to be able to practice here locally as part of the program. Mr. Motley said a student license licensed an EMT can continue their education through an advanced EMT which the Council has seen there when recognizing employee of the month. He said in order for the EMT student to complete their certification, the EMT student has to work in a clinical setting on an ambulance and in the hospital program provided by BISD must have an affiliation agreement for students to complete the infield clinical setting. He said Freeport Fire/EMS has a current affiliation agreement with Brazosport College. He said an EMT student must complete forty-eight hours of EMS clinical rotation and twenty-four hours of hospital clinical rotation. He said this affiliation agreement will allow BISD EMT students the opportunity to complete their EMS clinical rotation here in the community.

A motion was made by Mayor Bass to approve the Freeport Fire/EMS & BISD Affiliation Agreement for Unpaid Work-Based Learning and authorize Fire Chief Chris Motley to sign, seconded by Councilman Matamoros with discussion that followed.

Councilman Cain said he is in full of this program but wants to make sure that the students in Brazosport are able to be on this program at Brazosport? Fire Chief Chris Motley said it is who has been accepted to the program and he does not know any details past this affiliation agreement but they can have a strong discussion as well. Councilman Cain said he wants to make sure that our students here are afforded the same as the students in other schools in the BISD. Fire Chief Chris Motley said he would address this with Chief Praslicka, and he is not sure how the students are picked but it was filled up pretty quickly once it was offered.

Mayor Bass called the motion to a vote, with all present voting "Aye" 5-0 council unanimously approved the motion.

Mayor Bass said to Fire Chief Chris Motley he would like an update when they start coming through and would like to meet some of them.

Fire Chief Chris Motley said yes he is hoping they are the future employees.

Consideration and possible action to adopt Resolution No. 2024-2841 regarding Civil Rights, which includes the following policies:

- Citizen Participation Plan and Grievance Procedures;
- Section 3 Policy;
- Excessive Force Policy;
- Limited English Proficiency (LEP) Standards Plan;
- Section 504 Policy and Grievance Procedures;
- Code and Conduct Policy; and
- Fair Housing Policy.

For the Community Development Block Grant - Mitigation (CDBG-MIT) program for GLO state contract 24-065-007-E164.

Finance Director Cathy Ezell said this is another one of those resolutions and policies that they adopt with every one of the grants that were brought forward, the other two GLO grants and this GLO. She said it is required by the GLO and the HUD so that these policies are in place. She said these policies have been updated with all the changes and stuff that have come through. Ms. Ezell said staff recommended the approval of this resolution and policies.

Mayor Bass asked if the community development block grant plan for the GLO State contract number is the same throughout? Finance Director Cathy Ezell said yes, there must be a resolution for the different things, but it is all for the same grant. She said this is the grant for the water pumping station on Avenue F the \$1.8 million grant.

A motion was made to approve Resolution No. 2024-2841, seconded by Councilman Pena with all present voting "Aye" 5-0 council unanimously approved this motion.

Consideration and possible action to approve the commitment of additional funds up to \$8,794,500 for the CDBG-MIT 22-085-047-D300 project.

Finance Director Cathy Ezell said this is up to the full amount possible, which she had said they will possibly submit and the change order should be less but in order for HUD and GLO to move forward with this, that is why it is worded up to not an exact dollar amount because it could be less.

A motion was made to approve the commitment of additional funds up to \$8,794,500 for the CDBG-MIT 22-085-047-D300 project, seconded by Councilman Cain with all present voting "Aye" 5-0 council unanimously approved this motion.

WORK SESSION:

The City Council may deliberate and make inquiry into any item specifically listed as a Subsection under the itemized Sections A-F below, an item appearing on the City Council agenda for this meeting, on matters related to community events, or on matters that are not within the jurisdiction of the City for consideration by City Council. The City Council may not deliberate on any City matters not specifically disclosed under this Work Session or on this posted City Council Meeting agenda. City Council members and the Mayor always reserve the right to request that a matter be placed on a future agenda for consideration.

Councilman Pena Ward A announcements and comments.

Councilman Pena thanked everyone that attended the meeting, spoke out, and participated. He said he had a couple of questions based on the comments but also had some other questions that other residents have reached out to him about in the last couple of weeks. He said the first question was Mr. Reyna had asked or brought and presented that he could run for Mayor and is curious if they are going to rely on his personal legal research to consider that he might be right? He said, and if so, because he actually put his application in before the deadline. Councilman Pena asked if he would actually be able to run? Mayor Bass said this is something that could be on an agenda item and probably would be on the next agenda, but he would get an answer for Mr. Reyna pretty quick regarding this. Councilman Pena asked in terms of the first reading for all the parks how much was spent on those renderings by AID Architects? EDC Director Robert Johnson said he believes the City spent \$10,000 on the renderings for the parks. Councilman Pena asked if it came out of the parks budget? City Manager Lance Petty said yes. Councilman Pena asked Mr. Olson if any side conversations during the Council meeting between fellow Councilmen or Council and city staff or, for that matter, the Council and City Attorney are allowed to be whispered or not on the mic or should everything be recorded and live. Interim City Attorney David Olson said it is all public. Councilman Pena asked, so how is it ensured that the dialogue is made public and kept public? Councilman Pena asked if they said no side conversations or stop the meeting to make sure that those conversations are on the mic. Interim City Attorney David Olson said we do our best to keep everything recorded. Councilman Pena said he just keeps seeing more and more of it in terms of dialog between the Mayor and City Manager before and the Mayor and Interim City Attorney and is curious as residents on what is going on. Mayor Bass said they are discussing Councilman Pena. Councilman Pena said let it be out in the open.

Councilman Cain Ward B announcements and comments.

Councilman Cain thanked everyone that came out and those who spoke up in citizens' comments. He said he would like to remind everybody that Friday is Fathers and Daughters dance going on at the Riverplace. He said, unfortunately, he would be on call this weekend, so nobody had to watch him dance. Councilman Cain also said on Saturday there is Share the Love Community Resource Fair in the Downtown from 9:00AM-2:00PM. He said this event will be informative and there will be a lot of different resources Downtown that many of the people in the City may not be aware that there is and may be able to take advantage on some things. Councilman Cain said to Mr. Petty he appreciated the workshop that was put on. He said for those that do not know, typically, the Council gets the packet sent to them via email on Friday afternoon, so they have Friday afternoon, Saturday, Sunday, Monday, and up to 6:00PM to go over the packet to try to absorb it and try to get as much education as they can that is on the packets. Councilman Cain said last week Mr. Petty had a workshop where they went over some of the stuff that was going to be on the agenda, so they were able to have an understanding upfront of what was going on and some of the reasoning behind what was on the agenda. He thanked City Manager Lance Petty and said this was very beneficial.

Councilman Matamoros Ward C announcements and comments.

Councilman Matamoros thanked all the residents that attended in person, viewed online, made comments on citizens' comments and agenda items. He said he would like to invite everybody to the City meetings there are for the workshops. Councilman Matamoros thanked Mr. Petty for the workshop. He said he would also like to invite everybody to the EDC meetings. He said you will hear a lot of things that they talk about when they have projects and will gain knowledge. He said, thus, when items come to the Council you already have an idea of what has been discussed. He said there are exciting things going on in Freeport such as the Daddy Daughter Dance and the Community Block Fair. He said he just wanted to say to the residents of Freeport to get involved they do not try to hide things from anybody. He said he does not hide anything from anybody. He said if anybody has any questions please go to him, and he will speak with you.

Councilman Rossow Ward D announcements and comments.

Councilman Rossow said he agrees with everyone about the people online and the people attending that came out to the meeting, especially the ones that made this a good meeting and said a lot of positive things. He said it

was Black History Month and about nine more days. He said the MLKCC paid for everyone that wants to go see the museum and see the black history exhibit that is in Downtown Freeport. Councilman Rossow said you have till April the 3rd to register to vote, and he would love for everyone to take somebody to the polls. He said voting is important. He said when you look at how many people are registered to vote and how many people actually vote you will be surprised, and it is unbelievable. He said concerning the deaths in the area and the three that he knows of, there was someone there tonight to make the Mayor and the Council look bad. He said he wanted to spread some news that his wife and himself donated quite a sum for one of the funerals. Councilman Rossow said they raised money to bury them. He said he knows two of the three that most people know of and have no relation to him, but he was asked to help and he did. He said he helped in both of those incidents and asked to spread the news. Councilman Rossow said when they receive an untruth they should react in some kind of way and as Council, Mayor, Lawyers they have no reason to try to make anyone look bad. He said they do what they do because they want to do it.

Mayor Brooks Bass announcements and comments.

City Manager Lance Petty announcements and comments.

City Manager Lance Petty said March 9th is the moving date for City Hall. He said this information is going out, so everyone can see it. Mr. Petty said April 27 is going to be the first community clean up. Councilman Pena said he had asked at the last meeting if he could get a copy of the lease before being executed and asked if the lease had already been executed? City Manager Lance Petty said yes. Councilman Pena asked if he could get a copy of it? City Manager Lance Petty said yes.

ADJOURNMENT:

Adjourn

A motion was made by Councilman Matamors to adjourn the meeting, seconded by Mayor Bass with all present and voting "Aye" 5-0. Mayor Bass adjourned the meeting at 7:44P.M.

Brooks Bass, Mayor

Clarisa Molina, City Secretary



City Council Agenda Item #4.

Title: Consideration and possible action approving Ordinance No. 2024-2722 amending polling locations for the May 4, 2024 General Election.

Date: March 4, 2024

From: Clarisa Molina, City Secretary

Staff Recommendation: Staff recommends approving the Ordinance amending the polling locations for the May 4, 2024 General Election.

Item Summary: Brazoria County Elections department contacted staff with an updated polling location list.

Background Information: Brazoria County Elections office annually distributes a list of county wide polling places.

Locations removed:

Oyster Creek City Hall, 3210 FM 523, Oyster Creek
Clute Event Center, 100 Parkview Dr, Clute
Richwood City Hall, 1800 N Brazosport Blvd, Richwood

Location added:

Hillcrest Village Municipal Building, 200 W Timberlane, Alvin

Location changed:

Lake Jackson Library, 250 Circle Way, LJ to Doris Williams Civic Center, 333 Hwy 332 East, LJ

Special Considerations: N/A

Financial Impact: N/A

Board or 3rd Party Recommendation: N/A

Supporting Documentation:

1. ordinance amending polling location general 2024
2. ELECTION DAY VOTE CENTERS-JOINT LOCAL-2024-05-04

ORDINANCE NO. 2024-2722

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; AMENDING THE GENERAL ELECTION ORDINANCE NO. 2024-2717 BY CHANGING THE GENERAL ELECTION DAY VOTING POLLING LOCATIONS: REMOVING OYSTER CREEK CITY HALL, CLUTE EVENT CENTER, RICHWOOD CITY HALL, ADDING HILLCREST VILLAGE MUNICIPAL BUILDING, AND CHANGING FROM LAKE JACKSON LIBRARY TO DORIS WILLIAMS CIVIC CENTER; PROVIDING FOR RATIFICATION AND CONFIRMATION BY THE MAYOR OF SAID CITY OF THE ACTION TAKEN BY THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the Election Director of the Brazoria County Clerk's Office has notified the City that, due to availability, the following polling locations have been removed Oyster Creek City Hall, 3210 FM 523, Oyster Creek, Clute Event Center, 100 Parkview Dr, Clute, Richwood City Hall, 1800 N Brazosport Blvd, Richwood, the following location has been added to the polling locations: Hillcrest Village Municipal Building, 200 W Timberlane, Alvin, and the following polling location has been changed: Lake Jackson Library, 250 Circle Way, LJ to Doris Williams Civic Center, 333 Hwy 332 East, LJ;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS:

SECTION ONE - **Section Two – Municipal Polling Places** in Ordinance 2024-2717 are hereby amended by replacing the references to permitting Polling Places for the general election day , respectively, by removing Oyster Creek City Hall, 3210 FM 523, Oyster Creek, Clute Event Center, 100 Parkview Dr, Clute, Richwood City Hall, 1800 N Brazosport Blvd, Richwood, adding location Hillcrest Village Municipal Building, 200 W Timberlane, Alvin, and changing location, Lake Jackson Library, 250 Circle Way, LJ to Doris Williams Civic Center, 333 Hwy 332 East, LJ.

SECTION TWO - Ratification and Confirmation by Mayor.

By signing this ordinance, the undersigned Mayor of the City hereby ratifies and confirms as his action all matters hereinabove recited which by law come within his jurisdiction.

SECTION THREE - Effective Date.

This ordinance shall be effective immediately upon its passage and approval.

READ, PASSED AND APPROVED this _____ day of _____, 2024.

Brooks Bass, Mayor,
City of Freeport, Texas

ATTEST:

Clarisa Molina, City Secretary,
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

David W. Olson, Interim City Attorney,
City of Freeport, Texas

Home Pct #	Polling Place	Zip Code
1	East Annex (Old Walmart), 1524 E Mulberry, Angleton	77515
2	Precinct 4 Building #2, 121 N 10th St, West Columbia	77486
4	Brazoria Library, 620 S Brooks, Brazoria	77422
9	Bonney Annex Building, 19025 FM 521, Bonney	77583
11	Alvin ISD Heritage Complex, Liberty Alumni Hall, 10855 Iowa Colony Blvd, Iowa Colony	77583
12	Drainage District No. 4 Building, 4813 W Broadway, Pearland	77581
14	Sweeny Community Center, 205 W Ashley Wilson Rd, Sweeny	77480
15	Danbury Community Center, 6115 5th St, Danbury	77534
17	Freeport Library, 410 Brazosport Blvd, Freeport	77541
20	Jones Creek Comm House, 7207 Stephen F Austin Rd, Jones Creek	77541
23	Doris Williams Civic Center, 333 Hwy 332 East, LJ	77566
25	Hillcrest Village Municipal Building, 200 W Timberlane, Alvin	77511
26	Brookside Village Community Center, 6243 Brookside Rd, Brookside Village	77581
29	West Pearland Community Center, 2150 Countryplace Pkwy, Pearland	77584
37	Pearland Recreation Center, 4141 Bailey Rd, Pearland	77584
38	Surfside Beach City Hall, 1304 Monument Dr, Surfside Beach	77541
39	Alvin Library, 105 S Gordon, Alvin	77511
44	Silverlake Recreation Center, 2715 Southwyck Pkwy, Pearland	77584
46	Tom Reid Library, 3522 Liberty Dr, Pearland	77581
50	West Pearland Library, 11801 Shadow Creek Pkwy, Pearland	77584
65	Manvel Annex, 7313 Corporate Dr, Manvel	77578



City Council Agenda Item #5.

Title: Consideration and possible action approving Ordinance No. 2024-2723 amending polling locations for the May 4, 2024 Special Election Amendments to the Charter.

Date: March 4, 2024

From: Clarisa Molina, City Secretary

Staff Recommendation: Staff recommends approving Ordinance amending the polling locations for the May 4, 2024 Special Election Amendments to the Charter.

Item Summary: Brazoria County Elections department contacted staff with an updated polling location list.

Background Information: Brazoria County Elections office annually distributes a list of county wide polling places.

Locations removed:

Oyster Creek City Hall, 3210 FM 523, Oyster Creek
Clute Event Center, 100 Parkview Dr, Clute
Richwood City Hall, 1800 N Brazosport Blvd, Richwood

Location added:

Hillcrest Village Municipal Building, 200 W Timberlane, Alvin

Location changed:

Lake Jackson Library, 250 Circle Way, LJ to Doris Williams Civic Center, 333 Hwy 332 East, LJ

Special Considerations: N/A

Financial Impact: N/A

Board or 3rd Party Recommendation: N/A

Supporting Documentation:

1. ordinance amending polling location charter election 2024
2. ELECTION DAY VOTE CENTERS-JOINT LOCAL-2024-05-04

ORDINANCE NO. 2024-2723

AN ORDINANCE OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; AMENDING THE SPECIAL ELECTION ORDINANCE NO. 2024-2718 BY CHANGING THE SPECIAL ELECTION DAY VOTING POLLING LOCATIONS: REMOVING OYSTER CREEK CITY HALL, CLUTE EVENT CENTER, RICHWOOD CITY HALL, ADDING HILLCREST VILLAGE MUNICIPAL BUILDING, AND CHANGING FROM LAKE JACKSON LIBRARY TO DORIS WILLIAMS CIVIC CENTER; PROVIDING FOR RATIFICATION AND CONFIRMATION BY THE MAYOR OF SAID CITY OF THE ACTION TAKEN BY THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the Election Director of the Brazoria County Clerk's Office has notified the City that, due to availability, the following polling locations have been removed Oyster Creek City Hall, 3210 FM 523, Oyster Creek, Clute Event Center, 100 Parkview Dr, Clute, Richwood City Hall, 1800 N Brazosport Blvd, Richwood, the following location has been added to the polling locations: Hillcrest Village Municipal Building, 200 W Timberlane, Alvin, and the following polling location has been changed: Lake Jackson Library, 250 Circle Way, LJ to Doris Williams Civic Center, 333 Hwy 332 East, LJ;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS:

SECTION ONE - **Section 1** in Ordinance 2024-2718 is hereby amended by replacing the references to permitting Polling Places for the special election day , respectively, by removing Oyster Creek City Hall, 3210 FM 523, Oyster Creek, Clute Event Center, 100 Parkview Dr, Clute, Richwood City Hall, 1800 N Brazosport Blvd, Richwood, adding location Hillcrest Village Municipal Building, 200 W Timberlane, Alvin, and changing location, Lake Jackson Library, 250 Circle Way, LJ to Doris Williams Civic Center, 333 Hwy 332 East, LJ.

SECTION TWO - Ratification and Confirmation by Mayor.

By signing this ordinance, the undersigned Mayor of the City hereby ratifies and confirms as his action all matters hereinabove recited which by law come within his jurisdiction.

SECTION THREE - Effective Date.

This ordinance shall be effective immediately upon its passage and approval.

READ, PASSED AND APPROVED this _____ day of _____, 2024.

Brooks Bass, Mayor,
City of Freeport, Texas

ATTEST:

Clarisa Molina, City Secretary,
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

David W. Olson, Interim City Attorney,
City of Freeport, Texas

Home Pct #	Polling Place	Zip Code
1	East Annex (Old Walmart), 1524 E Mulberry, Angleton	77515
2	Precinct 4 Building #2, 121 N 10th St, West Columbia	77486
4	Brazoria Library, 620 S Brooks, Brazoria	77422
9	Bonney Annex Building, 19025 FM 521, Bonney	77583
11	Alvin ISD Heritage Complex, Liberty Alumni Hall, 10855 Iowa Colony Blvd, Iowa Colony	77583
12	Drainage District No. 4 Building, 4813 W Broadway, Pearland	77581
14	Sweeny Community Center, 205 W Ashley Wilson Rd, Sweeny	77480
15	Danbury Community Center, 6115 5th St, Danbury	77534
17	Freeport Library, 410 Brazosport Blvd, Freeport	77541
20	Jones Creek Comm House, 7207 Stephen F Austin Rd, Jones Creek	77541
23	Doris Williams Civic Center, 333 Hwy 332 East, LJ	77566
25	Hillcrest Village Municipal Building, 200 W Timberlane, Alvin	77511
26	Brookside Village Community Center, 6243 Brookside Rd, Brookside Village	77581
29	West Pearland Community Center, 2150 Countryplace Pkwy, Pearland	77584
37	Pearland Recreation Center, 4141 Bailey Rd, Pearland	77584
38	Surfside Beach City Hall, 1304 Monument Dr, Surfside Beach	77541
39	Alvin Library, 105 S Gordon, Alvin	77511
44	Silverlake Recreation Center, 2715 Southwyck Pkwy, Pearland	77584
46	Tom Reid Library, 3522 Liberty Dr, Pearland	77581
50	West Pearland Library, 11801 Shadow Creek Pkwy, Pearland	77584
65	Manvel Annex, 7313 Corporate Dr, Manvel	77578



City Council Agenda Item #6.

Title: Consideration and possible action approving Resolution No. 2024-2842 authorizing a revision to the City of Freeport Policy Handbook Chapter 8- Attendance and Leave Policy Section 8.14 Leave Donation Policy.

Date: March 4, 2024

From: Donna Fisher, HR Director

Staff Recommendation: Staff recommends approval of the Resolution.

Item Summary: City Council adopted a leave donation policy on February 7, 2022, to create a sick leave pool. The sick leave pool provides for alleviation of hardships incurred by an employee if a life-threatening illness or life-threatening injury forces the employee to exhaust all available sick leave, vacation leave, and compensatory leave. The sick leave pool is intended to lessen financial hardship caused to sick leave pool members by providing a source of additional paid sick leave. This policy complies with IRS regulations. Staff is asking for a revision to increase the maximum an employee can contribute per year, as well as allowing employees leaving employment with the City the option of donating their unused balance to the pool, and changing the time frame an employee is allowed to receive hours to fiscal year.

Background Information: The current policy allows for donations to the sick leave pool only to a maximum of 96 hours or one-third of an employee's available balance, with an employee only eligible to receive up to 480 hours in a rolling 12-month period. The current policy does not have an option allowing employees who leave employment with the City to donate their unused balance.

Special Considerations: N/A

Financial Impact: N/A

Board or 3rd Party Recommendation: N/A

Supporting Documentation:

1. Resolution - Leave Donation Policy Revision

2. proposed change to leave donation policy - REDLINED
3. proposed change to leave donation policy - FINAL

RESOLUTION NO. 2024-2842

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, REVISING SECTION 8.14 LEAVE DONATION POLICY AND APPROVING THIS REVISION TO THE PERSONNEL POLICY HANDBOOK.

WHEREAS, the City of Freeport values all employees working to provided services to the citizens; and

WHEREAS, the City of Freeport recognizes the importance of employee health; and

WHEREAS, the City of Freeport seeks to create a specific policy create a sick leave pool to give the employees a mechanism that give eligible employees another resource for the alleviation of hardships incurred by an employee if a life-threatening illness or life-threatening injury forces the employee to exhaust all available sick leave, vacation leave, and compensatory leave.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, BRAZORIA COUNTY, TEXAS;

SECTION 1. LEAVE DONATION POLICY. The City Council of the City hereby approves and adopts the revision to the Leave Donation Policy attached hereto as Exhibit “A” and approves its addition to the Personnel Policy Handbook.

SECTION 2. PROPER NOTICE AND MEETING. It is hereby found and determined that the meeting at which this resolution was passed was attended by a quorum of the City Council, was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

Read, passed and adopted the _____ day of _____, 2024.

Brooks Bass, Mayor
City of Freeport, Texas

ATTEST:

APPROVED AS TO FORM:

Clarisa Molina, City Secretary
City of Freeport

David Olson, City Attorney
City of Freeport

8.14 Leave Donation Policy

The City of Freeport maintains a sick leave pool to provide for the alleviation of hardships incurred by an employee and the employee's immediate family if a life-threatening illness or life-threatening injury forces the employee to exhaust all available sick leave, vacation leave, and compensatory leave. The sick leave pool is intended to lessen financial hardship caused to sick leave pool members by providing a source of additional paid sick leave. Routine pregnancy/maternity is not considered a life-threatening illness or life-threatening injury. However, severe pregnancy-related illness or complications afflicting mother or child may be considered.

Definitions for the purpose of the sick leave pool are as follows:

1. An Eligible employee is defined as a regular full-time employee who has been employed by the City for at least one (1) year.
2. Immediate Family Member is defined as an employee's spouse, child, or any other relative who resides in the employee's household and who is dependent on the employee for care.
3. Life-threatening is defined as a disease or condition from which the likelihood of death is probable unless the course of the disease or condition is interrupted. Life-threatening illness and injuries include, but are not limited to: Serious or terminal illness such as cancer, and serious or life-threatening accidents or injuries. Chronic illnesses or injuries which result in intermittent absences from work, such as HIV or kidney disease requiring dialysis, may also be considered life-threatening. Life-threatening illness or injury does not include: non-emergency elective surgery; injuries covered by workers' compensation claims; disabilities from drug or alcohol abuse; and self-inflicted injuries.
4. Sick Leave Pool is defined as the accumulated sick leave hours donated by employees for use in accordance with this policy.
5. Sick Leave Pool Administrator is defined as committee made up of the Head of Human Resources or designee, affected employee's Department Director and the City Manager designated in this policy to administer the Sick Leave Pool Policy.

In order for an employee to be considered eligible for the Sick Leave Pool, an employee is required to complete an enrollment form. The employee has to be employed by the City of Freeport for one (1) year; the employee must be in good standing of the City's attendance policies; and the employee has to donate at least four (4) hours from their own personal Sick Leave bank per year. Employees may contribute to a maximum of one hundred twenty (120) ~~ninety-six (96)~~ hours of their earned sick leave to the pool per year. The employee cannot contribute more than one half (1/2) ~~third (1/3)~~ of their earned sick leave per year. An employee leaving employment with the City will have the option of donating their unused sick leave balance to the pool. Remember, sick leave is not paid out upon termination of employment.

Contributions to the pool are strictly voluntary. The contributor may not designate the recipient of his or her donated sick leave. Employees may sign up for participation for thirty (30) days following the adoption of this policy and during open enrollment annually.

Sick leave pool hours may not be used in conjunction with a workers' compensation claim by an

employee.

A request to withdraw from the pool must be submitted in writing, prior to the exhaustion of the employee's personal leave bank. The employee must provide the Sick Leave Pool Administrator with a physician's statement as to the nature of the illness, surgery, or temporary disability, including the expected duration of the employee's absence.

The Head of Human Resources is responsible for developing and implementing the procedures for contributing sick leave hours to or withdrawing sick leave hours from the pool. However, the Head of Human Resources, the employee's Department Director and the City Manager determine the approval or denial to withdraw from the pool. The Head of Human Resources is also responsible for communicating and interpreting the procedures of this policy to the employees.

The Sick Leave Pool Administrator shall consider the information contained in the request form, the number of pending request forms, and the number of hours available in the Sick Leave Pool. The Sick Leave Pool Administrator shall not award more than one-third (1/3) of the hours in the Sick Leave Pool based upon any single request for withdrawal of hours.

Employees on extended leave must report by telephone to the Head of Human Resources or designee at least once a week, as well as immediately following any doctor's appointment, with an update as to the expected duration of the employee's absence.

Employees utilizing Sick Leave Pool hours do not qualify for the accrual of benefits (sick, vacation, holiday, etc.).

The donation of sick time is on an hourly basis, without regard to the dollar value of the donated or used leave.

Employees cannot borrow against future sick time to donate.

Employees will be given the opportunity to donate sick time annually during benefits open enrollment. The donated sick time will be transferred from the donor to the leave pool on October 1st.

Employees who are currently on an approved leave of absence cannot donate sick time.

If the recipient employee has available sick time in his or her balance, this time will be used prior to any donated sick time. Donated sick time may only be used for time off related to the approved request.

Employees who receive donated sick time may receive no more than 480 hours (12 weeks) within a ~~fiscal year~~rolling 12-month period.

Nothing in this policy will be construed to limit or extend the maximum allowable absence under the Family and Medical Leave Act.

8.14 Leave Donation Policy

The City of Freeport maintains a sick leave pool to provide for the alleviation of hardships incurred by an employee and the employee's immediate family if a life-threatening illness or life-threatening injury forces the employee to exhaust all available sick leave, vacation leave, and compensatory leave. The sick leave pool is intended to lessen financial hardship caused to sick leave pool members by providing a source of additional paid sick leave. Routine pregnancy/maternity is not considered a life-threatening illness or life-threatening injury. However, severe pregnancy-related illness or complications afflicting mother or child may be considered.

Definitions for the purpose of the sick leave pool are as follows:

1. An Eligible employee is defined as a regular full-time employee who has been employed by the City for at least one (1) year.
2. Immediate Family Member is defined as an employee's spouse, child, or any other relative who resides in the employee's household and who is dependent on the employee for care.
3. Life-threatening is defined as a disease or condition from which the likelihood of death is probable unless the course of the disease or condition is interrupted. Life-threatening illness and injuries include, but are not limited to: Serious or terminal illness such as cancer, and serious or life-threatening accidents or injuries. Chronic illnesses or injuries which result in intermittent absences from work, such as HIV or kidney disease requiring dialysis, may also be considered life-threatening. Life-threatening illness or injury does not include: non-emergency elective surgery; injuries covered by workers' compensation claims; disabilities from drug or alcohol abuse; and self-inflicted injuries.
4. Sick Leave Pool is defined as the accumulated sick leave hours donated by employees for use in accordance with this policy.
5. Sick Leave Pool Administrator is defined as committee made up of the Head of Human Resources or designee, affected employee's Department Director and the City Manager designated in this policy to administer the Sick Leave Pool Policy.

In order for an employee to be considered eligible for the Sick Leave Pool, an employee is required to complete an enrollment form. The employee has to be employed by the City of Freeport for one (1) year; the employee must be in good standing of the City's attendance policies; and the employee has to donate at least four (4) hours from their own personal Sick Leave bank per year. Employees may contribute to a maximum of one hundred twenty (120) hours of their earned sick leave to the pool per year. The employee cannot contribute more than one half (1/2) of their earned sick leave per year. An employee leaving employment with the City will have the option of donating their unused sick leave balance to the pool. Remember, sick leave is not paid out upon termination of employment.

Contributions to the pool are strictly voluntary. The contributor may not designate the recipient of his or her donated sick leave. Employees may sign up for participation for thirty (30) days following the adoption of this policy and during open enrollment annually.

Sick leave pool hours may not be used in conjunction with a workers' compensation claim by an

Exhibit A

employee.

A request to withdraw from the pool must be submitted in writing, prior to the exhaustion of the employee's personal leave bank. The employee must provide the Sick Leave Pool Administrator with a physician's statement as to the nature of the illness, surgery, or temporary disability, including the expected duration of the employee's absence.

The Head of Human Resources is responsible for developing and implementing the procedures for contributing sick leave hours to or withdrawing sick leave hours from the pool. However, the Head of Human Resources, the employee's Department Director and the City Manager determine the approval or denial to withdraw from the pool. The Head of Human Resources is also responsible for communicating and interpreting the procedures of this policy to the employees.

The Sick Leave Pool Administrator shall consider the information contained in the request form, the number of pending request forms, and the number of hours available in the Sick Leave Pool. The Sick Leave Pool Administrator shall not award more than one-third (1/3) of the hours in the Sick Leave Pool based upon any single request for withdrawal of hours.

Employees on extended leave must report by telephone to the Head of Human Resources or designee at least once a week, as well as immediately following any doctor's appointment, with an update as to the expected duration of the employee's absence.

Employees utilizing Sick Leave Pool hours do not qualify for the accrual of benefits (sick, vacation, holiday, etc.).

The donation of sick time is on an hourly basis, without regard to the dollar value of the donated or used leave.

Employees cannot borrow against future sick time to donate.

Employees will be given the opportunity to donate sick time annually during benefits open enrollment. The donated sick time will be transferred from the donor to the leave pool on October 1st.

Employees who are currently on an approved leave of absence cannot donate sick time.

If the recipient employee has available sick time in his or her balance, this time will be used prior to any donated sick time. Donated sick time may only be used for time off related to the approved request.

Employees who receive donated sick time may receive no more than 480 hours (12 weeks) within a fiscal year.

Nothing in this policy will be construed to limit or extend the maximum allowable absence under the Family and Medical Leave Act.



City Council Agenda Item #7.

Title: Consideration and possible action approving Resolution No. 2024-2843 to Amend the City's existing Purchasing Policy Accordingly.

Date: March 4, 2024

From: Cathy Ezell, Finance Director

Staff Recommendation: Staff recommends the adoption of the Resolution to amend the City's Purchasing Policy.

Item Summary: The proposed amendments to the City's Purchasing Policy are as follows:

- Change the definition of capital equipment to have a useful life of 3 years instead of 2 years.
- Re-define the check request.
- Add the definition of the Payment Authorization.
- Change formal bidding requirements from \$50,000 to \$30,000 with the exceptions of emergencies.
- Remove the mayor as an authorized credit card holder.
- The department credit cards are the responsibility of the Department Head
- Change ACM designation in the P-Card policy to the Finance Director

Background Information: The changes are being brought forward based on discussions between the City Manager and Finance Director. These changes will create stronger controls over purchasing and invoice payments.

The standard useful life to be considered a capital asset is three years. The changing of the ACM to Finance Director in the P-Card policy is because the previous Finance Director was the ACM.

Special Considerations: N/A

Financial Impact: N/A

Board or 3rd Party Recommendation: N/A

Supporting Documentation:

1. Resolution - Amending Purchasing Policy 2024(1)
2. Purchasing Policy red lilne2024
3. Purchasing Policy Fina 2024

RESOLUTION NUMBER 2024-2843

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, APPROVING AND ADOPTING AMENDMENTS TO THE PURCHASING POLICY FOR THE CITY OF FREEPORT; PROVIDING FOR INCORPORATION OF PREAMBLE AND AN EFFECTIVE DATE.

WHEREAS, the City Council adopted Resolution Number 2019-2588 on June 3, 2019, establishing a Purchasing Policy that clearly defines authority, responsibility, and established procurement guidelines for the organization; and

WHEREAS, the City Council adopted Resolution Number 2020-2660 on October 5, 2020 amending the Purchasing Policy; adopted Resolution Number 2022-2763 on November 9, 2022 amending the Purchasing Policy; and adopted Resolution Number 2022-2773 on December 19, 2022 amending the Purchasing Policy;

WHEREAS such Purchasing Policy needs to be amended; a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, the City Council hereby finds that the amended Purchasing Policy should be approved.

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

Section 1. The facts and statements contained in the preamble are hereby found to be true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. The Purchasing Policy attached hereto as "Exhibit A" is hereby amended and adopted as the Purchasing Policy of the City of Freeport.

Section 3. This Resolution shall become effective immediately upon its passage.

DULY PASSED, APPROVED AND ADOPTED on this the _____ day of _____ 2024.

Brooks Bass, Mayor
City of Freeport, Texas

ATTEST:

Clarisa Molina, City Secretary
City of Freeport, Texas

APPROVED AS TO FORM AND CONTENT:

David Olson City Attorney
City of Freeport, Texas

**Exhibit “A”
City of Freeport
Purchasing Policy**

EXHIBIT A



City of Freeport Purchasing Policy

Approved

~~December 19, 2022~~ February 20, 2023

Table of Contents

Section 1: Purchasing Policies, Objectives, and Ethics.....	3
A. Purchasing Policy	3
B. Purchasing Objectives	3
C. Legal Authority	3
D. Disclosure of Certain Relationships	4
E. Certificate of Interested Parties (Form 1295)	4
F. Purchasing Ethics	4
G. Participating in Procurements with Family or Friends	6
H. Gratuities.....	6
I. Kickbacks	6
J. Confidential Information	6
K. Purchase of Materials, Equipment, And Supplies for Personal Use.....	6
L. Private Purchases Through City Facilities.....	6
M. Tax Exempt Status	7
N. Tax Exempt Status for Purchase of Personal Property	7
O. Definitions	7
Section 2: Purchasing Process	11
A. Delegation of Purchasing Authority	11
B. Total Dollar Limits/Approval Requirements	11
C. Purchases of Less Than \$3,000.....	12
D. Purchases of \$3,000 to Less Than \$50,000	12
E. Purchases of \$50,000 or More	13
F. General Purchasing Provisions.....	13
G. Prompt Payment Act	13
H. Consideration of The Location of a Bidder's Principal Place of Business	13
I. Preference for Recycled Products	14
J. Municipal Contracts.....	14
K. Procedures for Federal Grants.....	14
L. Construction Projects	17
Section 3: Exemptions to Competitive Bidding	18
A. High Technology Procurement.....	19
B. Emergency Services.....	19
C. Professional Services	20
D. Work That Is Performed and Paid for By the Day as The Work Progresses	20
E. Purchase of Rare Books, Papers, And Other Library Materials for A Public Library	20
F. Developer Participation Contracts.....	20
G. Interlocal Contracts and Cooperative Purchasing.....	21
H. Media Advertising	21
Section 4: Credit Card/Procurement Card Purchases	22
A. Program Administration	22

B.	P-Card Issuance & Transaction / Monthly Limits	23
C.	Department P-Cards	23
D.	Finance Department P-Card.....	23
E.	P-Card Usage Guidelines.....	24
F.	Monthly Reconciliation Process.....	25
G.	Receipt of Goods & Payment / Dispute of Charges	27
H.	Cancellation & Renewal Of P-Cards	28
I.	Accountability	28
Section 5: Disposal of City Property		30
A.	Property Disposal	30
Section 6: Electronic Procurement		31
A.	Identification	31
B.	Security	31
C.	Confidentiality.....	31

Section 1: Purchasing Policies, Objectives, and Ethics

A. Purchasing Policy

The procedures listed below provide an outline of the overall purchasing process.

It is the policy of the City to assure fair competitive access to governmental procurement by responsible vendors/contractors and to conduct business activities in such a manner as to foster public confidence in the integrity of the City.

Therefore, regardless of the expenditure it is the policy of the City to garner competition that produces the highest quality goods at the lowest possible price regardless of whether the item or service is subject to bid.

B. Purchasing Objectives

These policies are intended to:

- Ensure that the City acquires, stores, disburses, utilizes and disposes of goods and services uniformly and economically
- Provide the City with quality products and services at the best possible price
- Ensure that the City abides by the City's Charter and its adopted annual budget
- Help all departments understand and use established purchasing procedures and abide by applicable state and federal laws
- Help all departments in meeting the procurement needs of the City
- Encourage participation of small and minority businesses, women's business enterprises, and labor surplus area firms.

C. Legal Authority

The City has attempted to incorporate local, state and federal laws into this manual. The City, however, does not warrant that these policies include all such laws. Local, state and federal laws will prevail over these rules where applicable.

Texas Local Government Code 252.002 (Municipal Charter controls in case of conflict)

Legal requirements which affect the acquisition of goods and services include the following:

- *Texas Local Government Code, Chapter 252* requires that before a municipality may enter into a contract, except for those items exempted under *Chapter 252.022* or other law, that requires an expenditure of more than **\$50,000.00** from one or more municipal funds, the municipality must comply with the procedure prescribed as appropriate therein for competitive sealed bidding or competitive sealed proposals.
- *Texas Local Government Code, Chapter 171* requires local government officials to disclose conflicts of interest and sets forth rules that require officials to abstain where they are in a position to vote or make a decision on any matter involving a business entity or real property for which they have an interest in.

- *Texas Government Code Title 10, Chapter 2254*, also known as the Professional Services Act, governs the local government procurement of various professional services. *Chapter 2254* prohibits the procurement selection of architects or engineers based on bid price and requires government entities to first select the most qualified provider based on demonstrated competence and qualifications, and then attempt to negotiate with that provider a contract at a fair and reasonable price.
- *The State of Texas Engineering Practice Act, Chapter 1001, Texas Occupations Code*, states that a registered professional engineer must be hired to prepare plans, specifications, and estimates for any public works activities in accordance with this Act. The engineer must directly supervise the project in order to ensure the public health, safety, and welfare.

D. Disclosure of Certain Relationships

The Texas Local Government Code, Chapter 176 requires a vendor that wishes to conduct business or be considered for business with the City of Freeport, Texas to file a conflict of interest questionnaire. The Disclosure Act applies to all persons or businesses who conduct business with the City, including those who submit bids on city contracts, make purchases of surplus city property, or participate in any other purchase or sales transactions with a city.

Vendors or respondents who meet the following criteria must fill out a conflict of interest questionnaire no later than the 7th day after the person begins contract discussions or negotiations with the City or submits to the City an application, response to a request for proposals or bids, correspondence, or another writing related to a potential agreement with the City:

A vendor or respondent that:

- contracts or seeks to contract for the sale or purchase of property, goods, or services with a local governmental entity; or
- Is an agent of a person described in Subdivision (1) in the person's business with a local governmental entity. Any person who meets the criteria, as for enforcement to ensure the veracity of the vendors, the statute makes it a Class C Misdemeanor to violate the vendor disclosure provisions.

E. Certificate of Interested Parties (Form 1295)

Section 2252.908 of the Texas Government Code states that a governmental entity or state agency may not enter into certain contracts with a business entity unless the business entity submits a disclosure of interested parties to the governmental entity or state agency at the time the business entity submits the signed contract to the governmental entity or state agency. The law applies only to a contract of a governmental entity or state agency that either (1) requires an action or vote by the governing body of the entity or agency before the contract may be signed or (2) has a value of at least \$1 million.

A business entity must enter the required information on Form 1295 online at <https://www.ethics.state.tx.us/File/> and print a copy of the completed form, which will include a certification of filing that will contain a unique certification number. An authorized agent of the business entity must sign the printed copy of the form and have the form notarized. The completed Form 1295 with the certification of filing must be filed with City.

F. Purchasing Ethics

The City wants to promote and protect its governmental integrity. The purpose of this section is to provide guidance to all City employees involved in the procurement process so that they may conduct

themselves in a manner that is compatible with the best interest of the City. For more guidance regarding the City's Code of Ethics, please refer to the City's Ethics Policy found under Title IX of the Code of Ordinances, Chapter 100.

The employees of the City responsible for purchasing shall:

- Purchase the proper goods or services to address the City's needs
- Get the best possible price for goods or services
- Have goods or services available when and where the City needs it
- Assure a continuing supply of needed goods and services
- Guard against misappropriation of City funds
- Facilitate cooperation with other governmental units
- Maximize competition from responsible bidders
- Safeguard public funds and receive the best value for the public dollar
- Never use public spending to enrich elected officials or City employees
- Never make purchases for personal use in the City's name
- Ensure all procurement transactions will be conducted in a manner providing full and open competition:
 - No unreasonable requirements are placed on firms in order for them to qualify.
 - No unnecessary experience or excessive bonding required.
 - Noncompetitive pricing practices between firms or between affiliated companies is disallowed.
 - Noncompetitive contracts are disallowed except for when there is an approved exception.
 - No organizational conflicts of interest.
 - If a "brand name" product is specified, an equal or like product is acceptable.
 - 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.
- Ensure all procurement transactions shall incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured.
- Ensure all procurement transactions shall identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals
- If a prequalified list when acquiring goods or services is used, the City will ensure the list is updated regularly, provides enough qualified sources to ensure maximum open and free competition.
- Ensure all procurement transactions must conform to applicable local, state, and federal laws and regulations.

Perception is Everything. Even if a procurement decision is sound, the method determination should be documented and will be open to public inspection. If a decision is perceived to be less than fair to all competitors, then the perception becomes the reality to the unsuccessful bidders. And, if the opinion is that the City has "favorite companies we always do business with", our job is to set the record straight

with all who may have this complaint. It is important that awards are made based on competition and/or best value for the City, that the reason(s) for those awards are documented and defensible, and that a decision is based on fact and in the best interest of the City.

G. Participating in Procurements with Family or Friends

It shall be a breach of ethics for any employee of the City of Freeport to participate directly or indirectly in procurement for the City of Freeport when the employee knows that:

- The employee or any member of the employee's immediate family has a financial interest pertaining to the procurement.
- A business or organization in which the employee, or any member of the employee's immediate family, has a financial interest pertaining to the procurement; or
- Any other person, business or organization with which the employee or any member of the employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.

H. Gratuities

It shall be a violation of city employment to offer, give or agree to give any employee of the City of Freeport, or for any employee of the City of Freeport to solicit, demand, accept or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, preparation of any part of a program requirement or purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter pertaining to any program requirement or a contract or sub-contract, or to any solicitation or proposal therefore pending before the City of Freeport.

I. Kickbacks

It shall be a breach of ethics for any payment, gratuity or offer of employment to be made by or on behalf of a vendor/subcontractor under a contract to the prime vendor/contractor or higher tier subcontractor for any contract for the City of Freeport, or any person associated therewith, as an inducement for the award of a sub-contract or order.

J. Confidential Information

It shall be a violation of City policy for any employee of the City of Freeport knowingly to use confidential information for actual or anticipated personal gain, or for the actual or anticipated gain of any person.

K. Purchase of Materials, Equipment, And Supplies for Personal Use

No employee may purchase City property for his/her own personal use unless it is purchased through the City's public auction or through the sealed bid procedures of the City. This includes new and used equipment, materials or supplies.

L. Private Purchases Through City Facilities

No employee may use the purchasing power of the City of Freeport to make a private purchase. In addition, employees should not have private purchases sent to the City to be paid for by the employee.

M. Tax Exempt Status

The City of Freeport is exempt from Federal, State, and Local taxes except in certain prescribed cases. An exemption certificate is available from the Finance Department and will be furnished to any of the City's suppliers upon request. Employees making purchases for the City out of personal funds will not be reimbursed for sales tax paid.

N. Tax Exempt Status for Purchase of Personal Property

Employees may not use the City's tax-exempt status for purchases of personal property. Anyone avoiding payment of sales tax by using this exemption may be liable for prosecution under Texas Penal Code, Chapter 39.

O. Definitions

The following definitions are intended to assist you in understanding the language used throughout this manual. When using this manual, if you find a word or words that you may not clearly understand and if it is not defined in this section, please do not hesitate to contact someone in Finance for clarification and/or interpretation.

Appropriated – The City Council appropriates funds through the adoption of the annual budget and subsequent amendments. Appropriated funds are funds that are able to be used for the purchase of goods and services, another way of saying this would be to say funds are budgeted and authorized for the intended purchase.

Award - Approval by the City Council, City Manager, Financial Director or their designee, under whose authority a purchase order is issued.

Best Value - If the sealed competitive bidding requirement applies to the contract for goods or services, the contract may be awarded to the lowest, Responsible Bidder or to bidder who provides goods or services at the best value for the City. In determining the best value for the City, we may consider:

- the purchase price;
- the reputation of the bidder and of the bidder's goods or services;
- the quality of the bidder's goods or services;
- the extent to which the goods or services meet the City's needs;
- the bidder's past relationship with the City;
- the impact on the ability of the City to comply with laws and rules relating to contracting with;
- historically underutilized businesses and non-profit organizations employing persons with disabilities;
- the total long-term cost to the City to acquire the bidder's goods or services, and
- any relevant criteria specifically listed in the request for bids or proposals.

Bid advertisement - A public notice put in a newspaper of general circulation, containing information about an Invitation for Bid or a Request for Proposal.

Bid list - A list of vendors who have indicated in writing an interest in submitting bids for particular categories of goods and services. This list is a compilation of recommended vendors from the department and a database of vendors maintained by Purchasing.

Blanket Purchase Order – A blanket purchase order is an open purchasing agreement between the City and a vendor to provide multiple purchases under a single Purchase Order number when the exact quantities are unknown.

Bonds:

- **Bid Bond** - A bond required of a contractor that ensures that the contractor will enter into the contract for which he has submitted a formal written bid and/or proposal.
- **Payment Bond** - A bond required of the contractor that ensures that all suppliers and subcontractors of the contractor will be paid for work and/or material supplied in the course of the contract.
- **Performance Bond** - A bond required of the contractor that guarantees vendor performance during the execution of the contract.

Capital equipment – Property with a useful life of at least ~~two~~three years and a purchase cost of at least \$5,000.

Check Request – Prescribed stamp/~~form~~ for requesting payment to a vendor for purchase of less than \$~~3,000~~1,000. For any purchase of over \$1,000, a payment authorization form must be complete. The Department Head and/or their designee must sign this form.

Commodity code - A specific group of goods or services categorized into distinct classes that have been assigned a numerical reference number within the purchasing and inventory system.

Competitive bidding - The process wherein a vendor openly competes with other vendors, through a formal or informal process, for the City's business.

Component purchases – Purchases of component parts that in normal purchasing practices would be purchased in one purchase.

Consulting Services - The service of studying or advising the City under a contract that does not involve the traditional relationship of employer and employee.

Contract - An agreement between the City and a Supplier to furnish supplies and/or services over a designated period of time, during which purchases are made of the commodity specified.

Contractor - The successful vendor(s) awarded a contract by the City.

Delivery date – The date by which goods or services are needed.

Emergency – Purchases that are made to meet a critical, unforeseen need of the City, where the City's ability to serve the public would be impaired if purchase is not made immediately. Emergency purchases are exempt from standard purchasing procedures and must qualify for exemption as outlined in *Texas Local Government Code 252.022*.

Encumbrance - The process wherein the City reserves funds for the purchase of supplies, goods, services, and equipment in one budgetary-accounting period, and pays for the purchase in another budgetary-accounting period.

Expedite – When the purchasing process is accelerated through normal procedures in order to prevent work stoppage or loss of government's money.

FOB destination point – Free on Board (FOB); the vendor pays freight charges to the destination; title to goods passes to buyer at his receiving dock; freight claims must be filed and handled by the seller.

FOB shipping point – Free on Board (FOB); shipment becomes 'collect' from seller's shipping dock; freight charges may be prepaid and added to the invoice; City pays freight charges; title to goods passes to buyer at the shipping dock of seller; freight claims must be filed and handled by buyer.

Goods - A generic term that includes all types of property to be purchased by the City; equipment, supplies, materials, components and repair parts.

Invitation to Bid – This is a formal written document that requests from bidders a firm price and delivery details for specified merchandise listed on a purchase requisition. An Invitation to Bid is always required when the anticipated level of expenditure will be greater than ~~\$50,000~~\$30,000, except in the case of an emergency.

Lowest Responsible Bidder – This is the vendor who offers the lowest bid which meets all the specifications, requirements, terms and conditions of the Invitation to Bid. It is expressly understood that the lowest responsible bid includes any related costs to the City, using a total cost concept. The term "responsible" refers to the financial and practical ability of the bidder to perform the contract. The term is also used to refer to the experience or safety record of the vendor.

Payment Authorization Form – Prescribed form for requesting payment to a vendor for purchase/invoice of over than \$1,000. The Department Head and/or their designee must sign this form. The finance Director will sign all forms and the City Manager will sign any form with an amount over \$10,000.

Personal Services - Services provided to the City personally by a particular individual. Any contribution of machinery and equipment compared to total cost must be substantially less than the contribution of wages.

Planning Services - Services primarily intended to guide the City to ensure the orderly and coordinated development of land areas.

Professional Services – services as defined by state law: accounting; architecture; landscape architecture; land surveying; medicine; optometry; professional engineering; real estate appraising; professional nursing; or 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.

Purchase - An act that includes the acquisition of goods or services, to include the act of leasing personal or real property. Separate, sequential, and component purchases shall be treated as a single purchase.

Purchasing - The act, function, and responsibility for the acquisition of goods and services.

Purchase order - A formal, binding, legal agreement issued by the City's Purchasing Coordinator. A purchase order is requested by a departmental requisition that details the merchandise or services required. When accepted by a vendor without qualifications within a specified time period, the agreement becomes a contract. A Purchase Order grants the vendor the authority to deliver the goods or services and invoice for the same. It is the City's commitment to accept the goods or services and pay for them at the agreed price.

Purchase Requisition Form – Prescribed form filled out by departments at the same time the purchase order is entered into the financial software for approval. This form must be signed by the Department Head and submitted to the Finance Department as backup for the purchase order.

Request for Proposal - A formal written document requesting that potential vendors make an offer for services to the City. The Request for Proposal method of procurement may be used for goods or services including high technology and insurance when it is determined that the proposal process provides the best value to the City. When the RFP is used for the selection of professional services as allowed in the Local Government Code 252.022(a)(4), the City shall comply with Local Government Code 2254.003 in the procurement of these services. The City shall not award a contract for these services based on competitive bids but shall make the selection and award on the basis of demonstrated competence and qualifications for a fair and reasonable price. Fees must be consistent with and not higher than the recommended practices and fees published by the applicable professional associations and may not exceed any maximum(s) provided by law.

Request for Qualifications - a formal written document used when soliciting providers of architectural, engineering or land surveying services. The City shall comply with Local Government Code 2254.004 in the procurement of these services. The City must first select the most highly qualified provider of those services on the basis of demonstrated competence and qualifications. After a firm has been selected based on qualifications and experience, then a fair and reasonable fee shall be negotiated. 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 firm and select the next most highly qualified firm and begin negotiations with that provider for a fair and reasonable price.

Reverse Auction - Single or multiple-item, open, descending-price auction. The initiator specifies the opening bid price and bid decrement. Each bidder submits a successively lower bid and at the end of the auction, bidders with the lowest bid win. Each winning bidder sells at a price equal to the bid he/she made.

Separate purchases – Purchases made separately of items that in normal purchasing practices would be purchased in one purchase.

Sequential purchases – Purchases made over a period of time of items that in normal purchasing practices would be purchased in one purchase.

Services - A generic term to include all work or labor performed for the City on an independent contractor basis, including maintenance, construction, manual, clerical or professional services.

Sole source – Purchases of goods or services that are available from only one supplier. There may be just one vendor because of patents or copyrights, or simply because the vendor is the only one that supplies the good or service. These purchases are exempt from the standard bidding requirement and must qualify as outlined in *Local Government Code 252.022*.

Specifications - Statements containing a detailed description of the terms of the contract, as well as specific details for the goods and/or services. The details or specifications should be descriptive, but not restrictive.

Surplus – Item(s) no longer needed by a department, regardless of its value or condition.

Vendor - A generic term applied to individuals and companies alike, who provide goods and services to the City.

Section 2: Purchasing Process

A. Delegation of Purchasing Authority

The City Manager as authorized by the City Council of the City of Freeport has delegated to Department Heads and their designees the authority to procure materials and services for the City that are within the guidelines set-forth by this procurement policy. Department purchasing authority is limited to a single purchase of less than \$1,000.

A City Contract is always required when an on-site service is to be rendered to the City. Retroactive (after the fact) contracts are not acceptable. Only the City Council, the City Manager and Finance Director (within his/her purchasing limitations) are vested with authority to contract for the City of Freeport. The Finance Director may approve the purchase of goods or services that have been budgeted and are valued ~~at less than~~up to \$10,000, without prior approval of the City Council or City Manager.

The City Manager may approve the purchase of goods or services that have been budgeted and are valued at less than ~~\$50,000~~30,000 without prior City Council approval except in the case of an emergency. No contract or purchase order will be binding upon the City unless authorized by the City Council, City Manager, or Finance Director, as applicable, and unless the City Manager and/or Finance Director certifies that there is to the credit of the City office or department a sufficient appropriation and unencumbered balance to pay for the goods and/or services for which the contract or purchase order is to be issued. The City's purchase of goods and services shall be made according to a requisition from the Department Head whose budget or other approved appropriation source will be charged for the purchase. Any City personnel who authorize or attempt to authorize a purchase order without proper approvals will be subject to disciplinary action.

The Finance Department is designated as the Purchasing Office for the City within certain limitations. The primary responsibility of the Purchasing Office is to procure the best goods and services in a timely manner at the lowest possible cost to the City and to ensure that purchasing is conducted with strict adherence to applicable federal, state and local laws as well as this manual. This purpose is accomplished through updating of purchasing data, training/education of personnel and responsiveness to new techniques. The Finance Department will coordinate purchasing activities with the user department. The Finance Director will conduct random internal audits of departmental purchasing.

B. Total Dollar Limits/Approval Requirements

The purchasing limits stated herein assume that prior to purchase or request to purchase, the Department Head and/or their designee has verified sufficient funds are available in the budget line item affected. This is verified through the purchase order (encumbrance) process approved by the Finance Department. Purchase orders must be issued before purchase of goods or services.

The following standard approval route applies to All City Departments.

Total Amount of Request*	Type of Form Required	Type of Bid/Quotes Required	Department Head or Designee Approval Required	Finance Director Approval Required	City Manager Approval Required	City Council Approval Required
< \$2,999	Check Request	Not Required	◆			
3,000 to \$4,999.99	Purchase* Order	3 Quotes	◆	◆	*If not low bid	
\$5,000 to \$49,999.99 <u>29,999.99</u>	Purchase* Order	3 Written Bids/Quotes	◆	◆	◆	*If not low bid
\$50,000 <u>30,000</u> and above	Purchase* Order	Sealed Bids	◆	◆	◆	◆

* A Purchase Order is not required for recurring payments on annual contracts, that have already been procured in accordance with this policy, in which the quantities are unknown. Examples include but are not limited to utilities, phone, insurance premiums, fuel, etc. These payments should be paid following verification of quantity and contract compliance. If applicable, a Blanket Purchase Order may be set up for these vendors. A Purchase Order is required for recurring payments on annual contracts in which the exact amount is known (ex. janitorial services).

C. Purchases of Less Than \$3,000

Purchases of less than \$3,000 do not require competitive bidding. Department Heads or their approved designees may, without prior approval of the Finance Director or City Manager make purchases of less than \$3,000.

Department Head shall authorize an invoice for payment and forward a check request to the Finance Department.

D. Purchases of \$3,000 to \$4,999.99

Purchases between the amounts of \$3,000 and \$4,999.99 will require a purchase order form with at least three verbal quotes. The requesting department shall solicit at least one quotation from a competent vendor. Telephone, fax, and e-mail quotations are acceptable.

E. Purchases of \$5,000 to Less Than ~~\$50,000~~ \$30,000

Purchases of \$5,000 to less than ~~\$50,000~~ \$30,000 will require a purchase order form with at least three quotes unless an interlocal contract or cooperative purchasing is utilized. The Department Head must contact at least two (2) Historically Underutilized Businesses (HUB) on a rotating basis based on information provided by the comptroller pursuant to Chapter 2161, Government Code unless the list fails to identify a HUB that provides similar goods or services in Brazoria County, as

authorized by the *Texas Local Government Code, Chapter 252.0215*. If the Department Head proposes to award the contract to a person or entity other than the apparent lowest quote, the Department Head shall obtain the prior written approval of the City Manager.

If a purchase is \$3,000 or greater, the Department Head must submit approval prior to purchase in the form of a purchase requisition/purchase order to the Finance Department. Department Heads or their approved designees may authorize the invoice for payment once the City receives the items.

F. Purchases of ~~\$50,000~~\$30,000 or More

City Council shall approve in advance all expenditures for ~~\$50,000~~\$30,000 or more. Except as provided in the *General Exemptions Section 252.022 of the Texas Local Government Code*, the City must issue a competitive sealed bid or competitive sealed proposal as authorized by *Texas Local Government Code Chapter 252* and award the bid to the lowest responsible bidder.

The user department shall be responsible for the preparation of specifications for any formal bids for goods, services, or contractual needs. Formal bids shall include legal advertising, invitations to bids, pre-bid conferences (as necessary), documented bid openings and official bid tabulations. All bids must be awarded by City Council. The goods and/or services may be acquired by the issuance of a purchase order or execution of a contract.

Bid notices shall indicate when and where bids will be opened; be published in the official newspaper of the City once a week for two consecutive weeks beginning at least fourteen days before the bid opening; shall be published in a form approved by the City Secretary.

G. General Purchasing Provisions

General Rules Applicable to All Contracts

- a. Each Department Head is responsible for:
 - Coordinating with the Finance Department to establish and maintain a list of vendors
 - Establishing clear, nonrestrictive bid specifications
 - Receiving and inspecting all deliveries to ensure that the goods and/or services comply with the bid or proposal specifications.
- b. The City Secretary is responsible for maintaining bids or proposals and related information according to the City's Records Management Program. Unless otherwise specified by state law, records related to bids or proposals (including purchase orders, invitations to bid, and bid tally sheets) are public records.
- c. The Department Head shall charge a purchase to the appropriate account number regardless if the account contains available budgeted funds. Overrun line items shall require a budget amendment.

H. Prompt Payment Act

Texas Government Code, Chapter 2251, commonly known as the Texas Prompt Payment Act, generally requires that the City pay bills not later than 30 days after the goods and services are received, or the date the invoice is received, whichever is later. Each Department Head shall submit to the Finance Department any bill or invoice within 15 calendar days of receipt.

I. Consideration of The Location of a Bidder's Principal Place of Business

In purchasing under this title any real or personal property that is not affixed to real property, if a local government receives one or more bids from a bidder whose principal place of business is in the local government area and whose bid is within 3% of the lowest bid price received by the local government from a bidder who is not a resident of the local government area, the local government may enter into a contract with:

the lowest bidder; or the bidder whose principal place of business is in the local government area if the governing body of the local government determines, in writing, that the local bidder offers the local government the best combination of contract price and additional economic development opportunities for the local government area created by the contract award, including the employment of residents of the local government area and increased tax revenues to the local government. This does not prohibit a Council from rejecting all bids.

Texas Local Government Code 271.905

J. Preference for Recycled Products

The City encourages the use of recycled products and products that may be recycled or reused. The City will give preference to products made of recycled materials if the products meet applicable specifications as to quantity and quality. *Texas Health and Safety Code 361.426*

The Finance Director may review procurements for the purchase of goods, supplies, equipment, and materials to:

- Eliminate procedures and specifications that explicitly discriminate against products made of recycled materials
- Encourage the use of products made of recycled materials
- Ensure to the most economically feasible extent that the City purchases products that may be recycled when they have served their intended use

K. Municipal Contracts

Annual Contracts - The City may use an annual fixed price contract to obtain required goods or services from a chosen vendor for a specified time period. These contracts eliminate the necessity of bidding commodities each time they are needed. Annual contracts in which the quantities are pre-determined require a purchase order.

Contracts Requiring Issuance of Debt, Certificates of Obligation or Lease-Purchase Agreements

If the City Manager, or a Department Head intends to finance a contract for goods or services through issuance of bonds, debt, certificates of obligation (CO), certificates of participation, tax anticipation notes, lease-purchase agreements, or any other means, then the City Manager or Department Head must, before soliciting bids, receive approval from the City Attorney and City Council for such financial arrangements.

Texas Local Government Code Chapter 271

L. Procedures for Federal Grants**Procurement Cycle Steps**

- Need Defined— The City of Freeport, TX submits request and specifications. Purchaser reviews

request and specifications for unnecessary or duplicative items in accordance with 2 CFR 200.318 (d).

- 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 Freeport.
- Solicitation—City of Freeport 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.
- Receipt of Bids and Responses to Solicitation—Vendors submit their response to the solicitation.
- Evaluation and Awards—City of Freeport review the responses from vendors, determine compliance with the solicitation and make an award recommendation based on the pre-defined best value criteria.

The City of Freeport follows the procurement standards in 2 CFR 200.317 – 2CFR 200.327 and Appendix II to Part 200 for procurement actions to be funded with Federal funds. All attempts are made to adhere to these policies and procedures and updates are made as needed. The entirety of the language found in 2 CFR 200.317 – 2 CFR 200.327 may not be applicable in all instances, programs, and/or situations. This document contains the most current 2 CFR 200.317 – 2 CFR 200.327 language available at the adoption of these policies and procedures.

§200.317 Procurements by states.

When procuring property and services under a Federal award, a State must follow the same policies and procedures it uses for procurements from its non-Federal funds. The State will comply with §§200.321, 200.322, and 200.323 and ensure that every purchase order or other contract includes any clauses required by §200.327. All other non-Federal entities, including subrecipients of a State, must follow the procurement standards in §§200.318 through 200.327.

§200.318 General procurement standards.

(a) The non-Federal entity must have and use documented procurement procedures, consistent with State, local, and tribal laws and regulations and the standards of this section, for the acquisition of property or services required under a Federal award or subaward. The non-Federal entity's documented procurement procedures must conform to the procurement standards identified in §§200.317 through 200.327.

(b) Non-Federal entities must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

(c)(1) The non-Federal entity must 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. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or 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. The officers, employees, and agents of the non-Federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity.

(2) If the non-Federal entity has a parent, affiliate, or subsidiary organization that is not a State, local government, or Indian tribe, the non-Federal entity must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, the non-Federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.

(d) The non-Federal entity's procedures must avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

(e) To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the Federal Government, the non-Federal entity is encouraged to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services. Competition requirements will be met with documented procurement actions using strategic sourcing, shared services, and other similar procurement arrangements.

(f) The non-Federal entity is encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

(g) The non-Federal entity is encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

(h) The non-Federal entity must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. See also §200.214.

(i) The non-Federal entity must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to, the following: Rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

(j)(1) The non-Federal entity may use a time-and-materials type contract only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time-and-materials type contract means a contract whose cost to a non-Federal entity is the sum of:

(i) The actual cost of materials; and

(ii) Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

(2) Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, the non-Federal entity awarding such a contract must assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

(k) The non-Federal entity alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the non-Federal entity of any contractual responsibilities under its contracts. The Federal awarding agency will not substitute its judgment for that of the non-Federal entity unless the matter is primarily a Federal concern. Violations of law will be referred to the local, state, or Federal authority having proper jurisdiction.

[85 FR 49543, Aug. 13, 2020, as amended at 86 FR 10440, Feb. 22, 2021]

§200.319 Competition.

(a) All procurement transactions for the acquisition of property or services required under a Federal award must be conducted in a manner providing full and open competition consistent with the standards of this section and §200.320.

(b) In order to ensure objective contractor performance and eliminate unfair competitive advantage, 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. Some of the situations considered to be restrictive of competition include but are not limited to:

(1) Placing unreasonable requirements on firms in order for them to qualify to do business;

(2) Requiring unnecessary experience and excessive bonding;

(3) Noncompetitive pricing practices between firms or between affiliated companies;

(4) Noncompetitive contracts to consultants that are on retainer contracts;

(5) Organizational conflicts of interest;

(6) Specifying only a "brand name" product instead of allowing "an equal" product to be offered and describing the performance or other relevant requirements of the procurement; and

(7) Any arbitrary action in the procurement process.

(c) The non-Federal entity must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

(d) The non-Federal entity must have written procedures for procurement transactions. These procedures must ensure that all solicitations:

(1) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient

requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and

(2) Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

(e) The non-Federal entity must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the non-Federal entity must not preclude potential bidders from qualifying during the solicitation period.

(f) Noncompetitive procurements can only be awarded in accordance with §200.320(c).

§200.320 Methods of procurement to be followed.

The non-Federal entity must have and use documented procurement procedures, consistent with the standards of this section and §§200.317, 200.318, and 200.319 for any of the following methods of procurement used for the acquisition of property or services required under a Federal award or sub-award.

(a) *Informal procurement methods.* When the value of the procurement for property or services under a Federal award does not exceed the *simplified acquisition threshold (SAT)*, as defined in §200.1, or a lower threshold established by a non-Federal entity, formal procurement methods are not required. The non-Federal entity may use informal procurement methods to expedite the completion of its transactions and minimize the associated administrative burden and cost. The informal methods used for procurement of property or services at or below the SAT include:

(1) *Micro-purchases—(i) Distribution.* The acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (See the definition of *micro-purchase* in §200.1). To the maximum extent practicable, the non-Federal entity should distribute micro-purchases equitably among qualified suppliers.

(ii) *Micro-purchase awards.* Micro-purchases may be awarded without soliciting competitive price or rate quotations if the non-Federal entity considers the price to be reasonable based on research, experience, purchase history or other information and documents it files accordingly. Purchase cards can be used for micro-purchases if procedures are documented and approved by the non-Federal entity.

(iii) *Micro-purchase thresholds.* The non-Federal entity is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures. The micro-purchase threshold used by the non-Federal entity must be authorized or not prohibited under State, local, or tribal laws or regulations. Non-Federal entities may establish a threshold higher

than the Federal threshold established in the Federal Acquisition Regulations (FAR) in accordance with paragraphs (a)(1)(iv) and (v) of this section.

(iv) *Non-Federal entity increase to the micro-purchase threshold up to \$50,000.* Non-Federal entities may establish a threshold higher than the micro-purchase threshold identified in the FAR in accordance with the requirements of this section. The non-Federal entity may self-certify a threshold up to \$50,000 on an annual basis and must maintain documentation to be made available to the Federal awarding agency and auditors in accordance with §200.334. The self-certification must include a justification, clear identification of the threshold, and supporting documentation of any of the following:

(A) A qualification as a low-risk auditee, in accordance with the criteria in §200.520 for the most recent audit;

(B) An annual internal institutional risk assessment to identify, mitigate, and manage financial risks; or,

(C) For public institutions, a higher threshold consistent with State law.

(v) *Non-Federal entity increase to the micro-purchase threshold over \$50,000.* Micro-purchase thresholds higher than \$50,000 must be approved by the cognizant agency for indirect costs. The non-federal entity must submit a request with the requirements included in paragraph (a)(1)(iv) of this section. The increased threshold is valid until there is a change in status in which the justification was approved.

(2) *Small purchases*—(i) *Small purchase procedures.* The acquisition of property or services, the aggregate dollar amount of which is higher than the micro-purchase threshold but does not exceed the simplified acquisition threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources as determined appropriate by the non-Federal entity.

(ii) *Simplified acquisition thresholds.* The non-Federal entity is responsible for determining an appropriate simplified acquisition threshold based on internal controls, an evaluation of risk and its documented procurement procedures which must not exceed the threshold established in the FAR. When applicable, a lower simplified acquisition threshold used by the non-Federal entity must be authorized or not prohibited under State, local, or tribal laws or regulations.

(b) *Formal procurement methods.* When the value of the procurement for property or services under a Federal financial assistance award exceeds the SAT, or a lower threshold established by a non-Federal entity, formal procurement methods are required. Formal procurement methods require following documented procedures. Formal procurement methods also require public advertising unless a non-competitive procurement can be used in accordance with §200.319 or paragraph (c) of this section. The following formal methods of procurement are used for procurement of property or services above the simplified

acquisition threshold or a value below the simplified acquisition threshold the non-Federal entity determines to be appropriate:

(1) *Sealed bids*. A procurement method in which bids are publicly solicited and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bids method is the preferred method for procuring construction, if the conditions.

(i) In order for sealed bidding to be feasible, the following conditions should be present:

(A) A complete, adequate, and realistic specification or purchase description is available;

(B) Two or more responsible bidders are willing and able to compete effectively for the business; and

(C) 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.

(ii) If sealed bids are used, the following requirements apply:

(A) Bids must be solicited from an adequate number of qualified sources, 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;

(B) 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;

(C) 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 opened publicly;

(D) 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

(E) Any or all bids may be rejected if there is a sound documented reason.

(2) *Proposals*. A procurement method in which either a fixed price or cost-reimbursement type contract is awarded. Proposals are generally used when conditions are not appropriate for the use of sealed bids. They are awarded in accordance with the following requirements:

(i) Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Proposals must be solicited from an adequate number of qualified offerors. Any response to publicized requests for proposals must be considered to the maximum extent practical;

(ii) The non-Federal entity must have a written method for conducting technical evaluations of the proposals received and making selections;

(iii) Contracts must be awarded to the responsible offeror whose proposal is most advantageous to the non-Federal entity, with price and other factors considered; and

(iv) The non-Federal entity may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby offeror's qualifications are evaluated and the most qualified offeror 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 firms that are a potential source to perform the proposed effort.

(c) *Noncompetitive procurement.* There are specific circumstances in which noncompetitive procurement can be used. Noncompetitive procurement can only be awarded if one or more of the following circumstances apply:

(1) The acquisition of property or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (see paragraph (a)(1) of this section);

(2) The item is available only from a single source;

(3) The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation;

(4) The Federal awarding agency or pass-through entity expressly authorizes a noncompetitive procurement in response to a written request from the non-Federal entity; or

(5) After solicitation of a number of sources, competition is determined inadequate.

§200.321 Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.

(a) The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

(b) Affirmative steps must include:

(1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;

(2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;

(3) 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;

(4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;

(5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and

(6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (b)(1) through (5) of this section.

§200.322 Domestic preferences for procurements.

(a) As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award.

(b) For purposes of this section:

(1) "Produced in the United States" means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.

(2) "Manufactured products" means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

§200.323 Procurement of recovered materials.

A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section

6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

§200.324 Contract cost and price.

(a) The non-Federal entity must perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the non-Federal entity must make independent estimates before receiving bids or proposals.

(b) The non-Federal entity must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

(c) Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the non-Federal entity under subpart E of this part. The non-Federal entity may reference its own cost principles that comply with the Federal cost principles.

(d) The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.

§200.325 Federal awarding agency or pass-through entity review.

(a) The non-Federal entity must make available, upon request of the Federal awarding agency or pass-through entity, technical specifications on proposed procurements where the Federal awarding agency or pass-through entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if the non-Federal entity desires to have the review accomplished after a solicitation has been developed, the Federal awarding agency or pass-through entity may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase.

(b) The non-Federal entity must make available upon request, for the Federal awarding agency or pass-through entity pre-procurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, when:

(1) The non-Federal entity's procurement procedures or operation fails to comply with the procurement standards in this part;

(2) The procurement is expected to exceed the Simplified Acquisition Threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation;

(3) The procurement, which is expected to exceed the Simplified Acquisition Threshold, specifies a “brand name” product;

(4) The proposed contract is more than the Simplified Acquisition Threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or

(5) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the Simplified Acquisition Threshold.

(c) The non-Federal entity is exempt from the pre-procurement review in paragraph (b) of this section if the Federal awarding agency or pass-through entity determines that its procurement systems comply with the standards of this part.

(1) The non-Federal entity may request that its procurement system be reviewed by the Federal awarding agency or pass-through entity to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews must occur where there is continuous high-dollar funding, and third-party contracts are awarded on a regular basis;

(2) The non-Federal entity may self-certify its procurement system. Such self-certification must not limit the Federal awarding agency's right to survey the system. Under a self-certification procedure, the Federal awarding agency may rely on written assurances from the non-Federal entity that it is complying with these standards. The non-Federal entity must cite specific policies, procedures, regulations, or standards as being in compliance with these requirements and have its system available for review.

§200.326 Bonding requirements.

For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, the Federal awarding agency or pass-through entity may accept the bonding policy and requirements of the non-Federal entity provided that the Federal awarding agency or pass-through entity has made a determination that the Federal interest is adequately protected. If such a determination has not been made, the minimum requirements must be as follows:

(a) A bid guarantee from each bidder equivalent to five percent of the bid price. The “bid guarantee” must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.

(b) A performance bond on the part of the contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's requirements under such contract.

(c) A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

§200.327 Contract provisions.

The non-Federal entity's contracts must contain the applicable provisions described in Appendix II to this part.

M. Construction Projects

If the contract is for the construction of public works, the following is required for bidding:

- a. Prepare plans and specifications in conjunction with bidding and contract documents:
 - The proposed specifications shall include workers' compensation requirements. *Texas Labor Code 406.096*
 - If the proposed project includes excavation work, then the proposed specifications shall include excavation requirements and pay items. *Texas Health and Safety Code 756.023*
 - The proposed specifications shall include bonding requirements. *Texas Local Government Code Chapter 252.044; also, Texas Government Code Chapter 2253*
 - The proposed specifications shall include prevailing wage rate schedules. *Texas Government Code Chapter 2258*
- b. Sealed plans and specifications.
- c. Line items with estimated quantities and price estimate.

Texas Local Government Code Chapter 252.044; also, Texas Government Code Chapter 2253

Section 3: Exemptions to Competitive Bidding

Chapter 252.022 of the State of Texas Local Government Code allows certain exemptions to the Competitive Bids process. **The following are the exemptions allowed:**

1. 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;
2. A procurement necessary to preserve or protect the public health or safety of the municipality's residents;
3. A procurement necessary because of unforeseen damage to public machinery, equipment, or other property;
4. A procurement for personal, professional or planning services;
5. A procurement for work that is performed and paid for by the day as the work progresses;
6. A purchase of land or a right-of-way;
7. A procurement of items that are 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 a public library that are available only from the persons holding exclusive distribution rights to the materials; and
 - f. management services provided by a non-profit organization to a municipal museum, park, zoo, or other facility to which the organization has provided significant financial or other benefits;
8. A purchase of rare book, papers, and other library materials for a public library;
9. Paving drainage, street widening, and other public improvements, or related matters if at least one-third of the cost is to be paid by or through special assessments levied on property that will benefit from the improvements;
10. A public improvement project, already in progress, authorized by the voters of the municipality, for which there is a deficiency of funds for completing the project in accordance with the plans and purposes authorized by the voters;
11. A payment under a contract by which a developer participates in the construction of a public improvement as provided by Subchapter C, Chapter 212;
12. Personal property sold:
 - a. at an auction by a state licensed auctioneer;

- b. at a going out of business sale held in compliance with Subchapter F, Chapter 17, Business & Commerce Code;
 - c. by a political subdivision of this state, a state agency of this state, or an entity of the federal government;
 - d. under an interlocal contract for cooperative purchasing administered by a regional planning commission established under Chapter 391;
13. Services performed by blind or severely disable person;
14. Goods purchased by a municipality for subsequent retail sale by the municipality;
15. Electricity; or
16. Advertising, other than legal notices.

A. High Technology Procurement

High technology procurement means the procurement of equipment, goods, or services of a highly technical nature including:

- a. data processing equipment and software and firmware used in conjunction with data processing equipment;
- b. telecommunications equipment and radio and microwave systems;
- c. electronic distributed control systems, including building energy management systems; and
- d. technical services related to those items.

The City may utilize a request for proposals to procure high technology products and services. Requests for proposals are similar to competitive bids. Prior to utilizing a request for proposal, a Departmental Director must receive approval from the City Manager. The Department shall write specifications using performance standards rather than a written description of the good or service. The specifications shall also list the factors by which the City will judge the proposal, and the weight assigned to each factor.

- 1. Vendors must submit proposals of their own design for a system to satisfy the requirement set forth in the proposal. Proposals may incorporate entirely different hardware or services to accomplish the same performance.
- 2. After the City receives the proposals, the Department Head may enter into negotiations with as many vendors as have submitted feasible proposals to arrive at the best possible proposal.

Texas Local Government Code 252.001(4); 252.021(c)

B. Emergency Services

An emergency is an unforeseen situation that adversely and unduly affects the life, health, or convenience of the citizens of the City, or a circumstance that would cause a loss to the City (such as an inordinate amount of down time).

Texas Local Government Code 252.022 (1), (2) & (3)

In an emergency, the Department Head may proceed with an emergency acquisition. If the cost is \$3,000 or more, the Department Head shall send a confirming requisition (including a brief

explanation of the purchase) and invoices to the Finance Department and City Manager as soon as possible. The Finance Department will then assign a purchase order number and advise the user department to forward that number to the appropriate vendor.

C. Professional Services

Professional services mean services within the scope of the practice, as defined by state law, of accounting, architecture, land surveying, medicine, optometry, professional engineering, or real estate appraisers. The City may not select a provider of professional services or a group or association of providers or award a contract for services based on competitive bids submitted for a contract or services, but shall make the selection and award:

- a. based on demonstrated competence and qualifications to perform the services; and
- b. a fair and reasonable price.

Professional contract fees:

- a. must be consistent with and not higher than the recommended practices and fees published by the applicable professional associations; and
- b. may not exceed any maximum provided by law.

Texas Government Code §2254.002, §2254.003

The City shall first select the most highly qualified provider of those services on the basis of demonstrated competence and qualifications and negotiate with that contract provider a fair and reasonable price.

If the City cannot negotiate a satisfactory contract with the most highly qualified provider, then the City shall formally end negotiations with that provider, select the next most highly qualified provider and to negotiate a contract at a fair and reasonable price.

The City will continue contract selection and negotiations with providers until the City enters into a contract. The City Manager and/or the appropriate Department Head will execute contracts for the City.

D. Work That Is Performed and Paid for By the Day as The Work Progresses

If the City hires a contractor for a project on a daily basis and pays for work daily as the work progresses, the procurement of services is exempt from competitive bidding requirements.

E. Purchase of Rare Books, Papers, And Other Library Materials for A Public Library

Competitive bidding provisions do not apply to the purchase of rare books, however, books available from more than one jobber or source must be purchased using the regular purchasing process.

F. Developer Participation Contracts

The City Council must approve Developer Participation Contracts over \$3,000 in advance. *Texas Local Government Code 212.071*

G. Interlocal Contracts and Cooperative Purchasing

The City Council must approve interlocal contracts or agreements with other political subdivisions of this state, a state agency of this state or an entity of the federal government administered by a regional planning commission.

The Department Heads will prepare appropriate documentation for purchase orders as needed or required by a particular COOP. The department will receive related paperwork supporting the purchase. The authorization for payment shall include the appropriate signatures and include contract numbers.

The City of Freeport may satisfy the competitive bid requirement of state law by purchasing goods and services through any of the following, including but not limited to:

- a. The Texas Building and Procurement Commission
- b. The Houston-Galveston Area Council Cooperative Purchasing Program (H-GAC Buy)
- c. The Texas Local Government Purchasing Cooperative (BuyBoard)
- d. The National Intergovernmental Purchasing Alliance Company, a Delaware corporation d/b/a OMNIA Partners, Public Sector and/or Communities Program Management, LLC, a California limited liability company d/b/a U.S. Communities (collectively, "OMNIA Partners, Public Sector")
- e. An interlocal agreement with another governmental entity that has complied with state law purchasing requirements
- f. Texas Procurement Center
- g. Any other agency or entity that state law provides will satisfy the competitive bid requirements

Texas Local Government Code Chapter 271; also, Texas Government Code Chapter 791

H. Media Advertising

A purchase order or quotation form is not required for advertising in the City Official Public Newspaper. The invoice shall be authorized for payment by the Department Head and forwarded to the Finance Department. *Texas Government Code 2051.041*

Section 4: Credit Card/Procurement Card Purchases

The Procurement Card (hereinafter “P-Card”) is a purchasing tool which offers an alternative to the traditional purchase order process. Additionally, the timelines established by this policy allow the City to take full advantage of the cash rebate incentive offered by the issuing financial institution on P-Card purchases.

The City of Freeport established the P-Card Program as part of an effort to extend trust downward into the organization and to increase operational efficiency. As such, employees have a responsibility to adhere to this policy. Having a City of Freeport P-Card is a privilege, not a right.

The P-Card is issued to individual employees only. No other person is permitted to use another employee’s P-Card. As a Cardholder, the employee is responsible for the appropriate use of City funds and is responsible for all charges made with the card. Although the P-Card is issued to the employee, it remains City property and may be rescinded at any time.

Personal charges shall not be made on the card. Improper use of the card may be considered misappropriation of City funds, which may result in disciplinary action, up to and including termination and criminal prosecution.

Cardholders must comply with internal control procedures in order to protect the City’s assets. These procedures include, but are not limited to keeping itemized receipts, reconciling transactions, reviewing monthly statements and following proper security measures. A Cardholder must surrender his/her card upon termination of employment. All purchasing policies and procedures must be followed when using the P-Card.

It is the expectation of the City that departments seek information from multiple vendors to ensure that the best value and price are obtained for all P-Card purchases. The following procedures outline appropriate P-Card use.

A. Program Administration

1. The Finance Department is responsible for the day to day management of the P-Card program.
2. The designated Program Administrator acts as the City’s point of control for the P-Card program, monitors all usage of the P-Card, and is the point of contact for any Cardholder questions or problems.
3. The Program Administrator has the authority, with the approval of the Finance Director, to cancel or suspend a P-Card for any employee at any time for reasons as stated in this policy.

B. P-Card Issuance & Transaction / Monthly Limits

1. When P-Cards are requested for new users, the Department Head will be able to designate an "Administrative Designee." This employee is responsible for managing the reconciliation of the Cardholder's P-Card (e.g. an Executive Assistant).
2. Cardholder standard expenditure limits are as follows:

Cardholder Class	Per/Single Transaction	Per Month
Individuals	\$999.99	\$10,000
City Manager	\$2,999.99	\$10,000
Mayer	\$2,999.99	\$10,000
Finance Department	\$15,000*	\$100,000*

** To be used for payment of bills only per authorization by the Finance Director.*

3. Department Heads may request lower limits. Higher limits or a different Cardholder Class may be requested to accommodate the employee's job function and may be considered with documentation to justify the request or change. The request must be approved by the Department Head, Finance Director and City Manager. (Note: Request for a one-time increase in single or monthly transaction limits may be made by the P-Card holder and approved by Finance. It is the Cardholder's responsibility to inform their Department Head of the increase.)

C. Department P-Cards

Department P-Cards may be issued in the name of an individual department. These cards shall be the responsibility of the department head ~~he would be kept in the Purchasing Office until such time as they would be needed by the department for an emergency related issue.~~ Department Cards must be requested in the same manner as a standard P-Card and released for use only after Purchasing receives notice from the City Manager allowing the use of the card

D. Finance Department P-Card

A P-Card will be issued and signed out to an individual within Finance for payment of certain invoices that the city receives during the course of business with the sole purpose of receiving additional cash rebate incentives from the P-Card program.

The individual to which the P-Card is signed out will be the custodian of the P-Card and will have the sole responsibility within Finance for maintaining the P-Card and adhering to the requirements of this Policy during the custodial time period.

E. P-Card Usage Guidelines**1. P-Card Basics**

- a. If the monthly limit is reached, Cardholders must utilize the traditional purchase order process, or the Cardholder may request (by email with a copy to the Cardholder's supervisor) a temporary increase in the monthly transaction limits from the Program Administrator. If Cardholder is at the place of business and needs to increase the single transaction limits on their P-Card, they must call the designated P-Card Administrator and make the request. Any requests granted will only be done if they fall within the standard allowable limits as set forth in this policy. An email will be generated to the Cardholder and appropriate Supervisor confirming the telephone conversation and the action taken.
- b. The Cardholder shall not use the P-Card to circumvent any other established City policy, i.e. splitting a \$3,000.00 transaction to two transactions of \$1,500.
- c. The Cardholder is responsible for all charges made with the P-Card.
- d. Cardholders must comply with internal control procedures in order to protect the City's assets. These procedures include, but are not limited to keeping itemized receipts, reconciling transactions, reviewing monthly statements and following proper security measures.
- e. The employee is to use the P-Card only for the types of purchases described in this policy and failure to do so may result in disciplinary action up to and including termination and/or criminal prosecution.
- f. P-Card limits may also be raised in the event of an emergency at the sole discretion of the City Manager.

2. Acceptable Purchases on P-Card (Examples – but not limited to)

- a. Subscriptions and books
- b. Seminars, training, membership dues, registration
- c. Catering and delivery services
- d. Off-site Required maintenance/repairs for which no contract required
- e. On-site maintenance/repairs under \$500 total cost for which no contract required
- f. Over-the-counter retail purchases
- g. Travel related purchases (Note: When traveling, food is best paid by per diem.)
- h. Computer peripherals (through IT only)
- i. Software under \$500.00 (no license agreements) (through IT only)
- j. Business related meals with documentation of meeting subject and attendees
- k. Fuel (for City vehicles only when traveling outside City or motorcycle officers)
- l. Rentals (on case by case basis and only with approval of Finance Director)

3. Prohibited P-Card Uses (Examples – but not limited to)

Purchases of restricted items listed below and purchases of \$3,000 or more must continue to be processed in accordance with established purchasing guidelines.

The procurement P-Card is NOT to be used for the following:

- a. Purchase of capital equipment
- b. Purchase utilizing Grant funds
- c. Capital projects
- d. Onsite contractual services over \$500 (contract / PO needed)
- e. Alcoholic beverages (except where otherwise permitted by policy)
- f. Cash advances/travelers checks/gift cards
- g. Separate, sequential, and component purchases or any transaction made with intent to circumvent City Purchasing Policy
- h. Spouse/Family expenses incurred while traveling
- i. Purchases made with vendors not located in the U.S. (except where previously approved)
- j. Items for personal use
- k. Fines of any kind
- l. Maintenance agreements

4. Proof of Purchase - Documentation

- a. Adequate documentation, including original itemized receipts must be maintained to record the transaction and support the legitimate business purpose of all transactions made with the P-Card.
- b. Original documentation must be retained by Cardholder until attached to the Monthly Statement showing the Cardholder purchases.

5. Sales Tax

- a. The City is tax exempt. Cardholders are responsible for ensuring the merchant does not include sales tax in the transaction.
- b. *The Exception is tax paid to most restaurants, hotels, airlines, and other travel related merchants. Cities are not exempt from hotel tax and certain other federal and state taxes that are not the standard sales tax. (Note: When traveling, food is best paid by per diem and no receipt is needed.)***
- c. If tax is included, the Cardholder will immediately be responsible for ensuring that the merchant or the cardholder reimburses the tax amount to the City.
- d. Cardholders will be provided a copy of the City's tax exemption certificate upon request.

F. Monthly Reconciliation Process

- 1. Purchasing will notify Cardholders and make available monthly account statements available.

2. Reconciled statements are due back to Purchasing within five (5) business days from the receipt of the statement notification email.
3. To complete the reconciliation process, the following steps must be completed:
 - a. Itemized receipts (generally including purchase date, vendor name, item description, quantity, unit price, and total charge), with the account number and purpose of the purchase written on the sheet to which they are attached, are to be attached in the same order as the listed transactions appear on the monthly statement.
 - b. For meals, per the IRS and the City's auditor, all meals between employees or with staff for any reason must document the names of all attendees. See specific requirements and examples below:
 - Business Meals between Staff – Required Information: Names of staff attending, purpose of meeting, where, when.
 - Training with Staff – Required Information: Names of all attending the training, purpose of the training, where and when the training was held.
 - Meetings and Business Meals – Required Information: Names of all staff attending, names of any other person(s) in attendance, purpose of meeting or business meal, where and when.

Exceptions:

- Meetings with Staff, Consultant and External Committee Members or any combination of this: Name of all staff present, name of any/all consultants, engineers, architects, etc., present, name of the committee only (if applicable, e.g. EDC Board, Planning & Zoning Committee, etc.), and the agenda stating the purpose of the meeting.
 - Meals Provided for "Events" require just the explanation of the "event", when and where and a brief description of who was present (e.g. food for Police promotional ceremony).
- c. For credits, a print screen will be accepted as backup documentation, but receipts are best, if available. Credits must be explained and charged back to original account.
 - d. For "In and Out" transactions (i.e. transactions made in error and credited back within the same day), print screens will be accepted as backup documentation but receipts are best, if available. Such transactions must be explained, charged and credited to the same account and approved electronically.
 - e. For sales tax, charges must be either refunded by credit to the P-Card or reimbursed to the City – proof of reimbursement to the City must be attached to the P-Card statement.
 - f. For tips in excess of 20%, charges must be refunded to the City and proof of reimbursement to the City must be attached to the P-Card statement.

- g. For missing receipts, the Cardholder must attach to the P-Card statement a written memo signed by the Cardholder's Supervisor explaining the purchase transaction and listing the amount.
- 4. The Cardholder and the Cardholder's Supervisor (or above) must sign each statement, with a legible printed name written below the signature.
- 5. Signing the Cardholder's statement is verifying all transactions listed were made in compliance with this and all other city policies.
- 6. Failure to provide Purchasing with proper documentation and timely reconciliation will be considered an administrative violation of the Policy and subject to P-Card suspension and/or revocation.

G. Receipt of Goods & Payment / Dispute of Charges

1. Receipt of Goods & Services/Returning Item(s)

- a. The Cardholder is responsible for ensuring receipt of goods and services and for any follow up with the vendor to resolve any delivery problems, discrepancies or damaged goods.
- b. Returning Item(s): Items should be returned directly to the vendor by whichever means the vendor requires. The Cardholder is responsible for verifying proper credit is posted for any returned items. Cash refunds are not allowed.

2. Payment

- a. The City is fully responsible for P-Card payment and liability. The P-Card will not, in any way, affect the employee's personal credit.

3. Unauthorized Purchases and Fraudulent Charges

- a. All unauthorized purchases must be resolved in an appropriate method so the City does not bear the cost of the purchase. Such purchases will be handled and resolved in accordance with the following procedure:
 - i. Cardholder will return the unauthorized item to the merchant for credit on the P-Card account and submit the itemized credit receipt as part of a monthly statement remittance.
 - ii. If the item cannot be returned, the Cardholder will be required to submit payment for the full amount of the purchase.
 - iii. In addition, an unauthorized purchase may subject the Cardholder to lower P-Card limits, disciplinary action, and/or revocation of P-Card privileges.
 - iv. Any fraudulent charges should be reported immediately. The P-Card will be cancelled by the issuing bank and a new card will be issued. The cardholder will not have access to P-Card privileges until a new card has been received.

4. Discrepancies and Dispute Procedures

- a. The Cardholder is responsible for correcting any erroneous charges, disputed items, or returns. Disputed charges can result from failure to receive goods or services, fraud or

misuse, altered charges, defective merchandise, incorrect amounts, duplicate charges, credits not processed, sales tax charged, etc.

- b. The Cardholder's first step in resolving an erroneous charge is to contact the vendor. (Note: By law, vendors are not permitted to bill a P-Card for purchases until the items have been shipped. Hotels may bill for first night.)

H. Cancellation & Renewal Of P-Cards

1. Lost or Stolen P-Cards

- a. It is the responsibility of the Cardholder to immediately report a lost or stolen P-Card.

2. Termination, Resignation or Re-assignment

- a. Upon notice of termination or resignation, it is the responsibility of the Supervisor and Human Resources to notify Finance immediately. In addition, the supervisor must retrieve the P-Card at such time and return to Finance.
 - i. The Cardholder is responsible for submitting all receipts to the Supervisor.
 - ii. The Cardholder's P-Card will be disabled on the date of resignation or notification of retirement, not the last day of employment.
 - iii. The Supervisor or designee is responsible for submitting the monthly statement with all receipts on time.
- b. Upon notice of staff re-assignment within the City, it is the responsibility of the Supervisor and Human Resources to notify Finance immediately. Finance will review specific P-Card requirements for that person and after discussion with the new supervisor, the P-Card may be cancelled, suspended, limits changed to reflect new responsibilities or MCC codes adjusted.

3. Renewal of Existing P-Cards

- a. Approximately 30 days prior to the expiration date of the card, the bank will automatically send a new card to Finance. Finance will notify Cardholders when the cards are ready to be picked up. Cardholders must turn in their old card to Purchasing in order to receive their new card. New cards must be picked up in person by the Cardholder.

I. Accountability

The cardholders and their appropriate supervisors are responsible for ensuring that this policy and procedure is adhered to. The Finance Department is responsible for monitoring and enforcement.

As a public entity, the City is expected to be able to demonstrate to the public that it has spent tax dollars wisely. All participants in the P-Card program are responsible for ensuring purchases made with the card will withstand the scrutiny of the press, public and internal audits. Therefore, Finance may conduct audits of all P-Card statements and review for the following:

1. Personal Misuse:

- a. Personal misuse includes the following:
 - i. Purchases of prohibited items

- ii. Assignment, transfer, or “loaning” of an individual card to an unauthorized person,
 - iii. Use of a P-Card by a suspended or terminated employee, and
- b. When personal misuse is suspected, the Cardholder will immediately be notified by email their supervisor and Department Head will be copied.
- c. If Finance does not receive a response with one (1) business day, the card will be suspended and changed to reflect a zero-transaction limit and an email sent to the Cardholder, their supervisor, and Department Head.
- d. Based on the severity of the misuse, disciplinary measures – to be decided by the Department Head and City Manager – may include personnel action up to and including termination and legal action.

2. Administrative Infractions:

- a. Administrative infractions include the following violations related to the lack of proper and timely reconciliation of individual Cardholder accounts:
 - i. Transaction Missing Electronic Approval,
 - ii. Late Submittal of Monthly Reconciliation,
 - iii. Missing Itemized Receipt
 - iv. Missing Detailed Information
 - v. Transactions Including Sales Tax
 - vi. Transactions Including Tip Changes in Excess of 20% of the total bill.
- b. When administrative infractions occur, the Purchasing Office will email the Cardholder (and person designated as being responsible for compiling the Cardholder’s monthly reconciliations), with a copy to their supervisor and Department Head in order to resolve the discrepancy prior to authorizing payment of the charge to the bank.
 - i. If the same infraction occurs three months in a row, the ACM-Finance Director will be notified and the Program Administrator will recommend and discuss with their ACM-Finance Director if any further action should be taken.
- c. Training will be provided to all P-Card users and administrative designees with the distribution of new P-Cards. Any administrative designee with an infraction within the first three months of use will be required to repeat the training.

3. Policy Violations:

- a. When violations are found, the Finance will email the Cardholder, with a copy to their supervisor and Department Head.
- b. The Purchasing Office will work with the Department Head to resolve the issue prior to payment of the transaction being authorized. In cases where policy exceptions are granted, a memo signed by the City Manager will be required.
- c. Personal charges shall not be made on the card. Improper use of the card may be consider misappropriation of City funds, which may result in disciplinary action, up to and including termination and criminal prosecution.

Section 5: Disposal of City Property

A. Property Disposal

Sometimes City property may outlive its usefulness and become unserviceable or obsolete. Before a department removes any property from service, the Department Head shall first determine if it can be transferred to another user department for continued service. If it is determined that a property item is no longer serviceable to the City, the Director shall request permission from the City Manager to dispose of the item.

Items may be disposed of by one of the following methods:

- Public auction
- Trade-in on new equipment
- Sealed bids
- Scrap material
- Destruction as unsalvageable
- Negotiated price by Council

In addition to the methods of disposal as listed above, the city may contract to convey property either to another governmental entity or a non-profit corporation in accordance with law providing that such entity or corporation agrees to use such equipment for public purpose.

The condition of the item to be salvaged or surpluses shall dictate the most advantageous method of disposal.

Section 6: Electronic Procurement

Chapter 252.0415(a) of the State of Texas Local Government Code allows for the receipt of bids or proposals through electronic transmission, provided the following rules ensure the identification, security, and confidentiality of the electronic bids or proposals. All electronic bids or proposals must remain effectively unopened until the proper time.

A. Identification

Invitations to Bid, Requests for Proposals, Request for Qualifications and Requests for Applications will be advertised and issued in the manner prescribed by law and the City's Purchasing Policy. A notification will be added to bid terms and conditions stating vendors should submit responses electronically through the City's website and/or third-party service provider's website at the appropriate electronic address listed. Such responses shall be accessible only by a designated City employee with a password for such address and documentation of the time of access shall be maintained.

B. Security

At the specified bid closing time, a designated City employee will open all bids and the bid tabulation summary assembled from the City's website and/or by a third-party service provider's website. **By law a bid that is submitted non-electronically will be accepted and then entered electronically by a designated City employee after bid opening** as stated in the bid or proposal document terms and conditions.

C. Confidentiality

A designated City employee will read aloud all bid responses received by closing time and date to any interested parties present at the bid opening. After the tabulation of bids or proposals, City shall will post bid tabulations electronically on the City's website and/or a third-party service provider's website with a qualifying statement: "The tabulation listing of a bid should not be construed as a comment on its responsiveness or an indication that the City accepts such bid as responsive. After evaluating bids, proposals, applications, and statements of qualifications the City will post tabulations and award information, once available, online through the City's website and/or service provider's website."

EXHIBIT A



City of Freeport Purchasing Policy

Approved

~~December 19, 2022~~ February 20, 2023

Table of Contents

Section 1: Purchasing Policies, Objectives, and Ethics.....	3
A. Purchasing Policy	3
B. Purchasing Objectives	3
C. Legal Authority	3
D. Disclosure of Certain Relationships	4
E. Certificate of Interested Parties (Form 1295)	4
F. Purchasing Ethics	4
G. Participating in Procurements with Family or Friends	6
H. Gratuities.....	6
I. Kickbacks	6
J. Confidential Information	6
K. Purchase of Materials, Equipment, And Supplies for Personal Use.....	6
L. Private Purchases Through City Facilities.....	6
M. Tax Exempt Status	7
N. Tax Exempt Status for Purchase of Personal Property	7
O. Definitions	7
Section 2: Purchasing Process	11
A. Delegation of Purchasing Authority	11
B. Total Dollar Limits/Approval Requirements	11
C. Purchases of Less Than \$3,000.....	12
D. Purchases of \$3,000 to Less Than \$50,000	12
E. Purchases of \$50,000 or More	13
F. General Purchasing Provisions.....	13
G. Prompt Payment Act	13
H. Consideration of The Location of a Bidder's Principal Place of Business	13
I. Preference for Recycled Products	14
J. Municipal Contracts.....	14
K. Procedures for Federal Grants.....	14
L. Construction Projects	17
Section 3: Exemptions to Competitive Bidding	18
A. High Technology Procurement.....	19
B. Emergency Services.....	19
C. Professional Services	20
D. Work That Is Performed and Paid for By the Day as The Work Progresses	20
E. Purchase of Rare Books, Papers, And Other Library Materials for A Public Library	20
F. Developer Participation Contracts.....	20
G. Interlocal Contracts and Cooperative Purchasing.....	21
H. Media Advertising	21
Section 4: Credit Card/Procurement Card Purchases	22
A. Program Administration	22

B.	P-Card Issuance & Transaction / Monthly Limits	23
C.	Department P-Cards	23
D.	Finance Department P-Card.....	23
E.	P-Card Usage Guidelines.....	24
F.	Monthly Reconciliation Process.....	25
G.	Receipt of Goods & Payment / Dispute of Charges	27
H.	Cancellation & Renewal Of P-Cards	28
I.	Accountability	28
Section 5: Disposal of City Property		30
A.	Property Disposal	30
Section 6: Electronic Procurement		31
A.	Identification	31
B.	Security	31
C.	Confidentiality.....	31

Section 1: Purchasing Policies, Objectives, and Ethics

A. Purchasing Policy

The procedures listed below provide an outline of the overall purchasing process.

It is the policy of the City to assure fair competitive access to governmental procurement by responsible vendors/contractors and to conduct business activities in such a manner as to foster public confidence in the integrity of the City.

Therefore, regardless of the expenditure it is the policy of the City to garner competition that produces the highest quality goods at the lowest possible price regardless of whether the item or service is subject to bid.

B. Purchasing Objectives

These policies are intended to:

- Ensure that the City acquires, stores, disburses, utilizes and disposes of goods and services uniformly and economically
- Provide the City with quality products and services at the best possible price
- Ensure that the City abides by the City's Charter and its adopted annual budget
- Help all departments understand and use established purchasing procedures and abide by applicable state and federal laws
- Help all departments in meeting the procurement needs of the City
- Encourage participation of small and minority businesses, women's business enterprises, and labor surplus area firms.

C. Legal Authority

The City has attempted to incorporate local, state and federal laws into this manual. The City, however, does not warrant that these policies include all such laws. Local, state and federal laws will prevail over these rules where applicable.

Texas Local Government Code 252.002 (Municipal Charter controls in case of conflict)

Legal requirements which affect the acquisition of goods and services include the following:

- *Texas Local Government Code, Chapter 252* requires that before a municipality may enter into a contract, except for those items exempted under *Chapter 252.022* or other law, that requires an expenditure of more than **\$50,000.00** from one or more municipal funds, the municipality must comply with the procedure prescribed as appropriate therein for competitive sealed bidding or competitive sealed proposals.
- *Texas Local Government Code, Chapter 171* requires local government officials to disclose conflicts of interest and sets forth rules that require officials to abstain where they are in a position to vote or make a decision on any matter involving a business entity or real property for which they have an interest in.

- *Texas Government Code Title 10, Chapter 2254*, also known as the Professional Services Act, governs the local government procurement of various professional services. *Chapter 2254* prohibits the procurement selection of architects or engineers based on bid price and requires government entities to first select the most qualified provider based on demonstrated competence and qualifications, and then attempt to negotiate with that provider a contract at a fair and reasonable price.
- *The State of Texas Engineering Practice Act, Chapter 1001, Texas Occupations Code*, states that a registered professional engineer must be hired to prepare plans, specifications, and estimates for any public works activities in accordance with this Act. The engineer must directly supervise the project in order to ensure the public health, safety, and welfare.

D. Disclosure of Certain Relationships

The Texas Local Government Code, Chapter 176 requires a vendor that wishes to conduct business or be considered for business with the City of Freeport, Texas to file a conflict of interest questionnaire. The Disclosure Act applies to all persons or businesses who conduct business with the City, including those who submit bids on city contracts, make purchases of surplus city property, or participate in any other purchase or sales transactions with a city.

Vendors or respondents who meet the following criteria must fill out a conflict of interest questionnaire no later than the 7th day after the person begins contract discussions or negotiations with the City or submits to the City an application, response to a request for proposals or bids, correspondence, or another writing related to a potential agreement with the City:

A vendor or respondent that:

- contracts or seeks to contract for the sale or purchase of property, goods, or services with a local governmental entity; or
- Is an agent of a person described in Subdivision (1) in the person's business with a local governmental entity. Any person who meets the criteria, as for enforcement to ensure the veracity of the vendors, the statute makes it a Class C Misdemeanor to violate the vendor disclosure provisions.

E. Certificate of Interested Parties (Form 1295)

Section 2252.908 of the Texas Government Code states that a governmental entity or state agency may not enter into certain contracts with a business entity unless the business entity submits a disclosure of interested parties to the governmental entity or state agency at the time the business entity submits the signed contract to the governmental entity or state agency. The law applies only to a contract of a governmental entity or state agency that either (1) requires an action or vote by the governing body of the entity or agency before the contract may be signed or (2) has a value of at least \$1 million.

A business entity must enter the required information on Form 1295 online at <https://www.ethics.state.tx.us/File/> and print a copy of the completed form, which will include a certification of filing that will contain a unique certification number. An authorized agent of the business entity must sign the printed copy of the form and have the form notarized. The completed Form 1295 with the certification of filing must be filed with City.

F. Purchasing Ethics

The City wants to promote and protect its governmental integrity. The purpose of this section is to provide guidance to all City employees involved in the procurement process so that they may conduct

themselves in a manner that is compatible with the best interest of the City. For more guidance regarding the City's Code of Ethics, please refer to the City's Ethics Policy found under Title IX of the Code of Ordinances, Chapter 100.

The employees of the City responsible for purchasing shall:

- Purchase the proper goods or services to address the City's needs
- Get the best possible price for goods or services
- Have goods or services available when and where the City needs it
- Assure a continuing supply of needed goods and services
- Guard against misappropriation of City funds
- Facilitate cooperation with other governmental units
- Maximize competition from responsible bidders
- Safeguard public funds and receive the best value for the public dollar
- Never use public spending to enrich elected officials or City employees
- Never make purchases for personal use in the City's name
- Ensure all procurement transactions will be conducted in a manner providing full and open competition:
 - No unreasonable requirements are placed on firms in order for them to qualify.
 - No unnecessary experience or excessive bonding required.
 - Noncompetitive pricing practices between firms or between affiliated companies is disallowed.
 - Noncompetitive contracts are disallowed except for when there is an approved exception.
 - No organizational conflicts of interest.
 - If a "brand name" product is specified, an equal or like product is acceptable.
 - 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.
- Ensure all procurement transactions shall incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured.
- Ensure all procurement transactions shall identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals
- If a prequalified list when acquiring goods or services is used, the City will ensure the list is updated regularly, provides enough qualified sources to ensure maximum open and free competition.
- Ensure all procurement transactions must conform to applicable local, state, and federal laws and regulations.

Perception is Everything. Even if a procurement decision is sound, the method determination should be documented and will be open to public inspection. If a decision is perceived to be less than fair to all competitors, then the perception becomes the reality to the unsuccessful bidders. And, if the opinion is that the City has "favorite companies we always do business with", our job is to set the record straight

with all who may have this complaint. It is important that awards are made based on competition and/or best value for the City, that the reason(s) for those awards are documented and defensible, and that a decision is based on fact and in the best interest of the City.

G. Participating in Procurements with Family or Friends

It shall be a breach of ethics for any employee of the City of Freeport to participate directly or indirectly in procurement for the City of Freeport when the employee knows that:

- The employee or any member of the employee's immediate family has a financial interest pertaining to the procurement.
- A business or organization in which the employee, or any member of the employee's immediate family, has a financial interest pertaining to the procurement; or
- Any other person, business or organization with which the employee or any member of the employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.

H. Gratuities

It shall be a violation of city employment to offer, give or agree to give any employee of the City of Freeport, or for any employee of the City of Freeport to solicit, demand, accept or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, preparation of any part of a program requirement or purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter pertaining to any program requirement or a contract or sub-contract, or to any solicitation or proposal therefore pending before the City of Freeport.

I. Kickbacks

It shall be a breach of ethics for any payment, gratuity or offer of employment to be made by or on behalf of a vendor/subcontractor under a contract to the prime vendor/contractor or higher tier subcontractor for any contract for the City of Freeport, or any person associated therewith, as an inducement for the award of a sub-contract or order.

J. Confidential Information

It shall be a violation of City policy for any employee of the City of Freeport knowingly to use confidential information for actual or anticipated personal gain, or for the actual or anticipated gain of any person.

K. Purchase of Materials, Equipment, And Supplies for Personal Use

No employee may purchase City property for his/her own personal use unless it is purchased through the City's public auction or through the sealed bid procedures of the City. This includes new and used equipment, materials or supplies.

L. Private Purchases Through City Facilities

No employee may use the purchasing power of the City of Freeport to make a private purchase. In addition, employees should not have private purchases sent to the City to be paid for by the employee.

M. Tax Exempt Status

The City of Freeport is exempt from Federal, State, and Local taxes except in certain prescribed cases. An exemption certificate is available from the Finance Department and will be furnished to any of the City's suppliers upon request. Employees making purchases for the City out of personal funds will not be reimbursed for sales tax paid.

N. Tax Exempt Status for Purchase of Personal Property

Employees may not use the City's tax-exempt status for purchases of personal property. Anyone avoiding payment of sales tax by using this exemption may be liable for prosecution under Texas Penal Code, Chapter 39.

O. Definitions

The following definitions are intended to assist you in understanding the language used throughout this manual. When using this manual, if you find a word or words that you may not clearly understand and if it is not defined in this section, please do not hesitate to contact someone in Finance for clarification and/or interpretation.

Appropriated – The City Council appropriates funds through the adoption of the annual budget and subsequent amendments. Appropriated funds are funds that are able to be used for the purchase of goods and services, another way of saying this would be to say funds are budgeted and authorized for the intended purchase.

Award - Approval by the City Council, City Manager, Financial Director or their designee, under whose authority a purchase order is issued.

Best Value - If the sealed competitive bidding requirement applies to the contract for goods or services, the contract may be awarded to the lowest, Responsible Bidder or to bidder who provides goods or services at the best value for the City. In determining the best value for the City, we may consider:

- the purchase price;
- the reputation of the bidder and of the bidder's goods or services;
- the quality of the bidder's goods or services;
- the extent to which the goods or services meet the City's needs;
- the bidder's past relationship with the City;
- the impact on the ability of the City to comply with laws and rules relating to contracting with;
- historically underutilized businesses and non-profit organizations employing persons with disabilities;
- the total long-term cost to the City to acquire the bidder's goods or services, and
- any relevant criteria specifically listed in the request for bids or proposals.

Bid advertisement - A public notice put in a newspaper of general circulation, containing information about an Invitation for Bid or a Request for Proposal.

Bid list - A list of vendors who have indicated in writing an interest in submitting bids for particular categories of goods and services. This list is a compilation of recommended vendors from the department and a database of vendors maintained by Purchasing.

Blanket Purchase Order – A blanket purchase order is an open purchasing agreement between the City and a vendor to provide multiple purchases under a single Purchase Order number when the exact quantities are unknown.

Bonds:

- **Bid Bond** - A bond required of a contractor that ensures that the contractor will enter into the contract for which he has submitted a formal written bid and/or proposal.
- **Payment Bond** - A bond required of the contractor that ensures that all suppliers and subcontractors of the contractor will be paid for work and/or material supplied in the course of the contract.
- **Performance Bond** - A bond required of the contractor that guarantees vendor performance during the execution of the contract.

Capital equipment – Property with a useful life of at least ~~two~~ three years and a purchase cost of at least \$5,000.

Check Request – Prescribed stamp/~~form~~ for requesting payment to a vendor for purchase of less than \$~~3,000~~1,000. For any purchase of over \$1,000, a payment authorization form must be complete. The Department Head and/or their designee must sign this form.

Commodity code - A specific group of goods or services categorized into distinct classes that have been assigned a numerical reference number within the purchasing and inventory system.

Competitive bidding - The process wherein a vendor openly competes with other vendors, through a formal or informal process, for the City's business.

Component purchases – Purchases of component parts that in normal purchasing practices would be purchased in one purchase.

Consulting Services - The service of studying or advising the City under a contract that does not involve the traditional relationship of employer and employee.

Contract - An agreement between the City and a Supplier to furnish supplies and/or services over a designated period of time, during which purchases are made of the commodity specified.

Contractor - The successful vendor(s) awarded a contract by the City.

Delivery date – The date by which goods or services are needed.

Emergency – Purchases that are made to meet a critical, unforeseen need of the City, where the City's ability to serve the public would be impaired if purchase is not made immediately. Emergency purchases are exempt from standard purchasing procedures and must qualify for exemption as outlined in *Texas Local Government Code 252.022*.

Encumbrance - The process wherein the City reserves funds for the purchase of supplies, goods, services, and equipment in one budgetary-accounting period, and pays for the purchase in another budgetary-accounting period.

Expedite – When the purchasing process is accelerated through normal procedures in order to prevent work stoppage or loss of government's money.

FOB destination point – Free on Board (FOB); the vendor pays freight charges to the destination; title to goods passes to buyer at his receiving dock; freight claims must be filed and handled by the seller.

FOB shipping point – Free on Board (FOB); shipment becomes 'collect' from seller's shipping dock; freight charges may be prepaid and added to the invoice; City pays freight charges; title to goods passes to buyer at the shipping dock of seller; freight claims must be filed and handled by buyer.

Goods - A generic term that includes all types of property to be purchased by the City; equipment, supplies, materials, components and repair parts.

Invitation to Bid – This is a formal written document that requests from bidders a firm price and delivery details for specified merchandise listed on a purchase requisition. An Invitation to Bid is always required when the anticipated level of expenditure will be greater than ~~\$50,000~~\$30,000, except in the case of an emergency.

Lowest Responsible Bidder – This is the vendor who offers the lowest bid which meets all the specifications, requirements, terms and conditions of the Invitation to Bid. It is expressly understood that the lowest responsible bid includes any related costs to the City, using a total cost concept. The term "responsible" refers to the financial and practical ability of the bidder to perform the contract. The term is also used to refer to the experience or safety record of the vendor.

Payment Authorization Form – Prescribed form for requesting payment to a vendor for purchase/invoice of over than \$1,000. The Department Head and/or their designee must sign this form. The finance Director will sign all forms and the City Manager will sign any form with an amount over \$10,000.

Personal Services - Services provided to the City personally by a particular individual. Any contribution of machinery and equipment compared to total cost must be substantially less than the contribution of wages.

Planning Services - Services primarily intended to guide the City to ensure the orderly and coordinated development of land areas.

Professional Services – services as defined by state law: accounting; architecture; landscape architecture; land surveying; medicine; optometry; professional engineering; real estate appraising; professional nursing; or 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.

Purchase - An act that includes the acquisition of goods or services, to include the act of leasing personal or real property. Separate, sequential, and component purchases shall be treated as a single purchase.

Purchasing - The act, function, and responsibility for the acquisition of goods and services.

Purchase order - A formal, binding, legal agreement issued by the City's Purchasing Coordinator. A purchase order is requested by a departmental requisition that details the merchandise or services required. When accepted by a vendor without qualifications within a specified time period, the agreement becomes a contract. A Purchase Order grants the vendor the authority to deliver the goods or services and invoice for the same. It is the City's commitment to accept the goods or services and pay for them at the agreed price.

Purchase Requisition Form – Prescribed form filled out by departments at the same time the purchase order is entered into the financial software for approval. This form must be signed by the Department Head and submitted to the Finance Department as backup for the purchase order.

Request for Proposal - A formal written document requesting that potential vendors make an offer for services to the City. The Request for Proposal method of procurement may be used for goods or services including high technology and insurance when it is determined that the proposal process provides the best value to the City. When the RFP is used for the selection of professional services as allowed in the Local Government Code 252.022(a)(4), the City shall comply with Local Government Code 2254.003 in the procurement of these services. The City shall not award a contract for these services based on competitive bids but shall make the selection and award on the basis of demonstrated competence and qualifications for a fair and reasonable price. Fees must be consistent with and not higher than the recommended practices and fees published by the applicable professional associations and may not exceed any maximum(s) provided by law.

Request for Qualifications - a formal written document used when soliciting providers of architectural, engineering or land surveying services. The City shall comply with Local Government Code 2254.004 in the procurement of these services. The City must first select the most highly qualified provider of those services on the basis of demonstrated competence and qualifications. After a firm has been selected based on qualifications and experience, then a fair and reasonable fee shall be negotiated. 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 firm and select the next most highly qualified firm and begin negotiations with that provider for a fair and reasonable price.

Reverse Auction - Single or multiple-item, open, descending-price auction. The initiator specifies the opening bid price and bid decrement. Each bidder submits a successively lower bid and at the end of the auction, bidders with the lowest bid win. Each winning bidder sells at a price equal to the bid he/she made.

Separate purchases – Purchases made separately of items that in normal purchasing practices would be purchased in one purchase.

Sequential purchases – Purchases made over a period of time of items that in normal purchasing practices would be purchased in one purchase.

Services - A generic term to include all work or labor performed for the City on an independent contractor basis, including maintenance, construction, manual, clerical or professional services.

Sole source – Purchases of goods or services that are available from only one supplier. There may be just one vendor because of patents or copyrights, or simply because the vendor is the only one that supplies the good or service. These purchases are exempt from the standard bidding requirement and must qualify as outlined in *Local Government Code 252.022*.

Specifications - Statements containing a detailed description of the terms of the contract, as well as specific details for the goods and/or services. The details or specifications should be descriptive, but not restrictive.

Surplus – Item(s) no longer needed by a department, regardless of its value or condition.

Vendor - A generic term applied to individuals and companies alike, who provide goods and services to the City.

Section 2: Purchasing Process

A. Delegation of Purchasing Authority

The City Manager as authorized by the City Council of the City of Freeport has delegated to Department Heads and their designees the authority to procure materials and services for the City that are within the guidelines set-forth by this procurement policy. Department purchasing authority is limited to a single purchase of less than \$1,000.

A City Contract is always required when an on-site service is to be rendered to the City. Retroactive (after the fact) contracts are not acceptable. Only the City Council, the City Manager and Finance Director (within his/her purchasing limitations) are vested with authority to contract for the City of Freeport. The Finance Director may approve the purchase of goods or services that have been budgeted and are valued ~~at less than~~up to \$10,000, without prior approval of the City Council or City Manager.

The City Manager may approve the purchase of goods or services that have been budgeted and are valued at less than ~~\$50,000~~\$30,000 without prior City Council approval except in the case of an emergency. No contract or purchase order will be binding upon the City unless authorized by the City Council, City Manager, or Finance Director, as applicable, and unless the City Manager and/or Finance Director certifies that there is to the credit of the City office or department a sufficient appropriation and unencumbered balance to pay for the goods and/or services for which the contract or purchase order is to be issued. The City's purchase of goods and services shall be made according to a requisition from the Department Head whose budget or other approved appropriation source will be charged for the purchase. Any City personnel who authorize or attempt to authorize a purchase order without proper approvals will be subject to disciplinary action.

The Finance Department is designated as the Purchasing Office for the City within certain limitations. The primary responsibility of the Purchasing Office is to procure the best goods and services in a timely manner at the lowest possible cost to the City and to ensure that purchasing is conducted with strict adherence to applicable federal, state and local laws as well as this manual. This purpose is accomplished through updating of purchasing data, training/education of personnel and responsiveness to new techniques. The Finance Department will coordinate purchasing activities with the user department. The Finance Director will conduct random internal audits of departmental purchasing.

B. Total Dollar Limits/Approval Requirements

The purchasing limits stated herein assume that prior to purchase or request to purchase, the Department Head and/or their designee has verified sufficient funds are available in the budget line item affected. This is verified through the purchase order (encumbrance) process approved by the Finance Department. Purchase orders must be issued before purchase of goods or services.

The following standard approval route applies to All City Departments.

Total Amount of Request*	Type of Form Required	Type of Bid/Quotes Required	Department Head or Designee Approval Required	Finance Director Approval Required	City Manager Approval Required	City Council Approval Required
< \$2,999	Check Request	Not Required	◆			
3,000 to \$4,999.99	Purchase* Order	3 Quotes	◆	◆	*If not low bid	
\$5,000 to \$49,999.99 <u>29,999.99</u>	Purchase* Order	3 Written Bids/Quotes	◆	◆	◆	*If not low bid
\$50,000 <u>30,000</u> and above	Purchase* Order	Sealed Bids	◆	◆	◆	◆

* A Purchase Order is not required for recurring payments on annual contracts, that have already been procured in accordance with this policy, in which the quantities are unknown. Examples include but are not limited to utilities, phone, insurance premiums, fuel, etc. These payments should be paid following verification of quantity and contract compliance. If applicable, a Blanket Purchase Order may be set up for these vendors. A Purchase Order is required for recurring payments on annual contracts in which the exact amount is known (ex. janitorial services).

C. Purchases of Less Than \$3,000

Purchases of less than \$3,000 do not require competitive bidding. Department Heads or their approved designees may, without prior approval of the Finance Director or City Manager make purchases of less than \$3,000.

Department Head shall authorize an invoice for payment and forward a check request to the Finance Department.

D. Purchases of \$3,000 to \$4,999.99

Purchases between the amounts of \$3,000 and \$4,999.99 will require a purchase order form with at least three verbal quotes. The requesting department shall solicit at least one quotation from a competent vendor. Telephone, fax, and e-mail quotations are acceptable.

E. Purchases of \$5,000 to Less Than ~~\$50,000~~ \$30,000

Purchases of \$5,000 to less than ~~\$50,000~~ \$30,000 will require a purchase order form with at least three quotes unless an interlocal contract or cooperative purchasing is utilized. The Department Head must contact at least two (2) Historically Underutilized Businesses (HUB) on a rotating basis based on information provided by the comptroller pursuant to Chapter 2161, Government Code unless the list fails to identify a HUB that provides similar goods or services in Brazoria County, as

authorized by the *Texas Local Government Code, Chapter 252.0215*. If the Department Head proposes to award the contract to a person or entity other than the apparent lowest quote, the Department Head shall obtain the prior written approval of the City Manager.

If a purchase is \$3,000 or greater, the Department Head must submit approval prior to purchase in the form of a purchase requisition/purchase order to the Finance Department. Department Heads or their approved designees may authorize the invoice for payment once the City receives the items.

F. Purchases of ~~\$50,000~~\$30,000 or More

City Council shall approve in advance all expenditures for ~~\$50,000~~\$30,000 or more. Except as provided in the *General Exemptions Section 252.022 of the Texas Local Government Code*, the City must issue a competitive sealed bid or competitive sealed proposal as authorized by *Texas Local Government Code Chapter 252* and award the bid to the lowest responsible bidder.

The user department shall be responsible for the preparation of specifications for any formal bids for goods, services, or contractual needs. Formal bids shall include legal advertising, invitations to bids, pre-bid conferences (as necessary), documented bid openings and official bid tabulations. All bids must be awarded by City Council. The goods and/or services may be acquired by the issuance of a purchase order or execution of a contract.

Bid notices shall indicate when and where bids will be opened; be published in the official newspaper of the City once a week for two consecutive weeks beginning at least fourteen days before the bid opening; shall be published in a form approved by the City Secretary.

G. General Purchasing Provisions

General Rules Applicable to All Contracts

- a. Each Department Head is responsible for:
 - Coordinating with the Finance Department to establish and maintain a list of vendors
 - Establishing clear, nonrestrictive bid specifications
 - Receiving and inspecting all deliveries to ensure that the goods and/or services comply with the bid or proposal specifications.
- b. The City Secretary is responsible for maintaining bids or proposals and related information according to the City's Records Management Program. Unless otherwise specified by state law, records related to bids or proposals (including purchase orders, invitations to bid, and bid tally sheets) are public records.
- c. The Department Head shall charge a purchase to the appropriate account number regardless if the account contains available budgeted funds. Overrun line items shall require a budget amendment.

H. Prompt Payment Act

Texas Government Code, Chapter 2251, commonly known as the Texas Prompt Payment Act, generally requires that the City pay bills not later than 30 days after the goods and services are received, or the date the invoice is received, whichever is later. Each Department Head shall submit to the Finance Department any bill or invoice within 15 calendar days of receipt.

I. Consideration of The Location of a Bidder's Principal Place of Business

In purchasing under this title any real or personal property that is not affixed to real property, if a local government receives one or more bids from a bidder whose principal place of business is in the local government area and whose bid is within 3% of the lowest bid price received by the local government from a bidder who is not a resident of the local government area, the local government may enter into a contract with:

the lowest bidder; or the bidder whose principal place of business is in the local government area if the governing body of the local government determines, in writing, that the local bidder offers the local government the best combination of contract price and additional economic development opportunities for the local government area created by the contract award, including the employment of residents of the local government area and increased tax revenues to the local government. This does not prohibit a Council from rejecting all bids.

Texas Local Government Code 271.905

J. Preference for Recycled Products

The City encourages the use of recycled products and products that may be recycled or reused. The City will give preference to products made of recycled materials if the products meet applicable specifications as to quantity and quality. *Texas Health and Safety Code 361.426*

The Finance Director may review procurements for the purchase of goods, supplies, equipment, and materials to:

- Eliminate procedures and specifications that explicitly discriminate against products made of recycled materials
- Encourage the use of products made of recycled materials
- Ensure to the most economically feasible extent that the City purchases products that may be recycled when they have served their intended use

K. Municipal Contracts

Annual Contracts - The City may use an annual fixed price contract to obtain required goods or services from a chosen vendor for a specified time period. These contracts eliminate the necessity of bidding commodities each time they are needed. Annual contracts in which the quantities are pre-determined require a purchase order.

Contracts Requiring Issuance of Debt, Certificates of Obligation or Lease-Purchase Agreements

If the City Manager, or a Department Head intends to finance a contract for goods or services through issuance of bonds, debt, certificates of obligation (CO), certificates of participation, tax anticipation notes, lease-purchase agreements, or any other means, then the City Manager or Department Head must, before soliciting bids, receive approval from the City Attorney and City Council for such financial arrangements.

Texas Local Government Code Chapter 271

L. Procedures for Federal Grants

Procurement Cycle Steps

- Need Defined— The City of Freeport, TX submits request and specifications. Purchaser reviews

request and specifications for unnecessary or duplicative items in accordance with 2 CFR 200.318 (d).

- 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 Freeport.
- Solicitation—City of Freeport 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.
- Receipt of Bids and Responses to Solicitation—Vendors submit their response to the solicitation.
- Evaluation and Awards—City of Freeport review the responses from vendors, determine compliance with the solicitation and make an award recommendation based on the pre-defined best value criteria.

The City of Freeport follows the procurement standards in 2 CFR 200.317 – 2CFR 200.327 and Appendix II to Part 200 for procurement actions to be funded with Federal funds. All attempts are made to adhere to these policies and procedures and updates are made as needed. The entirety of the language found in 2 CFR 200.317 – 2 CFR 200.327 may not be applicable in all instances, programs, and/or situations. This document contains the most current 2 CFR 200.317 – 2 CFR 200.327 language available at the adoption of these policies and procedures.

§200.317 Procurements by states.

When procuring property and services under a Federal award, a State must follow the same policies and procedures it uses for procurements from its non-Federal funds. The State will comply with §§200.321, 200.322, and 200.323 and ensure that every purchase order or other contract includes any clauses required by §200.327. All other non-Federal entities, including subrecipients of a State, must follow the procurement standards in §§200.318 through 200.327.

§200.318 General procurement standards.

(a) The non-Federal entity must have and use documented procurement procedures, consistent with State, local, and tribal laws and regulations and the standards of this section, for the acquisition of property or services required under a Federal award or subaward. The non-Federal entity's documented procurement procedures must conform to the procurement standards identified in §§200.317 through 200.327.

(b) Non-Federal entities must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

(c)(1) The non-Federal entity must 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. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or 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. The officers, employees, and agents of the non-Federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity.

(2) If the non-Federal entity has a parent, affiliate, or subsidiary organization that is not a State, local government, or Indian tribe, the non-Federal entity must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, the non-Federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.

(d) The non-Federal entity's procedures must avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

(e) To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the Federal Government, the non-Federal entity is encouraged to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services. Competition requirements will be met with documented procurement actions using strategic sourcing, shared services, and other similar procurement arrangements.

(f) The non-Federal entity is encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

(g) The non-Federal entity is encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

(h) The non-Federal entity must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. See also §200.214.

(i) The non-Federal entity must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to, the following: Rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

(j)(1) The non-Federal entity may use a time-and-materials type contract only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time-and-materials type contract means a contract whose cost to a non-Federal entity is the sum of:

(i) The actual cost of materials; and

(ii) Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

(2) Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, the non-Federal entity awarding such a contract must assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

(k) The non-Federal entity alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the non-Federal entity of any contractual responsibilities under its contracts. The Federal awarding agency will not substitute its judgment for that of the non-Federal entity unless the matter is primarily a Federal concern. Violations of law will be referred to the local, state, or Federal authority having proper jurisdiction.

[85 FR 49543, Aug. 13, 2020, as amended at 86 FR 10440, Feb. 22, 2021]

§200.319 Competition.

(a) All procurement transactions for the acquisition of property or services required under a Federal award must be conducted in a manner providing full and open competition consistent with the standards of this section and §200.320.

(b) In order to ensure objective contractor performance and eliminate unfair competitive advantage, 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. Some of the situations considered to be restrictive of competition include but are not limited to:

(1) Placing unreasonable requirements on firms in order for them to qualify to do business;

(2) Requiring unnecessary experience and excessive bonding;

(3) Noncompetitive pricing practices between firms or between affiliated companies;

(4) Noncompetitive contracts to consultants that are on retainer contracts;

(5) Organizational conflicts of interest;

(6) Specifying only a "brand name" product instead of allowing "an equal" product to be offered and describing the performance or other relevant requirements of the procurement; and

(7) Any arbitrary action in the procurement process.

(c) The non-Federal entity must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

(d) The non-Federal entity must have written procedures for procurement transactions. These procedures must ensure that all solicitations:

(1) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient

requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and

(2) Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

(e) The non-Federal entity must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the non-Federal entity must not preclude potential bidders from qualifying during the solicitation period.

(f) Noncompetitive procurements can only be awarded in accordance with §200.320(c).

§200.320 Methods of procurement to be followed.

The non-Federal entity must have and use documented procurement procedures, consistent with the standards of this section and §§200.317, 200.318, and 200.319 for any of the following methods of procurement used for the acquisition of property or services required under a Federal award or sub-award.

(a) *Informal procurement methods.* When the value of the procurement for property or services under a Federal award does not exceed the *simplified acquisition threshold (SAT)*, as defined in §200.1, or a lower threshold established by a non-Federal entity, formal procurement methods are not required. The non-Federal entity may use informal procurement methods to expedite the completion of its transactions and minimize the associated administrative burden and cost. The informal methods used for procurement of property or services at or below the SAT include:

(1) *Micro-purchases—(i) Distribution.* The acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (See the definition of *micro-purchase* in §200.1). To the maximum extent practicable, the non-Federal entity should distribute micro-purchases equitably among qualified suppliers.

(ii) *Micro-purchase awards.* Micro-purchases may be awarded without soliciting competitive price or rate quotations if the non-Federal entity considers the price to be reasonable based on research, experience, purchase history or other information and documents it files accordingly. Purchase cards can be used for micro-purchases if procedures are documented and approved by the non-Federal entity.

(iii) *Micro-purchase thresholds.* The non-Federal entity is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures. The micro-purchase threshold used by the non-Federal entity must be authorized or not prohibited under State, local, or tribal laws or regulations. Non-Federal entities may establish a threshold higher

than the Federal threshold established in the Federal Acquisition Regulations (FAR) in accordance with paragraphs (a)(1)(iv) and (v) of this section.

(iv) *Non-Federal entity increase to the micro-purchase threshold up to \$50,000.* Non-Federal entities may establish a threshold higher than the micro-purchase threshold identified in the FAR in accordance with the requirements of this section. The non-Federal entity may self-certify a threshold up to \$50,000 on an annual basis and must maintain documentation to be made available to the Federal awarding agency and auditors in accordance with §200.334. The self-certification must include a justification, clear identification of the threshold, and supporting documentation of any of the following:

(A) A qualification as a low-risk auditee, in accordance with the criteria in §200.520 for the most recent audit;

(B) An annual internal institutional risk assessment to identify, mitigate, and manage financial risks; or,

(C) For public institutions, a higher threshold consistent with State law.

(v) *Non-Federal entity increase to the micro-purchase threshold over \$50,000.* Micro-purchase thresholds higher than \$50,000 must be approved by the cognizant agency for indirect costs. The non-federal entity must submit a request with the requirements included in paragraph (a)(1)(iv) of this section. The increased threshold is valid until there is a change in status in which the justification was approved.

(2) *Small purchases*—(i) *Small purchase procedures.* The acquisition of property or services, the aggregate dollar amount of which is higher than the micro-purchase threshold but does not exceed the simplified acquisition threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources as determined appropriate by the non-Federal entity.

(ii) *Simplified acquisition thresholds.* The non-Federal entity is responsible for determining an appropriate simplified acquisition threshold based on internal controls, an evaluation of risk and its documented procurement procedures which must not exceed the threshold established in the FAR. When applicable, a lower simplified acquisition threshold used by the non-Federal entity must be authorized or not prohibited under State, local, or tribal laws or regulations.

(b) *Formal procurement methods.* When the value of the procurement for property or services under a Federal financial assistance award exceeds the SAT, or a lower threshold established by a non-Federal entity, formal procurement methods are required. Formal procurement methods require following documented procedures. Formal procurement methods also require public advertising unless a non-competitive procurement can be used in accordance with §200.319 or paragraph (c) of this section. The following formal methods of procurement are used for procurement of property or services above the simplified

acquisition threshold or a value below the simplified acquisition threshold the non-Federal entity determines to be appropriate:

(1) *Sealed bids*. A procurement method in which bids are publicly solicited and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bids method is the preferred method for procuring construction, if the conditions.

(i) In order for sealed bidding to be feasible, the following conditions should be present:

(A) A complete, adequate, and realistic specification or purchase description is available;

(B) Two or more responsible bidders are willing and able to compete effectively for the business; and

(C) 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.

(ii) If sealed bids are used, the following requirements apply:

(A) Bids must be solicited from an adequate number of qualified sources, 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;

(B) 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;

(C) 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 opened publicly;

(D) 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

(E) Any or all bids may be rejected if there is a sound documented reason.

(2) *Proposals*. A procurement method in which either a fixed price or cost-reimbursement type contract is awarded. Proposals are generally used when conditions are not appropriate for the use of sealed bids. They are awarded in accordance with the following requirements:

(i) Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Proposals must be solicited from an adequate number of qualified offerors. Any response to publicized requests for proposals must be considered to the maximum extent practical;

(ii) The non-Federal entity must have a written method for conducting technical evaluations of the proposals received and making selections;

(iii) Contracts must be awarded to the responsible offeror whose proposal is most advantageous to the non-Federal entity, with price and other factors considered; and

(iv) The non-Federal entity may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby offeror's qualifications are evaluated and the most qualified offeror 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 firms that are a potential source to perform the proposed effort.

(c) *Noncompetitive procurement.* There are specific circumstances in which noncompetitive procurement can be used. Noncompetitive procurement can only be awarded if one or more of the following circumstances apply:

(1) The acquisition of property or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (see paragraph (a)(1) of this section);

(2) The item is available only from a single source;

(3) The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation;

(4) The Federal awarding agency or pass-through entity expressly authorizes a noncompetitive procurement in response to a written request from the non-Federal entity; or

(5) After solicitation of a number of sources, competition is determined inadequate.

§200.321 Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.

(a) The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

(b) Affirmative steps must include:

(1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;

(2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;

(3) 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;

(4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;

(5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and

(6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (b)(1) through (5) of this section.

§200.322 Domestic preferences for procurements.

(a) As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award.

(b) For purposes of this section:

(1) "Produced in the United States" means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.

(2) "Manufactured products" means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

§200.323 Procurement of recovered materials.

A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section

6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

§200.324 Contract cost and price.

(a) The non-Federal entity must perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the non-Federal entity must make independent estimates before receiving bids or proposals.

(b) The non-Federal entity must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

(c) Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the non-Federal entity under subpart E of this part. The non-Federal entity may reference its own cost principles that comply with the Federal cost principles.

(d) The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.

§200.325 Federal awarding agency or pass-through entity review.

(a) The non-Federal entity must make available, upon request of the Federal awarding agency or pass-through entity, technical specifications on proposed procurements where the Federal awarding agency or pass-through entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if the non-Federal entity desires to have the review accomplished after a solicitation has been developed, the Federal awarding agency or pass-through entity may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase.

(b) The non-Federal entity must make available upon request, for the Federal awarding agency or pass-through entity pre-procurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, when:

(1) The non-Federal entity's procurement procedures or operation fails to comply with the procurement standards in this part;

(2) The procurement is expected to exceed the Simplified Acquisition Threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation;

(3) The procurement, which is expected to exceed the Simplified Acquisition Threshold, specifies a “brand name” product;

(4) The proposed contract is more than the Simplified Acquisition Threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or

(5) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the Simplified Acquisition Threshold.

(c) The non-Federal entity is exempt from the pre-procurement review in paragraph (b) of this section if the Federal awarding agency or pass-through entity determines that its procurement systems comply with the standards of this part.

(1) The non-Federal entity may request that its procurement system be reviewed by the Federal awarding agency or pass-through entity to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews must occur where there is continuous high-dollar funding, and third-party contracts are awarded on a regular basis;

(2) The non-Federal entity may self-certify its procurement system. Such self-certification must not limit the Federal awarding agency's right to survey the system. Under a self-certification procedure, the Federal awarding agency may rely on written assurances from the non-Federal entity that it is complying with these standards. The non-Federal entity must cite specific policies, procedures, regulations, or standards as being in compliance with these requirements and have its system available for review.

§200.326 Bonding requirements.

For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, the Federal awarding agency or pass-through entity may accept the bonding policy and requirements of the non-Federal entity provided that the Federal awarding agency or pass-through entity has made a determination that the Federal interest is adequately protected. If such a determination has not been made, the minimum requirements must be as follows:

(a) A bid guarantee from each bidder equivalent to five percent of the bid price. The “bid guarantee” must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.

(b) A performance bond on the part of the contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's requirements under such contract.

(c) A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

§200.327 Contract provisions.

The non-Federal entity's contracts must contain the applicable provisions described in Appendix II to this part.

M. Construction Projects

If the contract is for the construction of public works, the following is required for bidding:

- a. Prepare plans and specifications in conjunction with bidding and contract documents:
 - The proposed specifications shall include workers' compensation requirements. *Texas Labor Code 406.096*
 - If the proposed project includes excavation work, then the proposed specifications shall include excavation requirements and pay items. *Texas Health and Safety Code 756.023*
 - The proposed specifications shall include bonding requirements. *Texas Local Government Code Chapter 252.044; also, Texas Government Code Chapter 2253*
 - The proposed specifications shall include prevailing wage rate schedules. *Texas Government Code Chapter 2258*
- b. Sealed plans and specifications.
- c. Line items with estimated quantities and price estimate.

Texas Local Government Code Chapter 252.044; also, Texas Government Code Chapter 2253

Section 3: Exemptions to Competitive Bidding

Chapter 252.022 of the State of Texas Local Government Code allows certain exemptions to the Competitive Bids process. **The following are the exemptions allowed:**

1. 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;
2. A procurement necessary to preserve or protect the public health or safety of the municipality's residents;
3. A procurement necessary because of unforeseen damage to public machinery, equipment, or other property;
4. A procurement for personal, professional or planning services;
5. A procurement for work that is performed and paid for by the day as the work progresses;
6. A purchase of land or a right-of-way;
7. A procurement of items that are 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 a public library that are available only from the persons holding exclusive distribution rights to the materials; and
 - f. management services provided by a non-profit organization to a municipal museum, park, zoo, or other facility to which the organization has provided significant financial or other benefits;
8. A purchase of rare book, papers, and other library materials for a public library;
9. Paving drainage, street widening, and other public improvements, or related matters if at least one-third of the cost is to be paid by or through special assessments levied on property that will benefit from the improvements;
10. A public improvement project, already in progress, authorized by the voters of the municipality, for which there is a deficiency of funds for completing the project in accordance with the plans and purposes authorized by the voters;
11. A payment under a contract by which a developer participates in the construction of a public improvement as provided by Subchapter C, Chapter 212;
12. Personal property sold:
 - a. at an auction by a state licensed auctioneer;

- b. at a going out of business sale held in compliance with Subchapter F, Chapter 17, Business & Commerce Code;
 - c. by a political subdivision of this state, a state agency of this state, or an entity of the federal government;
 - d. under an interlocal contract for cooperative purchasing administered by a regional planning commission established under Chapter 391;
13. Services performed by blind or severely disable person;
14. Goods purchased by a municipality for subsequent retail sale by the municipality;
15. Electricity; or
16. Advertising, other than legal notices.

A. High Technology Procurement

High technology procurement means the procurement of equipment, goods, or services of a highly technical nature including:

- a. data processing equipment and software and firmware used in conjunction with data processing equipment;
- b. telecommunications equipment and radio and microwave systems;
- c. electronic distributed control systems, including building energy management systems; and
- d. technical services related to those items.

The City may utilize a request for proposals to procure high technology products and services. Requests for proposals are similar to competitive bids. Prior to utilizing a request for proposal, a Departmental Director must receive approval from the City Manager. The Department shall write specifications using performance standards rather than a written description of the good or service. The specifications shall also list the factors by which the City will judge the proposal, and the weight assigned to each factor.

- 1. Vendors must submit proposals of their own design for a system to satisfy the requirement set forth in the proposal. Proposals may incorporate entirely different hardware or services to accomplish the same performance.
- 2. After the City receives the proposals, the Department Head may enter into negotiations with as many vendors as have submitted feasible proposals to arrive at the best possible proposal.

Texas Local Government Code 252.001(4); 252.021(c)

B. Emergency Services

An emergency is an unforeseen situation that adversely and unduly affects the life, health, or convenience of the citizens of the City, or a circumstance that would cause a loss to the City (such as an inordinate amount of down time).

Texas Local Government Code 252.022 (1), (2) & (3)

In an emergency, the Department Head may proceed with an emergency acquisition. If the cost is \$3,000 or more, the Department Head shall send a confirming requisition (including a brief

explanation of the purchase) and invoices to the Finance Department and City Manager as soon as possible. The Finance Department will then assign a purchase order number and advise the user department to forward that number to the appropriate vendor.

C. Professional Services

Professional services mean services within the scope of the practice, as defined by state law, of accounting, architecture, land surveying, medicine, optometry, professional engineering, or real estate appraisers. The City may not select a provider of professional services or a group or association of providers or award a contract for services based on competitive bids submitted for a contract or services, but shall make the selection and award:

- a. based on demonstrated competence and qualifications to perform the services; and
- b. a fair and reasonable price.

Professional contract fees:

- a. must be consistent with and not higher than the recommended practices and fees published by the applicable professional associations; and
- b. may not exceed any maximum provided by law.

Texas Government Code §2254.002, §2254.003

The City shall first select the most highly qualified provider of those services on the basis of demonstrated competence and qualifications and negotiate with that contract provider a fair and reasonable price.

If the City cannot negotiate a satisfactory contract with the most highly qualified provider, then the City shall formally end negotiations with that provider, select the next most highly qualified provider and to negotiate a contract at a fair and reasonable price.

The City will continue contract selection and negotiations with providers until the City enters into a contract. The City Manager and/or the appropriate Department Head will execute contracts for the City.

D. Work That Is Performed and Paid for By the Day as The Work Progresses

If the City hires a contractor for a project on a daily basis and pays for work daily as the work progresses, the procurement of services is exempt from competitive bidding requirements.

E. Purchase of Rare Books, Papers, And Other Library Materials for A Public Library

Competitive bidding provisions do not apply to the purchase of rare books, however, books available from more than one jobber or source must be purchased using the regular purchasing process.

F. Developer Participation Contracts

The City Council must approve Developer Participation Contracts over \$3,000 in advance. *Texas Local Government Code 212.071*

G. Interlocal Contracts and Cooperative Purchasing

The City Council must approve interlocal contracts or agreements with other political subdivisions of this state, a state agency of this state or an entity of the federal government administered by a regional planning commission.

The Department Heads will prepare appropriate documentation for purchase orders as needed or required by a particular COOP. The department will receive related paperwork supporting the purchase. The authorization for payment shall include the appropriate signatures and include contract numbers.

The City of Freeport may satisfy the competitive bid requirement of state law by purchasing goods and services through any of the following, including but not limited to:

- a. The Texas Building and Procurement Commission
- b. The Houston-Galveston Area Council Cooperative Purchasing Program (H-GAC Buy)
- c. The Texas Local Government Purchasing Cooperative (BuyBoard)
- d. The National Intergovernmental Purchasing Alliance Company, a Delaware corporation d/b/a OMNIA Partners, Public Sector and/or Communities Program Management, LLC, a California limited liability company d/b/a U.S. Communities (collectively, "OMNIA Partners, Public Sector")
- e. An interlocal agreement with another governmental entity that has complied with state law purchasing requirements
- f. Texas Procurement Center
- g. Any other agency or entity that state law provides will satisfy the competitive bid requirements

Texas Local Government Code Chapter 271; also, Texas Government Code Chapter 791

H. Media Advertising

A purchase order or quotation form is not required for advertising in the City Official Public Newspaper. The invoice shall be authorized for payment by the Department Head and forwarded to the Finance Department. *Texas Government Code 2051.041*

Section 4: Credit Card/Procurement Card Purchases

The Procurement Card (hereinafter “P-Card”) is a purchasing tool which offers an alternative to the traditional purchase order process. Additionally, the timelines established by this policy allow the City to take full advantage of the cash rebate incentive offered by the issuing financial institution on P-Card purchases.

The City of Freeport established the P-Card Program as part of an effort to extend trust downward into the organization and to increase operational efficiency. As such, employees have a responsibility to adhere to this policy. Having a City of Freeport P-Card is a privilege, not a right.

The P-Card is issued to individual employees only. No other person is permitted to use another employee’s P-Card. As a Cardholder, the employee is responsible for the appropriate use of City funds and is responsible for all charges made with the card. Although the P-Card is issued to the employee, it remains City property and may be rescinded at any time.

Personal charges shall not be made on the card. Improper use of the card may be considered misappropriation of City funds, which may result in disciplinary action, up to and including termination and criminal prosecution.

Cardholders must comply with internal control procedures in order to protect the City’s assets. These procedures include, but are not limited to keeping itemized receipts, reconciling transactions, reviewing monthly statements and following proper security measures. A Cardholder must surrender his/her card upon termination of employment. All purchasing policies and procedures must be followed when using the P-Card.

It is the expectation of the City that departments seek information from multiple vendors to ensure that the best value and price are obtained for all P-Card purchases. The following procedures outline appropriate P-Card use.

A. Program Administration

1. The Finance Department is responsible for the day to day management of the P-Card program.
2. The designated Program Administrator acts as the City’s point of control for the P-Card program, monitors all usage of the P-Card, and is the point of contact for any Cardholder questions or problems.
3. The Program Administrator has the authority, with the approval of the Finance Director, to cancel or suspend a P-Card for any employee at any time for reasons as stated in this policy.

B. P-Card Issuance & Transaction / Monthly Limits

1. When P-Cards are requested for new users, the Department Head will be able to designate an "Administrative Designee." This employee is responsible for managing the reconciliation of the Cardholder's P-Card (e.g. an Executive Assistant).
2. Cardholder standard expenditure limits are as follows:

Cardholder Class	Per/Single Transaction	Per Month
Individuals	\$999.99	\$10,000
City Manager	\$2,999.99	\$10,000
Mayer	\$2,999.99	\$10,000
Finance Department	\$15,000*	\$100,000*

** To be used for payment of bills only per authorization by the Finance Director.*

3. Department Heads may request lower limits. Higher limits or a different Cardholder Class may be requested to accommodate the employee's job function and may be considered with documentation to justify the request or change. The request must be approved by the Department Head, Finance Director and City Manager. (Note: Request for a one-time increase in single or monthly transaction limits may be made by the P-Card holder and approved by Finance. It is the Cardholder's responsibility to inform their Department Head of the increase.)

C. Department P-Cards

Department P-Cards may be issued in the name of an individual department. These cards shall be the responsibility of the department head ~~he would be kept in the Purchasing Office until such time as they would be needed by the department for an emergency related issue.~~ Department Cards must be requested in the same manner as a standard P-Card and released for use only after Purchasing receives notice from the City Manager allowing the use of the card

D. Finance Department P-Card

A P-Card will be issued and signed out to an individual within Finance for payment of certain invoices that the city receives during the course of business with the sole purpose of receiving additional cash rebate incentives from the P-Card program.

The individual to which the P-Card is signed out will be the custodian of the P-Card and will have the sole responsibility within Finance for maintaining the P-Card and adhering to the requirements of this Policy during the custodial time period.

E. P-Card Usage Guidelines**1. P-Card Basics**

- a. If the monthly limit is reached, Cardholders must utilize the traditional purchase order process, or the Cardholder may request (by email with a copy to the Cardholder's supervisor) a temporary increase in the monthly transaction limits from the Program Administrator. If Cardholder is at the place of business and needs to increase the single transaction limits on their P-Card, they must call the designated P-Card Administrator and make the request. Any requests granted will only be done if they fall within the standard allowable limits as set forth in this policy. An email will be generated to the Cardholder and appropriate Supervisor confirming the telephone conversation and the action taken.
- b. The Cardholder shall not use the P-Card to circumvent any other established City policy, i.e. splitting a \$3,000.00 transaction to two transactions of \$1,500.
- c. The Cardholder is responsible for all charges made with the P-Card.
- d. Cardholders must comply with internal control procedures in order to protect the City's assets. These procedures include, but are not limited to keeping itemized receipts, reconciling transactions, reviewing monthly statements and following proper security measures.
- e. The employee is to use the P-Card only for the types of purchases described in this policy and failure to do so may result in disciplinary action up to and including termination and/or criminal prosecution.
- f. P-Card limits may also be raised in the event of an emergency at the sole discretion of the City Manager.

2. Acceptable Purchases on P-Card (Examples – but not limited to)

- a. Subscriptions and books
- b. Seminars, training, membership dues, registration
- c. Catering and delivery services
- d. Off-site Required maintenance/repairs for which no contract required
- e. On-site maintenance/repairs under \$500 total cost for which no contract required
- f. Over-the-counter retail purchases
- g. Travel related purchases (Note: When traveling, food is best paid by per diem.)
- h. Computer peripherals (through IT only)
- i. Software under \$500.00 (no license agreements) (through IT only)
- j. Business related meals with documentation of meeting subject and attendees
- k. Fuel (for City vehicles only when traveling outside City or motorcycle officers)
- l. Rentals (on case by case basis and only with approval of Finance Director)

3. Prohibited P-Card Uses (Examples – but not limited to)

Purchases of restricted items listed below and purchases of \$3,000 or more must continue to be processed in accordance with established purchasing guidelines.

The procurement P-Card is NOT to be used for the following:

- a. Purchase of capital equipment
- b. Purchase utilizing Grant funds
- c. Capital projects
- d. Onsite contractual services over \$500 (contract / PO needed)
- e. Alcoholic beverages (except where otherwise permitted by policy)
- f. Cash advances/travelers checks/gift cards
- g. Separate, sequential, and component purchases or any transaction made with intent to circumvent City Purchasing Policy
- h. Spouse/Family expenses incurred while traveling
- i. Purchases made with vendors not located in the U.S. (except where previously approved)
- j. Items for personal use
- k. Fines of any kind
- l. Maintenance agreements

4. Proof of Purchase - Documentation

- a. Adequate documentation, including original itemized receipts must be maintained to record the transaction and support the legitimate business purpose of all transactions made with the P-Card.
- b. Original documentation must be retained by Cardholder until attached to the Monthly Statement showing the Cardholder purchases.

5. Sales Tax

- a. The City is tax exempt. Cardholders are responsible for ensuring the merchant does not include sales tax in the transaction.
- b. *The Exception is tax paid to most restaurants, hotels, airlines, and other travel related merchants. Cities are not exempt from hotel tax and certain other federal and state taxes that are not the standard sales tax. (Note: When traveling, food is best paid by per diem and no receipt is needed.)***
- c. If tax is included, the Cardholder will immediately be responsible for ensuring that the merchant or the cardholder reimburses the tax amount to the City.
- d. Cardholders will be provided a copy of the City's tax exemption certificate upon request.

F. Monthly Reconciliation Process

- 1. Purchasing will notify Cardholders and make available monthly account statements available.

2. Reconciled statements are due back to Purchasing within five (5) business days from the receipt of the statement notification email.
3. To complete the reconciliation process, the following steps must be completed:
 - a. Itemized receipts (generally including purchase date, vendor name, item description, quantity, unit price, and total charge), with the account number and purpose of the purchase written on the sheet to which they are attached, are to be attached in the same order as the listed transactions appear on the monthly statement.
 - b. For meals, per the IRS and the City's auditor, all meals between employees or with staff for any reason must document the names of all attendees. See specific requirements and examples below:
 - Business Meals between Staff – Required Information: Names of staff attending, purpose of meeting, where, when.
 - Training with Staff – Required Information: Names of all attending the training, purpose of the training, where and when the training was held.
 - Meetings and Business Meals – Required Information: Names of all staff attending, names of any other person(s) in attendance, purpose of meeting or business meal, where and when.

Exceptions:

- Meetings with Staff, Consultant and External Committee Members or any combination of this: Name of all staff present, name of any/all consultants, engineers, architects, etc., present, name of the committee only (if applicable, e.g. EDC Board, Planning & Zoning Committee, etc.), and the agenda stating the purpose of the meeting.
 - Meals Provided for "Events" require just the explanation of the "event", when and where and a brief description of who was present (e.g. food for Police promotional ceremony).
- c. For credits, a print screen will be accepted as backup documentation, but receipts are best, if available. Credits must be explained and charged back to original account.
 - d. For "In and Out" transactions (i.e. transactions made in error and credited back within the same day), print screens will be accepted as backup documentation but receipts are best, if available. Such transactions must be explained, charged and credited to the same account and approved electronically.
 - e. For sales tax, charges must be either refunded by credit to the P-Card or reimbursed to the City – proof of reimbursement to the City must be attached to the P-Card statement.
 - f. For tips in excess of 20%, charges must be refunded to the City and proof of reimbursement to the City must be attached to the P-Card statement.

- g. For missing receipts, the Cardholder must attach to the P-Card statement a written memo signed by the Cardholder's Supervisor explaining the purchase transaction and listing the amount.
- 4. The Cardholder and the Cardholder's Supervisor (or above) must sign each statement, with a legible printed name written below the signature.
- 5. Signing the Cardholder's statement is verifying all transactions listed were made in compliance with this and all other city policies.
- 6. Failure to provide Purchasing with proper documentation and timely reconciliation will be considered an administrative violation of the Policy and subject to P-Card suspension and/or revocation.

G. Receipt of Goods & Payment / Dispute of Charges

1. Receipt of Goods & Services/Returning Item(s)

- a. The Cardholder is responsible for ensuring receipt of goods and services and for any follow up with the vendor to resolve any delivery problems, discrepancies or damaged goods.
- b. Returning Item(s): Items should be returned directly to the vendor by whichever means the vendor requires. The Cardholder is responsible for verifying proper credit is posted for any returned items. Cash refunds are not allowed.

2. Payment

- a. The City is fully responsible for P-Card payment and liability. The P-Card will not, in any way, affect the employee's personal credit.

3. Unauthorized Purchases and Fraudulent Charges

- a. All unauthorized purchases must be resolved in an appropriate method so the City does not bear the cost of the purchase. Such purchases will be handled and resolved in accordance with the following procedure:
 - i. Cardholder will return the unauthorized item to the merchant for credit on the P-Card account and submit the itemized credit receipt as part of a monthly statement remittance.
 - ii. If the item cannot be returned, the Cardholder will be required to submit payment for the full amount of the purchase.
 - iii. In addition, an unauthorized purchase may subject the Cardholder to lower P-Card limits, disciplinary action, and/or revocation of P-Card privileges.
 - iv. Any fraudulent charges should be reported immediately. The P-Card will be cancelled by the issuing bank and a new card will be issued. The cardholder will not have access to P-Card privileges until a new card has been received.

4. Discrepancies and Dispute Procedures

- a. The Cardholder is responsible for correcting any erroneous charges, disputed items, or returns. Disputed charges can result from failure to receive goods or services, fraud or

misuse, altered charges, defective merchandise, incorrect amounts, duplicate charges, credits not processed, sales tax charged, etc.

- b. The Cardholder's first step in resolving an erroneous charge is to contact the vendor. (Note: By law, vendors are not permitted to bill a P-Card for purchases until the items have been shipped. Hotels may bill for first night.)

H. Cancellation & Renewal Of P-Cards

1. Lost or Stolen P-Cards

- a. It is the responsibility of the Cardholder to immediately report a lost or stolen P-Card.

2. Termination, Resignation or Re-assignment

- a. Upon notice of termination or resignation, it is the responsibility of the Supervisor and Human Resources to notify Finance immediately. In addition, the supervisor must retrieve the P-Card at such time and return to Finance.
 - i. The Cardholder is responsible for submitting all receipts to the Supervisor.
 - ii. The Cardholder's P-Card will be disabled on the date of resignation or notification of retirement, not the last day of employment.
 - iii. The Supervisor or designee is responsible for submitting the monthly statement with all receipts on time.
- b. Upon notice of staff re-assignment within the City, it is the responsibility of the Supervisor and Human Resources to notify Finance immediately. Finance will review specific P-Card requirements for that person and after discussion with the new supervisor, the P-Card may be cancelled, suspended, limits changed to reflect new responsibilities or MCC codes adjusted.

3. Renewal of Existing P-Cards

- a. Approximately 30 days prior to the expiration date of the card, the bank will automatically send a new card to Finance. Finance will notify Cardholders when the cards are ready to be picked up. Cardholders must turn in their old card to Purchasing in order to receive their new card. New cards must be picked up in person by the Cardholder.

I. Accountability

The cardholders and their appropriate supervisors are responsible for ensuring that this policy and procedure is adhered to. The Finance Department is responsible for monitoring and enforcement.

As a public entity, the City is expected to be able to demonstrate to the public that it has spent tax dollars wisely. All participants in the P-Card program are responsible for ensuring purchases made with the card will withstand the scrutiny of the press, public and internal audits. Therefore, Finance may conduct audits of all P-Card statements and review for the following:

1. Personal Misuse:

- a. Personal misuse includes the following:
 - i. Purchases of prohibited items

- ii. Assignment, transfer, or “loaning” of an individual card to an unauthorized person,
 - iii. Use of a P-Card by a suspended or terminated employee, and
- b. When personal misuse is suspected, the Cardholder will immediately be notified by email their supervisor and Department Head will be copied.
- c. If Finance does not receive a response with one (1) business day, the card will be suspended and changed to reflect a zero-transaction limit and an email sent to the Cardholder, their supervisor, and Department Head.
- d. Based on the severity of the misuse, disciplinary measures – to be decided by the Department Head and City Manager – may include personnel action up to and including termination and legal action.

2. Administrative Infractions:

- a. Administrative infractions include the following violations related to the lack of proper and timely reconciliation of individual Cardholder accounts:
 - i. Transaction Missing Electronic Approval,
 - ii. Late Submittal of Monthly Reconciliation,
 - iii. Missing Itemized Receipt
 - iv. Missing Detailed Information
 - v. Transactions Including Sales Tax
 - vi. Transactions Including Tip Changes in Excess of 20% of the total bill.
- b. When administrative infractions occur, the Purchasing Office will email the Cardholder (and person designated as being responsible for compiling the Cardholder’s monthly reconciliations), with a copy to their supervisor and Department Head in order to resolve the discrepancy prior to authorizing payment of the charge to the bank.
 - i. If the same infraction occurs three months in a row, the ACM-Finance Director will be notified and the Program Administrator will recommend and discuss with their ACM-Finance Director if any further action should be taken.
- c. Training will be provided to all P-Card users and administrative designees with the distribution of new P-Cards. Any administrative designee with an infraction within the first three months of use will be required to repeat the training.

3. Policy Violations:

- a. When violations are found, the Finance will email the Cardholder, with a copy to their supervisor and Department Head.
- b. The Purchasing Office will work with the Department Head to resolve the issue prior to payment of the transaction being authorized. In cases where policy exceptions are granted, a memo signed by the City Manager will be required.
- c. Personal charges shall not be made on the card. Improper use of the card may be consider misappropriation of City funds, which may result in disciplinary action, up to and including termination and criminal prosecution.

Section 5: Disposal of City Property

A. Property Disposal

Sometimes City property may outlive its usefulness and become unserviceable or obsolete. Before a department removes any property from service, the Department Head shall first determine if it can be transferred to another user department for continued service. If it is determined that a property item is no longer serviceable to the City, the Director shall request permission from the City Manager to dispose of the item.

Items may be disposed of by one of the following methods:

- Public auction
- Trade-in on new equipment
- Sealed bids
- Scrap material
- Destruction as unsalvageable
- Negotiated price by Council

In addition to the methods of disposal as listed above, the city may contract to convey property either to another governmental entity or a non-profit corporation in accordance with law providing that such entity or corporation agrees to use such equipment for public purpose.

The condition of the item to be salvaged or surpluses shall dictate the most advantageous method of disposal.

Section 6: Electronic Procurement

Chapter 252.0415(a) of the State of Texas Local Government Code allows for the receipt of bids or proposals through electronic transmission, provided the following rules ensure the identification, security, and confidentiality of the electronic bids or proposals. All electronic bids or proposals must remain effectively unopened until the proper time.

A. Identification

Invitations to Bid, Requests for Proposals, Request for Qualifications and Requests for Applications will be advertised and issued in the manner prescribed by law and the City's Purchasing Policy. A notification will be added to bid terms and conditions stating vendors should submit responses electronically through the City's website and/or third-party service provider's website at the appropriate electronic address listed. Such responses shall be accessible only by a designated City employee with a password for such address and documentation of the time of access shall be maintained.

B. Security

At the specified bid closing time, a designated City employee will open all bids and the bid tabulation summary assembled from the City's website and/or by a third-party service provider's website. **By law a bid that is submitted non-electronically will be accepted and then entered electronically by a designated City employee after bid opening** as stated in the bid or proposal document terms and conditions.

C. Confidentiality

A designated City employee will read aloud all bid responses received by closing time and date to any interested parties present at the bid opening. After the tabulation of bids or proposals, City shall will post bid tabulations electronically on the City's website and/or a third-party service provider's website with a qualifying statement: "The tabulation listing of a bid should not be construed as a comment on its responsiveness or an indication that the City accepts such bid as responsive. After evaluating bids, proposals, applications, and statements of qualifications the City will post tabulations and award information, once available, online through the City's website and/or service provider's website."



City Council Agenda Item #8.

Title: Consideration and possible action to approve Resolution No. 2024-2844 approving and adopting Electronic Funds Transfer (EFT) Policy and Procedures for the City of Freeport.

Date: March 4, 2024

From: Cathy Ezell, Finance Director

Staff Recommendation: Staff recommends adoption of the resolution.

Item Summary: The City of Freeport recognizes the use of various electronic payment methods as a safe and efficient method to process certain disbursements. The City of Freeport is committed to establishing controls and procedures to ensure that proper protocols are followed, and that applicable oversight is in place for the use of EFTs. This policy will formalize the procedures that are already in place.

Background Information: The primary goal of this policy is to ensure Electronic Fund Transfers (EFTs) are initiated, executed and approved in a secure manner. This policy establishes general guidelines for using EFTs including wire transfers for payables and receivables. The procedures outline what electronic fund transactions the City may engage in and the accounting procedures to be followed in accordance with Texas State Laws and Texas State Auditor requirements. These are already the procedures that are followed.

Special Considerations: N/A

Financial Impact: N/A

Board or 3rd Party Recommendation: N/A

Supporting Documentation:

1. Resolution - Adopting EFT Policy
2. Electronic Funds Transfer Policy 2020-12

RESOLUTION NUMBER 2024-2844

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, APPROVING AND ADOPTING ELECTRONIC FUNDS TRANSFER (EFT) POLICY AND PROCEDURES FOR THE CITY OF FREEPORT; PROVIDING FOR INCORPORATION OF PREAMBLE AND AN EFFECTIVE DATE.

WHEREAS, the City is in need of procedures that clearly define authority, responsibility, and establish electronic fund transfer guidelines for the organization; and

WHEREAS, the proposed Electronic Funds Transfer (EFT) Policy and Procedures, a copy of which is attached hereto as Exhibit "A," establishes guidance for electronic funds transfer authority; and

WHEREAS, the City Council hereby finds that the proposed Electronic Funds Transfer (EFT) Policy and Procedures should be approved.

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

Section 1. The facts and statements contained in the preamble are hereby found to be true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. The Electronic Funds Transfer (EFT) Policy and Procedures attached hereto as "Exhibit A" is hereby adopted as the Electronic Funds Transfer (EFT) Policy and Procedures of the City of Freeport.

Section 3. This Resolution shall become effective immediately upon its passage.

DULY PASSED, APPROVED AND ADOPTED on this the _____ day of _____, 2024.

Brooks Bass, Mayor
City of Freeport, Texas

ATTEST:

Clarisa Molina, City Secretary
City of Freeport, Texas

APPROVED AS TO FORM AND CONTENT:

David Olson, City Attorney
City of Freeport, Texas

**CITY OF FREEPORT
ADMINISTRATIVE POLICIES AND PROCEDURES**

TOPIC: Electronic Funds Transfers

OBJECTIVE: To establish guidelines for Electronic Funds Transfer

Annual Training

- All employees responsible for the electronic transfer of funds will be required to complete annual training that includes but is not limited to the detection of social engineering, phishing, business email compromise, and other scams.

New Vendors

- Before establishing a new vendor/supplier in the AP system, the employee must attempt to verify the vendor's/supplier's account information by a direct call to the vendor/supplier.

Vendor Changes

- Any vendor/supplier-initiated request to change any of its account details (including account numbers, routing numbers, telephone numbers, contact information, etc.) must be verified by the employee with a person independent of the requestor AND by a method other than the original means of the request.
- Standard verification shall be the last two invoice numbers and amounts paid. This verification must occur PRIOR to any change being implemented.
- Once verification has been made for any vendor/supplier-initiated request to change account details, the employee should send notice to the next-level supervisor to be approved PRIOR to any change being implemented.

Internal Sources

- Before processing funds transfer instructions from an INTERNAL source, confirmation must be made via a method other than the means of the original instructions. In person is preferred.
- Before processing any funds transfer instructions, approval must be obtained from a next-level supervisor.



City Council Agenda Item #9.

Title: Consideration and possible action approving Ordinance No. 2024-2724 amending the definition of Short-Term rental in Section 155.201 of the Zoning Ordinance of the Code of Ordinances.

Date: March 4, 2024

From: Lance Petty, City Manager

Staff Recommendation: Staff recommends approval of amendment to Short Term Rental, Chapter 155 Zoning Ordinance: Section 155.201 definitions

Item Summary: This amendment is to remove the language. "This definition does not include Motels or Hotels" under Chapter 155: zoning code, definitions 155.201. This amendment is to clarify and remove confusion associated with the current ordinance.

Background Information: Mr. Duncan, had presented to council that this ordinance did not pertain to the collection of taxes on AirBnB businesses per the language stating "The definition does not include motels and hotels". Staff had directed the City's legal team to review the ordinance and make amendments to clarify the verbiage that Mr. Duncan referred to. Olson and Olson have reviewed the ordinance and recommended the amendment described in the definition. Olson and Olson have verified that this amendment does not affect any AirBnB that owes any unpaid taxes.

Special Considerations: none

Financial Impact: none

Board or 3rd Party Recommendation: Olson and Olson

Supporting Documentation:

1. Short Term Rentals Ordinance No. 2024

ORDINANCE NO. 2024-2724

AN ORDINANCE AMENDING THE DEFINITION OF SHORT-TERM RENTAL IN SECTION 155.201 OF THE ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF FREEPORT, TEXAS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PENALTIES; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THE ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AND PROPERLY PUBLISHED FOR HEARING AS REQUIRED BY LAW.

WHEREAS, the City Council (the “Council”) of the City of Freeport, Texas (the “City”), determines it in the best interest of the health, safety, and welfare of the citizens of the City to amend the Zoning Ordinance of the City’s Code of Ordinances (the “Code”) to clarify the definition of short-term rental; and

WHEREAS, the City Council finds that this Ordinance was adopted at a meeting which was open to the public and preceded by proper notice, as required by Chapter 551 of the Texas Local Government Code (the Open Meetings Act).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF FREEPORT, TEXAS:

Section 1. The findings and recitations set out in the preamble to this ordinance are found to be true and correct and they are hereby adopted by the City Council and made part hereof for all purposes.

Section 2. The definition of short-term rental in Section 155.201 of the Zoning Ordinance of the Code of Ordinances of the City of Freeport, Texas, is hereby amended to read as follows:

“Section 155.201. - Definitions.

SHORT-TERM RENTAL means any residence that is rented to an occupant for a term of fewer than 28 days.”

Section 3. This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Freeport and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

Section 4. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

Section 5. Any person violating this section shall be guilty of a misdemeanor and upon conviction therefor, shall be fined not to exceed \$2000, and each day any such violation continues or occurs shall constituted a separate offense.

Section 6. This ordinance shall take effect and be in force immediately upon its passage and publication of its descriptive caption twice in the Brazosport Facts.

READ, PASSED AND ADOPTED this _____ day of _____, 2024.

Brooks Bass, Mayor
City of Freeport, Texas

ATTEST:

Clarisa Molina, City Secretary,
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

David Olson, Interim City Attorney,
City of Freeport, Texas



City Council Agenda Item #10.

Title: Second reading, Consideration and possible action approving Resolution No. 2024-2839 for consideration for the demolition of the building located at 208 W. Park Ave.

Date: March 4, 2024

From: Robert Johnson, Economic Development Director

Staff Recommendation: Staff recommends that the City Council Discuss for future consideration the Resolution for the requested EDC Economic Development project for the demolition of the building located at 208 West Park Avenue.

Item Summary: The EDC has identified the demolition of the building located at 208 West Park Avenue as a project it would like to consider for funding in the 2023-2024 fiscal year. Because of its nature, the project is required to have City Council approval following two readings. This is the second of the two required readings.

Background Information: 1. DEMOLITION OF BUILDING AT 208 WEST PARK AVENUE

The Freeport Economic Development Corporation desires to improve the property located at 208 West Park Avenue by removing the building and in general enhancing the overall aesthetic appearance and economic vitality of that property. The Freeport Economic Development Corporation has been provided a quote from Turbeville Construction, LLC to perform the services required to remove the building and the Freeport Economic Development Corporation finds and determines that such a project promotes new or expanded business enterprises, enhances the historic downtown Main Street district, addresses safety issues with the building, and is in the best interests of the citizenry of the City of Freeport.

The Freeport Economic Development Corporation will work in tandem with the Freeport Main Street program and The University of Texas at San Antonio (UTSA) Center for Urban and Regional Planning Research (CURPR) to find a viable use for the property. Preliminary meetings with the Main Street Board of Directors concerning the issue have produced suggestions such as a pocket park and/or public restrooms.

Special Considerations: The EDC conducted a required public hearing with no opposition to this proposed project. The FEDC Board voted unanimously to approve this project.

Financial Impact: Funding for this project would come out of the \$907,220 Special Project line included in the EDC fiscal year budget for projects.

Board or 3rd Party Recommendation: Following a public hearing on the issue, the Freeport Economic Development Corporation authorized and voted to approve as a specific Project for the economic development of the City of Freeport, an expenditure of eighteen thousand and one-hundred and twenty dollars (\$18,120.00) for the demolition of the structure located at 208 W. Park, Freeport, Texas. The vote was unanimously in favor of this project.

Supporting Documentation:

1. City Resolution No. 2024-xxxx 208 W Park Demolition
2. DEMO ONLY - REPORT OF INSPECTION 208 W Park 7 28 22
3. 208 W. Park EDC Letter of Rec
4. Proposal Freeport EDC 208 W Park Ave White Box A-E Proposal

RESOLUTION NO. 2024-2839

A RESOLUTION OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; APPROVING AN ECONOMIC DEVELOPMENT PROJECT TO BE ENACTED BY THE FREEPORT ECONOMIC DEVELOPMENT CORPORATION; AND PROVIDING THAT THIS RESOLUTION SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, the City of Freeport, Texas is a "Home Rule City" and a "Home Rule Municipality" lying and situated in Brazoria County, Texas, as described in and defined by Section 5, Article XI of the Constitution of Texas and Section 1.005 of the Local Government Code of Texas, respectively; and,

WHEREAS, the Freeport Economic Development Corporation (the "EDC") is a "type B" nonprofit economic development corporation, authorized under Texas Development Corporations Act, Title 12, Section 501.001 et. seq. specifically Chapter 505 of said Act; and,

WHEREAS, the EDC's specific purpose is to sustain economic development efforts and promote business development in the City; and,

WHEREAS, the City and the EDC have made the specific findings that the EDC may pursue the development project set forth below, that said project is authorized by the Texas Development Corporation Act, and that the project promotes economic development within the City of Freeport and satisfies the requirement of serving a public purpose; and,

WHEREAS, prior to passage of this resolution, the City Council conducted two (2) public readings of this resolution, in open session of duly noticed and posted council meetings, and further finds that a duly noticed and posted public hearing was previously held by the EDC on the projects contained herein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS:

FIRST, the City Council of the City of Freeport finds that the facts recited in the preamble hereof are true.

SECOND, the City Council of the City of Freeport hereby approves the following economic development project: An expenditure of eighteen thousand and one-hundred and twenty dollars (\$18,120.00) for the demolition of the structure located at 208 W. Park, Freeport, Texas 77541;

THIRD, the funds to fund the above project have been budgeted and no further authorization is required from the City Council for the EDC to implement the above project.

FOURTH, this resolution shall take effect and be in force from and after its passage and adoption.

READ, PASSED AND ADOPTED this _____ day of _____ 2024.

APPROVED:

Brooks Bass, Mayor
City of Freeport, Texas

ATTEST:

Clarisa Molina, City Secretary
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

David Olson, City Attorney
City of Freeport, Texas



REPORT OF INSPECTION

Date of Inspection: July 28, 2022

Address: 208 W. Park Ave

Owner: Freeport Economic Development Corporation

AN INSPECTION OF THE PROPERTY WAS MADE BY THE BUILDING OFFICIAL AND THE FOLLOWING DEFICIENCIES WERE FOUND AT THE TIME OF THE INSPECTION:

- | | |
|---------------|--|
| <u> </u> | 1. Open structure: open/broken windows or doors. |
| <u>x</u> | 2. Unstable structure: rotten, broken, and/or termite infested structural members such as beams, roof rafters, ceiling and joist, sills, top plates and studs. |
| <u>x</u> | 3. Roof failure: roof leaking, sagging, missing all or part of roof. |
| <u>x</u> | 4. Structural failure: collapse or threat of collapse concerning walls, beams, headers, floor and ceiling joist. |
| <u> </u> | 5. Foundation failure: breaking, cracking, moving, or settling of slab, pier, beam, or footing that has caused damage to the structure. |
| <u>x</u> | 6. Absence of fixtures: sinks, lavatories, water closets. |
| <u>x</u> | 7. Absence of plumbing: venting, water and waste lines missing or in need of repair. |
| <u>x</u> | 8. Absence of power distribution equipment: electrical service panel, breakers, wiring, outlets, fixtures missing or in need of repair. |
| <u> </u> | 9. Building must be vacated within thirty (30) days of receiving this notice. |

Notes:

Structure was not built to commercial standards. Thin metal roof lacks appropriate support.

No weatherproofing. No support walls.

Recommend immediate demolition. Recommend to leave concrete foundation, as removal may damage building walls and foundations on either side of the property.

Kacey Roman - Director of Building & Code/Building Official

Jason Shafer - Fire Marshal

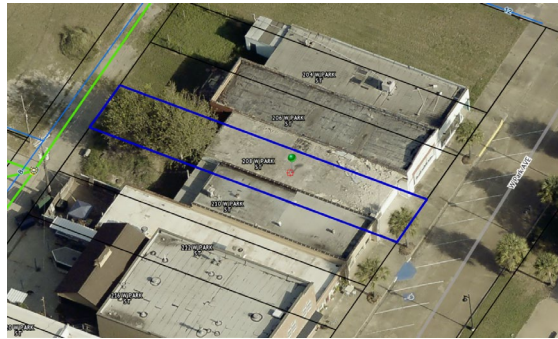
Repair or Demolish	<u>Demolish</u>	Type of Structure	
Demolish Only	<u>x</u>	Single Family House	
		Multi-Family House (Duplex)	
Zoning	<u>DT/TC</u>	Garage Apartment	
		Garage	
Non-Conforming		Storage Building	
Front Setback		Commercial Building	<u>x</u>
Side Setback		Apartment Complex	
Rear Setback			
Use			

DT/TC Zoning Requirements

This district is designed to enhance the economic development and quality of life for the citizens of Freeport, residents of the district, and visitors. The district serves to promote access by the general public to enjoy its beauty, balanced with development as a place of residence and commerce. The district is designed to preserve and enhance Freeport's established downtown with a compact pedestrian-friendly scale that creates a mix of residential and smaller-scale commercial uses, on-street and off-site parking, and urban character typical of a downtown core.

This property is located in the **Town Center**, which consists of two blocks within the City's Downtown which is designed to be the center of the City. As such, a historic pattern of development is desired.

Max Bld Coverage	100%
Min. Living Area SF	
Max Height	50
Min. Lot Area sq ft	2,500 sq ft
Min Width	25
Side Setback	0-10
Rear Setback	10
Front Setback	0
Side Street Setback	0-10
Specific Use Permit from Planning & Zoning	Public Assembly
Temporary Uses Only	Farmer's Market, Seasonal Sales, Special Event, Const Office, Const Dumpster, Portable Storage
Outdoor Storage - Materials	not allowed
Off Street Parking	EXEMPT
Limited Uses	Downtown Loft (Ground-floor residential is prohibited.), Short Term Rentals





Turbeville Construction LLC

131 E. 2nd St.

Freeport, Texas 77541

Phone - (979) 900-7162

To Whom It May Concern,

In concurrence with the Director of Building & Code Enforcement Kasey Roman and Fire Marshal Jason Shafer it is our professional recommendation that the building at 208 West Park Ave. be demolished immediately due to safety concerns out lined in the inspection report from the City of Freeport.

Reason:

- Red oxide bar joist was not designed to carry the dead load that is there now.
 - 2 or more have collapsed.
- The corrugated sheeting is not designed to carry the load over any open framing substrate.
 - Has a large penetration through the roof.
- Grout or concrete was used as a roofing material which does not meet today's code and has inadvertently caused the partial collapse of the roof structure.

Please contact us if any more information is needed.

Respectfully submitted,

James Turbeville

Turbeville Construction, LLC

Integrated Architecture & Design

107 West Way, Suite 16
Lake Jackson, Texas 77566
979.297.1411 p. 979.297.1418 f.
www.iadarchitects.com



September 14, 2023

Mr. Robert Johnson
Executive Director
Freeport EDC
(Sent via email to: rjohnson@freeport.tx.us)

Dear Mr. Johnson,

Thank you for the opportunity to visit with you and to discuss Freeport EDC's interest in developing a new retail shell space in downtown Freeport, Texas. We also thank you for your consideration of iAD Architects as a professional and local design services solution for this important project.

Per your request, we are pleased to submit this proposal for professional architectural and engineering services to design and produce construction contract documents for the proposed development.

PROJECT SCOPE

As a result of our on-site meeting and subsequent discussions and email correspondence with yourself, Mr. Tim Kelty and Ms. Kaytee Ellis, we understand that the project scope will include the following:

- Work with you and other City of Freeport stakeholders to develop the current dilapidated facility located at 208 W. Park Avenue into a new, free-standing, single-story, retail shell space of approximately 2,000 sq. ft.
- The proposed retail shell space will be a single-story, commercial lease space that is capable of supporting a variety of commercial tenant occupancies with an independent storefront entrance and back of house access/egress points.
- The east side of the facility may be developed to either maximize storefront glazing to allow visual access and natural light into the tenant space or be designed to reflect more of a historic downtown Freeport facade. We are pleased to work with Freeport EDC to develop this storefront to accomplish the greater goals of this space.
- Work with you and other City of Freeport stakeholders, along with our professional consulting engineers to address associated site amenities including parking, vehicular circulation, and all civil related items, such as storm water drainage at the rear of the property.
- Develop complete Construction Documents for the permitting and construction for the development defined above.
- We believe construction costs for this project may range between \$450,000 and \$650,000 for the retail shell space building, associated demolition, concrete paving, and site work on the proposed site.

SCOPE OF BASIC SERVICES

Per your request, we understand that the professional service scope of work requested for this project shall include design and coordination of the following disciplines:

- Architectural Design and Construction Contract Documents
- Structural Engineering
- Windstorm Engineering and Inspections
- Mechanical/Electrical/Plumbing Engineering
- Civil Engineering
- Surveying
- Geotechnical Services
- Construction Material Testing (Allowance of \$15,000)

Those professional disciplines identified above shall design and develop complete design/bid documents for the above-mentioned development.

All work will be designed and specified to comply with all local building codes, including all state and national accessibility standards.

Deliverables for this proposed scope of work will include submittals of design and engineering drawings for your review along with all members of the design team. We anticipate submittal milestones to include complete Schematic Design, Complete Design Development, a 50% Owner Review set, and a 100% Construction Documents package. Upon completion of each design phase, and as authorized by you, we will complete and deliver final construction documents and specifications to you for competitive bidding.

We anticipate the City will advertise this project to solicit qualified general contractors to be selected by the City of Freeport.

Our responsibilities will include professional services for the stated scope of work through the Construction Documentation, Bid/Negotiation phase, Construction Administration, and Project Closeout.

This proposal does not include the design or delivery of site utilities, any low voltage systems such as I.T./data systems, audio visual systems, fire suppression systems or landscape/irrigation. We will be pleased to coordinate these services for you if requested, and invoice to you as an additional service addressed in our Per Diem Rate Schedule.

COMPENSATION FOR SERVICES

Compensation to Integrated Architecture & Design, LLC for the above-stated scope of work is proposed at a fixed fee of \$67,742.00. (Sixty-seven thousand, seven hundred and forty-two dollars); plus, all project related reimbursable expenses. This amount is inclusive of the professional consulting services identified above.

Anticipated project related reimbursable expenses such as accessibility reviews, travel, printing/plotting, and deliveries, are not a part of this proposal and may approach an additional \$2,500.00.

On-site accessibility inspections are required by the State of Texas and need to be coordinated and paid for by the Owner. We are happy to coordinate this for you upon successful completion of the project.

At your request, we will be pleased to submit an AIA B101 – 2017 Document “Standard Form of Agreement Between Owner and Architect” for your review and consideration to formalize this agreement beyond this proposal letter.

This proposal will remain valid for 90 days.

PAYMENT

Invoicing shall be monthly based on completed work at the time of invoicing or at the completion stage of each phase of the design agreement. Terms shall be net 30 days.

ADDITIONAL SERVICES

The following are examples of architectural services not included as a part of Basic Services under this proposal:

- Services due to significant changes in scope of the Project or its design, including but not limited to changes in size, complexity, schedule, or type of construction based on the descriptions of scope in this proposal.
- Revising documents and specifications which the Owner has previously approved or when changes are due to causes beyond the control of the Architect. Special meetings for changes of this type will also be Additional Services.
- Preparation of design documents for alternate systems, or for out-of-sequence work requested by the Owner.
- Providing design services relating to future facilities, systems, and equipment, which are not intended to be constructed or operated as a part of the Project.
- Providing design for value engineering of the project after the drawings have been submitted, reviewed, and approved.
- Any reimbursable expenses associated with additional services defined above.

Upon request and written authorization by the Owner, Architect will provide these services as Additional Services. Billing for Additional Services shall be as per the attached Per Diem Rate Schedule. No additional services will be provided or invoiced without the Owner's written consent.

EXECUTION

Should this proposal meet your approval, please duplicate this proposal, execute both copies; retain one for your records and return the other to our office.

Thank you again for considering iAD Architects and for the opportunity to submit this proposal. We look forward to working with you on this project.

Should you have any questions, please do not hesitate to call.

Best regards,



Brent K. Bowles, AIA
Principal, iAD Architects

Accepted by: _____
(Signature)

Date: _____

Organization: _____

Title: _____

Integrated Architecture & Design

107 West Way, Suite 16
Lake Jackson, Texas 77566
979.297.1411 p. 979.297.1418 f.
www.iadarchitects.com



PER DIEM RATE SCHEDULE

As of January 1, 2023

Please note that all architectural, design and other related professional services agreed to be compensated via terms of a Per Diem Rate shall be as follows below, and that such rates will be in effect as of the above-mentioned date on all projects in which Integrated Architecture & Design performs professional services:

<u>Integrated Architecture & Design Staff</u>	<u>Rate</u>
Architect/Principal	\$200.00/hour
Associate/Architect	\$150.00/hour
Associate/Production	\$100.00/hour
Draftsman/Production	\$85.00/hour
Clerical	\$60.00/hour

Direct non-labor expenses, such as printing, plotting, reproduction of all project correspondence and contract documents or similar documents, postage, freight, express delivery, photography, and/or travel shall be considered as a Reimbursable Expense and subject to invoice to the client with a multiplier of 1.10.

Consultant fees will be billed directly to the Architect. The Architect will invoice the client for these fees with a multiplier of 1.10.

The Texas Board of Architectural Examiners has jurisdiction over complaints regarding the professional practices of persons registered as architects in Texas. TBAE, 333 Guadalupe, Suite 2-350, Austin, TX 78701-3942. p. 512.305.9000



City Council Agenda Item #11.

Title: Discussion and clarification pertaining to Candidate Application for May 4, 2024 Election.

Date: March 4, 2024

From: Lance Petty, City Manager

Staff Recommendation: None

Item Summary: This item is placed on the Agenda for clarification from Olson and Olson on eligibility requirements for running for public office

Background Information: Mr. Reyna applied for the May 2024 election. (Mayor) After legal review of Mr. Reyna's application, Mr. Reyna was deemed ineligible to run for office. Mr. Reyna has questioned the legal ruling. Mr. Reyna needs clarification of the decision process.

Special Considerations: none

Financial Impact: none

Board or 3rd Party Recommendation: none

Supporting Documentation:

None



City Council Agenda Item #12.

Title: Consideration and possible action to authorize entering an agreement with HUB International for Benefits Consulting and Actuarial Services.

Date: March 4, 2024

From: Cathy Ezell, Finance Director

Staff Recommendation: Staff recommends entering into an agreement with HUB International for benefits consulting and actuarial services.

Item Summary: HUB International is one of the largest insurance brokers in the world and in Texas. In the Texas Public Sector, they serve over 500 public entities. They have achieved over 97% retention across their public sector business in 2023. The team providing services to the City has an average of 19 years of experience in benefit consulting. They also have a representative in the Houston area.

This contract would be for three years with a two-year option to renew. The cost would be \$37,500 for the first three year and, if renewed, the cost would increase five percent (5%) in year four (4) and increase five percent in year five (5). This is an approximate cost savings of \$14,670. Another difference in the fees, is that the City would directly pay HUB International for their services instead of it being commission based like our current provider.

Background Information: The City sent out Request for Proposal 2024-02 - Group Benefit Consultant Services. This proposal was advertised on January 9, 2024 and January 16, 2024. The City received six (6) proposals. Staff narrowed the proposal down to three providers and interviewed those three providers. Based on those interviews, HUB International is being recommended to provide the City with benefit consultant and actuarial services.

Special Considerations: N/A

Financial Impact: A cost savings of approximately \$14,670.

Board or 3rd Party Recommendation: N/A

Supporting Documentation:

1. HUB City of Freeport Consulting Agreement 4.2024

Agreement Between
City of Freeport, Texas and HUB International
For
Benefits Consulting and Actuarial Services

THIS AGREEMENT, entered into the 17th day of April, 2024, by and between the **City of Freeport Texas** {herein called 'City'} and **HUB International** (herein called 'HUB') to Benefits Consulting and Actuarial Services for the Employee Benefits Program of the City.

WITNESSETH:

WHEREAS, the City is in need of assistance in the evaluation of the employee health and welfare benefits; and

WHEREAS, HUB has the unique expertise and experience necessary to provide the services; and

WHEREAS, the City desires to contract with HUB to provide actuarial, health and welfare consulting services for the Employee Benefits program;

NOW, THEREFORE, in consideration of the foregoing and other valuable consideration, the sufficiency and receipt of which are hereby acknowledged, the parties agree as follows:

- I. **INDEPENDENT CONTRACTOR RELATIONSHIP** – HUB is an independent contractor and not an employee or servant of the City. Nothing in this Agreement is intended to or shall be construed in any manner as creating or establishing the relationship of employer/employee between the parties. HUB shall at all times remain an independent contractor with respect to the service to be performed under this Agreement. City shall be exempt from payment of unemployment compensation, FICA, retirement, life and/or medical insurance and workers' compensation insurance, as HUB is an independent contractor.
- II. **SCOPE OF SERVICES** – HUB shall provide professional services, in compliance with all applicable federal, state and local laws and regulations relating to the services outlined in the Scope of Services, under **"Exhibit A"**, included in this Agreement.

- III. **COMPENSATION** – City agrees to compensate HUB a fee of \$3,125 per month (\$37,500 annually) for Health and Welfare Benefits Consulting for the first 3-years of this Agreement. The fee will be eligible for a maximum increase of +5% in year 4 and +5% in year 5 of the Agreement. Fees include all expenses and are due and owing are payable to HUB within thirty (30) days of receipt of invoice.

Additionally, HUB would be eligible to collect standard compensation included in voluntary program benefit offerings that are paid solely through employee contributions. HUB will disclose any amounts collected as requested by the City.

- IV. **TIME OF PERFORMANCE** - The term of this Agreement is from April 17, 2024 through April 16, 2025 and will renew for annually from April 17, 2025 through April 17, 2029. Either party may terminate this Agreement at any time upon giving thirty (60) days written notice of its intention to do so.
- V. **EMPLOYEES** – HUB employees, if any, who perform services for the City under this Agreement shall also be bound by the provisions of this Agreement.
- VI. **ASSIGNMENT** – This Agreement may not be assigned without the prior written consent of the City.
- VII. **NOTICES** – Communication and details concerning this Agreement shall be directed to the following contract representatives:

City of Freeport, Texas

Cathy Ezell
Finance Director
1201 N Avenue G
Freeport, TX 77541

HUB International:

Brent A. Weegar
Senior Vice President
10000 North Central Expressway, Suite 1200
Dallas, TX 75231

- VIII. **GENERAL COMPLIANCE** - HUB agrees to comply with all applicable federal, state, and local laws and regulations relating to the services provided under this Agreement.
- IX. **INDEPENDENT CONTRACTOR** - Nothing in this Agreement is intended, to or shall be construed in any manner, as creating or establishing the relationship of employer/employee between the parties. HUB shall at all times remain an independent contractor with respect to the services to be performed under this Agreement. City shall be exempt from payment of and Unemployment Compensation, FICA, retirement, life and/or medical insurance, and Workers' Compensation Insurance, as HUB is an independent contractor.
- X. **HOLD HARMLESS** - HUB shall hold harmless, defend and indemnify the City from any and all claims, actions, suits, charges and judgments whatsoever that arise out of HUB' performance or non-performance of the services or subject matter called for in this Agreement.
- XI. **WAIVER OF CONTRACTUAL RIGHT** – The failure of either party to enforce any provision of this

agreement shall not be construed as a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with every provision of this agreement.

- XII. CONSTRUCTION AND VENUE** - This Agreement shall be governed by and construed in accordance with the laws of the state of Texas. The parties hereto hereby irrevocably consent to the exclusive jurisdiction and venue of the courts of the state of Texas, county of Tarrant, for the purposes of all legal proceedings arising out of or relating to this Agreement or the actions that are contemplated hereby.
- XIII. ENTIRE AGREEMENT** – This agreement contains the entire agreement of the parties, with respect to the subject matter herein, and there are not other agreements whether oral or written. This agreement supersedes any prior written or oral agreements between the parties.
- XIV. AMENDMENTS** - City or HUB may amend this Agreement, at any time, provided that such amendments make specific reference to the Agreement, and are executed in writing, signed by a duly authorized representative of both organizations and approved by the City's governing body, if necessary.
- XV. SEVERABILITY** - If any provision of this Agreement shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds that any provision of this agreement is invalid or unenforceable, but that by limiting such provision it would become valid and enforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.
- XVI. APPLICABLE LAW** – This Agreement shall be governed by the laws of the State of Texas; and venue for any action shall be in Brazoria County, Texas.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

City of Freeport, Texas

HUB International

Signature

Signature

Brooks Bass
Print

Julian Fontana
Print

Mayor
Title

Senior Account Executive
Title

Date

Date

EXHIBIT A - SCOPE OF SERVICES

ANALYSIS AND REPORTING

1. Analyze existing coverage and identify or develop cost -saving alternative benefit strategies and plans.
2. Assist in the development of long-range goals and strategies, including making projections of potential savings.
3. Provide actuarial analysis and recommendations based on utilization and performance reports, statistical and/or financial reports, and plan specific data.
4. Assist the CITY in monitoring and analyzing experience trends and providing timely alerts on changing patterns and appropriate recommendations.
5. Provide, maintain, and update comparison reports of other similar sized public and private companies' benefit plan offerings and costs to determine their competitiveness with the CITY's programs.
6. Provide financial and/or performance reviews of fully insured plans and programs.
7. Be available to provide various types of reports as needed, such as costs analysis for benefit changes, and other statistical, financial, forecasting, and trend reports.
8. Assist in preparing overall employee insurance fund budget and projections.
9. Prepare and present reports on trends, new products and audits, as requested.
10. Regularly monitor and evaluate performance measures and guarantees of providers.
11. Provide financial reports and periodic utilization reviews.
12. Maintain full and accurate records with respect to all matters and services provided on behalf of the CITY's benefit plans and programs. Provide CITY staff or officials all spreadsheets, assumptions and calculations upon completion of any project performed on behalf of the CITY's benefit plans and programs.
13. Provide impact analysis, plan options, and strategic recommendations regarding ACA and other required regulatory adjustments.

B. LIAISON AND PROBLEM INTERVENTION

1. Act as liaison between the CITY and insurance providers.
2. Provide day-to-day consultation on plan interpretation and problem resolution.
3. Provide timely customer service and assistance to staff, employees and retirees with issues involving provider billing, claims, vendor service issues/problems, advocacy for services, disputes, interpretation of contracts and services, changes and general troubleshooting.
4. Attendance as needed at meetings with CITY staff, employees and/or retirees to facilitate and assist in the management of the CITY's employee benefit plans.
5. Assist the CITY in proactive mitigation of negative impacts or disruption of services to employees and retirees from benefit and/or provider network changes.

C. COMPLIANCE

1. Assist with ongoing plan administration and ensure that programs are in compliance with State and Federal legislation.
2. Provide on-site training to CITY staff, as needed, regarding regulatory updates, and/or Best Practice seminars for the effective administration of benefit plans.
3. Review and disseminate information to staff on new or revised State and Federal legislation that impacts benefit programs.
4. Assist CITY staff with annual audit to ensure compliance with all mandated reporting and posting/notice requirements for benefit plans.
5. Develop and/or assist in de communication materials and tools for conducting dependent verification audits
6. Conduct compliance audit of CITY's policies and procedures (ACA, COBRA, HIPAA, USERRA, etc.)
7. Assist with single non-profit trust for premium tax purposes (as applicable).

D. ANNUAL RENEWAL PROCESS AND EVALUATION

1. Establish a strategy for benefits, both annually and three to five years in the future. Consider trends, prospective legislations, new delivery systems and geographic health-care practices to make long-term projections.
2. Bid health insurance program and employee and retiree benefits on an "as needed" basis. Review proposals and prepare an analysis of each with recommendations.
3. Review and make cost-saving recommendations regarding the modification of plan design, benefit levels, premiums, communications and quality of current employee and retiree benefit plans.
4. Recommend appropriate plans to ensure that quality and cost-effective benefits are provided by the plans.
5. Provide annual estimates of renewal rates and cost trends and assist CITY staff in preparation of budget figures.
6. Conduct thorough and applicable market research in preparation for contract renewals.
7. Assist in negotiating pricing with administration vendors and insurance carriers on renewals and service modification requests.
8. Represent the CITY in all negotiations with providers on various topics, including, but not limited to, premiums, benefit levels and plan design, performance measures and guarantees, contractual terms and conditions, insurance booklets, premium and copay rates, and quality assurance standards.
9. Make recommendations for items of negotiation with providers, including, but not limited to, benefit levels and plan design, premiums, quality of service, performance measures and guarantees, and return on investment, where applicable.
10. Prepare specifications and compile data, obtain quotes and proposals, negotiate rates and analyze and compare proposals.

11. Review rate proposals to ensure underlying assumptions are appropriate and accurate to the CITY.
12. Provide support for the annual enrollment period, new benefit offerings and/or changes to the existing benefit offerings.
13. Attend, assist with, and coordinate the annual Benefits Fair and Open Enrollment meetings.
14. Assist the CITY with evaluating pre- and post-65 retiree insurance products, conducting RFP process and implementation as needed.

E. OTHER SERVICE REQUIREMENTS

1. Assist in the development of an employee wellness program to improve employee health and reduce employee and retiree health-care costs, both in the short-term and in the long-term.
2. Recommend and help develop enhancements and improvements for communications specific to the needs of the CITY's employees and retirees
3. Provide timely research and responses to technical questions posed by CITY staff.
4. Provide regular and timely communications needed for the effective administrative of benefit plans.
5. Provide guidance and recommendations on items such as, but not limited to, trends in benefit plans, methods for improving costs containment, financial arrangements and administration.
6. Attend and assist with meetings with the CITY Council, CITY staff and employees.
7. Recommend particular broker-sponsored seminars, benefit events and educational forums that would be beneficial to the CITY.
8. Develop and/or assist in developing and evaluating employee/retiree needs and satisfaction surveys.
9. Work collaboratively with other consultants and CITY staff.
10. Manage plan transitions as necessary between insurance providers.
11. Review and evaluate current administrative processes related to enrollment and billing. Recommend and assist with implementation of administrative process enhancements.



City Council Agenda Item #13.

Title: Consideration and possible action to award the purchase of generators for Lift Station 3,4, and 14 to Worldwide Power Products in the amount of \$99,800.00.

Date: March 4, 2024

From: Cathy Ezell, Finance Director

Staff Recommendation: Staff recommends awarding the bid to Worldwide Power Products.

Item Summary: The City went out for bids twice for generators for Lift Stations 3, 4, and 14. The first time the City received no bids. The second time, the City received one bid in the amount of \$139,469.00 which is over the amount of \$120,000 of funding allocated for these projects. Staff did additional diligence and obtained a price from Worldwide Power using co-op pricing from TIPS Contract #221001 in the amount of \$99,800.00 for the generators.

Background Information: The City was awarded three generator grants through FEMA for generators at Lift Stations 3, 4, and 14. Each grant is in the amount of \$36,000 with a match of \$4,000 from the City, to be a total of \$40,000 for each lift station. The City was required to bid the generators because the purchase of three like items was over \$50,000.00.

Special Considerations: N/A

Financial Impact: The City's matching funds is already budgeted in Fund 22.

Board or 3rd Party Recommendation: N/A

Supporting Documentation:

1. Worldwide Generator Quote



Sales Proposal

5931 Brittmoore Rd. Houston, TX 77041

Tel: 713.434.2300 Fax: 713.434.2394

Quote#: 00007145 Date: 02/05/2024

Sales Rep: Donny Martin

Prepared by: Donny Martin

Customer/Billing Information:

Company Name: City of Freeport
Billing Address: 200 West Second St.
City/ST/Zip: Freeport, Texas 77541

Ordered by: Cathy Ezell
Phone: (979) 871-0107
Mobile: 832-462-3875
Email: cezell@freeport.tx.us

TIPS PROPOSAL CONTRACT # 221001 TIPS VENDOR # 4981

Worldwide Power Products is pleased to offer for your consideration the following proposal to meet the power generation requirements of your project.

	List Price	TIPS Discount	TIPS #	TIPS Pricing
Lift Stations #3 and 14 - 60kW Nat Gas				
SP-620-3-3 240V 3Ø	\$ 41,564.00	20%	G-22	\$ 33,251.20
Internal Gen Space Heater - anti-condensation Heater	\$ 1,468.89	20%	G-74	\$ 1,175.11
S-10A - Dry Fuel Line Nat Gas	\$ 433.33	20%	G-87	\$ 346.66
S-13C Block Heater	\$ 877.78	20%	G-96	\$ 702.22
S-16C 10A Battery Charger	\$ 2,435.56	20%	G-111	\$ 1,948.45
Batteries	\$ 500.00	20%	G-112	\$ 400.00
	\$ 47,279.56			\$ 37,823.65
Additional Discount				\$ 4,823.65
WPP Total				\$ 33,000.00

2 Units at TIPS Pricing	\$ 66,000.00
-------------------------	--------------

Lift Station #4

SP-410-3-3 2403Ø	\$ 37,065.60	20%	G-20	\$ 29,652.48
Internal Gen Space Heater - anti-condensation Heater	\$ 1,468.89	20%	G-74	\$ 1,175.11
S-10A - Dry Fuel Line Nat Gas	\$ 433.33	20%	G-87	\$ 346.66
S-13C Block Heater	\$ 877.78	20%	G-96	\$ 702.22
S-16C 10A Battery Charger	\$ 2,435.56	20%	G-111	\$ 1,948.45
Batteries	\$ 500.00	20%	G-112	\$ 400.00



Sales Proposal

5931 Brittmoore Rd. Houston, TX 77041

Tel: 713.434.2300 Fax: 713.434.2394

List Pricing Total	\$	42,781.16	20%	\$	34,224.93
Additional Discount				\$	5,474.93
WPP Total				\$	28,750.00

Total for all 3 units				\$	94,750.00
Delivery				\$	1,750.00
Factory Start up and Training	\$	1,100.00	3.00	\$	3,300.00

Total				\$	99,800.00
-------	--	--	--	----	-----------

TOTAL PACKAGE PRICE: \$99,800.00

**Price does not include applicable sales tax or the Texas Emissions Reduction Plan (TERP) Surcharge Tax*

***Please refer to the attached bill of material*

AVAILABILITY: In Stock – subject to prior sale

FREIGHT TERMS:DAP

PAYMENT TERMS: 50% deposit with remaining 50% due upon completion

Additional Information

Quote is subject to the Terms & Conditions of the Sales Agreement

There will not be any price protection available.

The package quoted is manufacturer's standard. Welding, painting, and all internal parts are manufacturer's standard.

Offloading is to be provided by others.

Additional field assistance is available from Worldwide Power Products at the current rates.

Worldwide Power Products does not have copies of other states/cities/counties regulations, and therefore, we may not meet these regulations.

Worldwide Power Products accepts no penalty charges for any liquidated damages due to late deliveries.

Worldwide Power Products takes exception to ALL items that are not in above quote. Equipment supplied will be limited to that described in this proposal.

Terms and Conditions

Terms and Conditions

Please select the following link to view our full Terms and Conditions in PDF format,

<http://www.wpowerproducts.com/terms.pdf>



GILLETTE GENERATORS

LIQUID COOLED LPG/NG ENGINE GENERATOR SET

Model	STANDBY 120°C RISE		
	HZ	LPG	N.G.
SP-410-60 HERTZ	60	41	40



All generator sets are USA prototype built and thoroughly tested. Production models are USA factory built and 100% load tested.



UL2200, UL1446, UL508, UL142, UL498



NFPA 110, 99, 70, 37

All generator sets meet NFPA-110 Level 1, when equipped with the necessary accessories and installed per NFPA standards.



NEC 700, 701, 702, 708



NEMA ICS10, MG1, ICS6, AB1



ANSI C62.41, 27, 59, 32, 480, 40Q, 81U, 360-05



ASCE 7-05 & 7-10

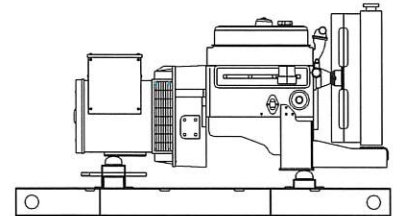
All generator sets meet 180 MPH rating.



40CFR Part 60, 1048, 1054, 1065, 1068

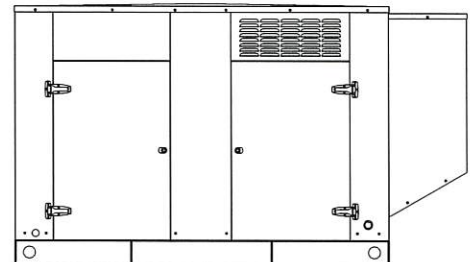
60 HZ MODEL

SP-410



"OPEN" GEN-SET

There is no enclosure, so gen-set must be placed within a weather protected area, un-inhabited by humans or animals, with proper ventilation. Silencer not supplied, as installation requirements are not known. However, this item is available as optional equipment.



"LEVEL 2" HOUSED GEN-SET

Full aluminum weather protection and superior sound attenuation for specific low noise applications. Critical grade muffler is standard.

GENERATOR RATINGS

GENERATOR RATINGS					LIQUID PROPANE GAS FUEL		NATURAL GAS FUEL	
GENERATOR MODEL	VOLTAGE		PH	HZ	120°C RISE STANDBY RATING		120°C RISE STANDBY RATING	
	L-N	L-L			KW/KVA	AMP	KW/KVA	AMP
SP-410-1-1	120	240	1	60	41/41	171	40/40	167
SP-410-3-2	120	208	3	60	40/50	139	40/50	139
SP-410-3-3	120	240	3	60	40/50	120	40/50	120
SP-410-3-4	277	480	3	60	40/50	60	40/50	60
SP-410-3-5	127	220	3	60	40/50	131	40/50	131
SP-410-3-16	346	600	3	60	40/50	48	40/50	48

RATINGS: All single phase gen-sets are dedicated 4 lead wiring, rated at unity (1.0) power factor. All three phase gen-sets are 12 lead wiring, rated at .8 power factor. 120°C "STANDBY RATINGS" are strictly for gen-sets that are used for back-up emergency power to a failed normal utility power source. This standby rating allows varying loads, with no overload capability, for the entire duration of utility power outage. All gen-set power ratings are based on temperature rise measured by resistance method as defined by MIL-STD 705C and IEEE STD 115, METHOD 6.4.4. All generators have class H (180°C) insulation system on both rotor and stator windings. All factory tests and KW/KVA charts shown above are based on 120°C (standby) R/R winding temperature, within a maximum 40°C ambient condition. Generators operated at standby power ratings must not exceed the temperature rise limitation for class H insulation system, as specified in NEMA MG1-22.40. Specifications & ratings are subject to change without prior notice.

APPLICATION AND ENGINEERING DATA FOR MODEL SP-410-60 HZ

GENERATOR SPECIFICATIONS

Manufacturer.....Stamford Electric Generators
Model & Type.....UCI224D-06, 4 Pole, 4 Lead, Single Phase
.....UCI224D-311, 4 Pole, 12 Lead re-connectable, Three Phase
.....UCI224C-17, 4 Pole, 6 Lead, 600V, Three Phase
Exciter.....Brushless, shunt excited
Voltage Regulator.....Solid State, HZ/Volts
Voltage Regulation.....½%, No load to full load
Frequency.....Field convertible, 60 HZ to 50 HZ
Frequency Regulation.....½% (½ cycle, no load to full load)
Unbalanced Load Capability.....100% of standby amps
Total Stator and Load Insulation.....Class H, 180°C
Temperature Rise.....130°C R/R, standby rating @ 40°C amb.
1 Ø Motor Starting @ 30% Voltage Dip (240V).....112 kVA
3 Ø Motor Starting @ 30% Voltage Dip (208-240V).....118 kVA
3 Ø Motor Starting @ 30% Voltage Dip (480V).....190 kVA
3 Ø Motor Starting @ 30% Voltage Dip (600V).....158 kVA
Bearing.....1, Pre-lubed and sealed
Coupling.....Direct flexible disc.
Total Harmonic Distortion.....Max 3½% (MIL-STD705B)
Telephone Interference Factor.....Max 50 (NEMA MG1-22)
Deviation Factor.....Max 5% (MIL-STD 405B)
Ltd. Warranty Period.....24 Months from date of start-up or
.....1000 hours use, first to occur.

GENERATOR FEATURES

- World Renown Stamford Electric Generator having UL-1446 certification.
- Full generator protection with **Deep Sea 7420** controller, having UL-508 certification.
- Automatic voltage regulator with over-excitation, under-frequency compensation, under-speed protection, and EMI filtering. Entire solid-state board is encapsulated for moisture protection.
- Generator power ratings are based on temperature rise, measured by resistance method, as defined in MIL-STD 705C and IEEE STD 115, Method 6.4.4.
- Power ratings will not exceed temperature rise limitation for class H insulation as per NEMA MG1-22.40.
- Insulation resistance to ground, exceeds 1.5 meg-ohm.
- Stator receives 2000 V. hi-potential test on main windings, and rotor windings receive a 1500 V. hi-potential test, as per MIL-STD 705B.
- Full amortisseur windings with UL-1446 certification.
- Complete engine-generator torsional acceptance, confirmed during initial prototype testing.
- Full load testing on all engine-generator sets, before shipping.
- Self ventilating and drip-proof & revolving field design

ENGINE SPECIFICATIONS AND APPLICATIONS DATA

ENGINE

Manufacturer.....Power Solutions Inc. (PSI)
Model and Type.....Ind. Power Train, 4.3L, 4 cycle
Aspiration.....Natural
Cylinder Arrangement.....6 Cylinders, V-6
Displacement Cu. In. (Liters).....262 (4.3)
Bore & Stroke In. (Cm.).....4 x 3.48 (10.2 x 8.4)
Compression Ratio.....9.05:1
Main Bearings & Style.....4, Babbitt
Cylinder Head.....Cast Iron
Pistons.....6, Silicon Aluminum
Crankshaft.....Nodular Iron
Exhaust Valve.....Forged Steel
Governor.....Electronic
Frequency Reg. (no load-full load).....Isochronous
Frequency Reg. (steady state).....± 1/4%
Air Cleaner.....Dry, Replaceable Cartridge
Engine Speed.....1800 rpm
Piston Speed, ft/min (m./min).....1044 (318)
Max Power, bhp (kwm) Standby /LPG.....67 (50)
Max Power, bhp (kwm)Standby /NG.....62 (46)
Ltd. Warranty Period.....12 Months or 2000 hrs., first to occur

FUEL SYSTEM

Type.....LPG or NAT. GAS, Vapor Withdrawal
Fuel Pressure (kpa), in. H₂O*.....(1.74-2.74), 7"-11"
Secondary Fuel Regulator.....NG or LPG Vapor System
Auto Fuel Lock-Off Solenoid.....Standard on all sets
Fuel Supply Inlet Line.....1" NPTF

* Measured at gen-set fuel inlet, downstream of any dry fuel accessories.

FUEL CONSUMPTION

LP GAS: FT ³ /HR (M ³ /HR)	STANDBY
100% LOAD	240 (6.9)
75% LOAD	200 (5.6)
50% LOAD	145 (4.0)
LPG = 2500 BTU X FT ³ /HR = Total BTU/HR LPG Conversion: 8.50 FT ³ = 1 LB. : 36.4 FT ³ = 1 GAL.	

NAT. GAS: FT ³ /HR (M ³ /HR)	STANDBY
100% LOAD	584 (17)
75% LOAD	485 (140)
50% LOAD	375 (10)
NG = 1000 BTU X FT ³ /HR = Total BTU/HR	

OIL SYSTEM

Type.....Full Pressure
Oil Pan Capacity qt. (L).....5.0 (4.7)
Oil Pan Cap. W/ filter qt. (L).....6.5 (6.2)
Oil Filter.....1, Replaceable Spin-On

ELECTRICAL SYSTEM

Ignition System.....Electronic
Eng. Alternator and Starter:

Ground.....Negative
Volts DC.....12
Max. Amp Output of Alternator.....70

Recommended Battery to -18°C (0°F):.. 12 VDC, Size BCI# 24F
Max Dimensions: ..10 3/4" lg X 6 3/4" wi X 9" hi, with standard round posts. Min. output at 600 CCA. Battery tray (max. dim. at 12"lg x 7"wi), hold down straps, battery cables, and battery charger, is furnished. Installation of (1) starting battery is required, with possible higher AMP/HR rating, as described above, if normal environment averages -13°F (-25°C) or cooler.

APPLICATION AND ENGINEERING DATA FOR MODEL SP-410-60 HZ

COOLING SYSTEM

Type of System	Pressurized, closed recovery
Coolant Pump	Pre-lubricated, self-sealing
Cooling Fan Type (no. of blades)	Pusher (10)
Fan Diameter inches (cm)	21" (533)
Ambient Capacity of Radiator °F (°C)	125 (51.6)
Engine Jacket Coolant Capacity Gal (L)	1.8 (6.8)
Radiator Coolant Capacity (with engine) Gal. (L)	5.2 (19.7)
Maximum Restriction of Cooling Air Intake and discharge side of radiator in. H ₂ O (kpa)	0.5 (.125)
Water Pump Capacity gpm (L/min)	28 (106)
Heat Reject Coolant: Btu/min (kw)	2320 (40.8)
Low Radiator Coolant Level Shutdown	Standard

Note: Coolant temp. shut-down switch setting at 220°F (104°C) with 50/50 (water/antifreeze) mix.

COOLING AIR REQUIREMENTS

Combustion Air, cfm (m ³ /min)	98 (2.78)
Radiator Air Flow cfm (m ³ /min)	5000 (142)
Heat Rejected to Ambient:	
Engine: kw (btu/min)	19.2 (1100)
Alternator: kw (btu/min)	7.5 (422)

EXHAUST SYSTEM

Exhaust Outlet Size	2.5"
Max. Back Pressure in. hg (KPA)	3" (10.2)
Exhaust Flow, at rated kw: cfm (m ³ /min)	330 (9.4)
Exhaust Temp., at rated kw: °F (°C)	1206 (652)

Engines are EPA certified for LPG and Natural Gas.

SOUND LEVELS MEASURED IN dB(A)

	Open Set	Level 2 Encl.
Level 2, Critical Silencer	70	64
Level 3, Hospital Silencer		59

Note: Open sets (no enclosure) have silencer system choices due to unknown job-site applications. Level 2 enclosure has installed critical silencer with upgrade to Level 3 hospital silencer. Sound tests are averaged from several test points and taken at 23 ft. (7 m) from source of noise at normal operation.

DERATE GENERATOR FOR ALTITUDE

3% per 1000 ft.(305m) above 3000 ft.(914m) from sea level

DERATE GENERATOR FOR TEMPERATURE

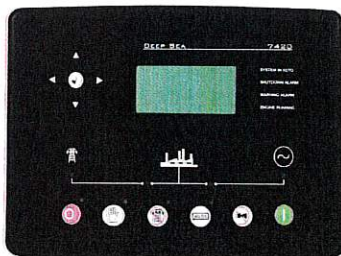
2% per 10°F (5.6°C) above 104°F (40s°C)

DIMENSIONS AND WEIGHTS

	Open Set	Level 2 Enclosure
Length in (cm)	78 (198)	94 (238)
Width in (cm)	42 (107)	42 (107)
Height in (cm)	36 (91)	53 (134)
1 Ø Net Weight lbs (kg)	1326 (601)	1851 (839)
1 Ø Ship Weight lbs (kg)	1406 (638)	2011 (912)
3 Ø Net Weight lbs (kg)	1316 (597)	1771 (803)
3 Ø Ship Weight lbs (kg)	1396 (633)	1931 (875)

DEEP SEA 7420MKII DIGITAL MICROPROCESSOR CONTROLLER

Deep Sea 7420MKII



The "7420MKII" controller is an auto start mains (utility) failure module for single gen-set applications. This controller includes a backlit LCD display which continuously displays the status of the engine and generator at all times.

The "7420MKII" controller will also monitor speed, frequency, voltage, current, oil pressure, coolant temp., and fuel levels. These modules have been designed to display warning and shut down status. It also includes: (11) configurable inputs • (8) configurable outputs • voltage monitoring • mains (utility) failure detection • (250) event logs • configurable timers • automatic shutdown or warning during fault detection • remote start (on load) • engine preheat • advanced metering capability • hour meter • text LCD 132 x 64 pixel ratio display • protected solid state outputs • test buttons for: stop/reset • manual mode • auto mode • lamp test • start button • power monitoring (kWh, kVAR, kVAh, kVAh) • IP65 rating (with supplied gasket)

This controller includes expansion features including RS232, RS484 (using MODBUS-RTU/TCP), direct USB connection with PC, expansion optioned using DSENet for remote annunciation and remote relay interfacing for a distance of up to 3300FT. The controller software is freely downloadable from the internet and allows monitoring with direct USB cable, LAN, or by internet via the built in web interface.

Advanced Features:

PLC editor allow user configurable functions to meet specific application requirements • Data logging to assist with fault finding with 20 parameter data logging and recording on USB drives • Multiple date and time scheduler • Set maintenance periods can be configured to maintain optimum engine performance • Modules can be integrated into building management systems (BMS) using MODBUS • Configurable MODBUS pages with RTU & TCP support • Fully configurable via DSE Configuration Suite PC software • Remote SCADA monitoring via DSE Configuration Suite PC software • Engine exerciser • Automatic load transfer • Multiple configurations

STANDARD FEATURES FOR MODEL SP-410-60 HZ

STANDARD FEATURES

CONTROL PANEL:

- Deep Sea 7420 digital microprocessor with logic allows programming in the field. Controller has:
- STOP-MANUAL-AUTO modes and automatic engine shutdowns, signaled by full text LCD indicators:
 - Low oil pressure
 - High engine temp
 - Low Radiator Level
 - Three auxiliary alarms
 - Battery fail alarm
 - Engine fail to start
 - Engine over speed
 - Engine under speed
 - Over & under voltage
- Also included is tamper-proof engine hour meter

ENGINE:

- Full flow oil filter • Air filter • Oil pump • Solenoid type starter motor • Hi-temp radiator • Jacket water pump
- Thermostat • Pusher fan and guard • Exhaust manifold
 - 12 VDC battery charging alternator • Flexible exhaust connector • "Isochronous" duty, electronic governor • Secondary dry fuel regulator • Dry fuel lock-off solenoid • Vibration isolators • Closed coolant recovery system with 50/50 water to anti-freeze mixture

AC GENERATOR SYSTEM:

- AC generator • Shunt excited • Brushless design • Circuit Breaker installed and wired to gen-set • Direct connection to engine with flex disc • Class H, 180°C insulation • Self ventilated • Drip proof construction • UL Certified

VOLTAGE REGULATOR:

- ½% Voltage regulation • EMI filter • Under-speed protection • Over-excitation protection • total encapsulation

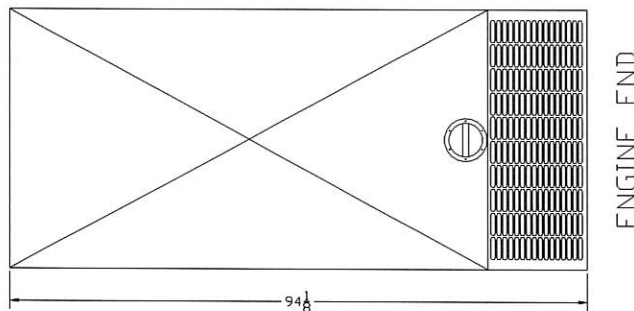
DC ELECTRICAL SYSTEM:

- Battery tray • Battery cables • Battery hold down straps
- 2-stage battery float charger with maintaining & recharging automatic charge stages

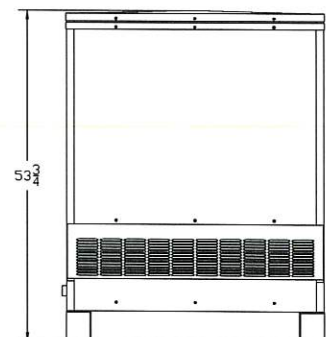
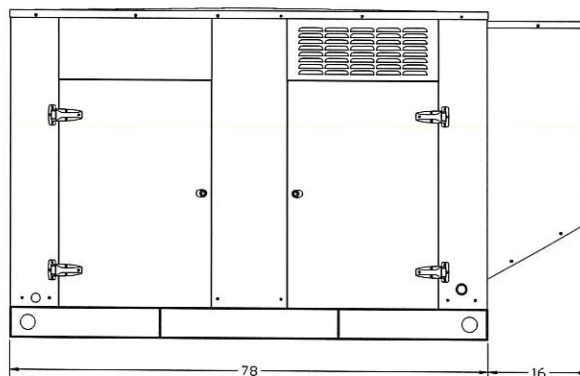
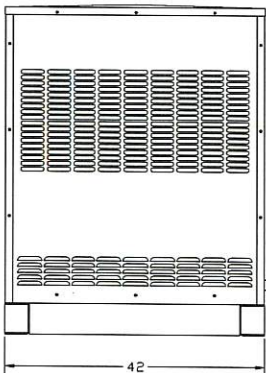
WEATHER/SOUND PROOF ALUMINUM HOUSING CORROSION RESISTANT PROTECTION CONSISTING OF:

- 9 Heated And Agitated Wash Stages
- Zinc Phosphate Etching-coating Stage
- Final Baked On Enamel Powder Coat
- 18/8 Stainless Steel Hardware

Design & specifications subject to change without prior notice. Dimensions shown are approximate. Contact Gillette for certified drawings.
DO NOT USE DIMENSIONS FOR INSTALLATION PURPOSES.



ENGINE END





GILLETTE GENERATORS

WORLDWIDE Power

1/15/2024

Model: SP-620-3-3

Sizing: Meets requirements

Sizing Prepared By:

For:

United States of America

Project Overview

Voltage	120/240V	Fuel Type	Natural Gas
Frequency	60 Hz	Rating Type	Standby
Phase	Three Phase	Site Elevation	100 m (328 ft)
Product Type	Standard	Ambient Temperature^[8]	25°C (77°F)
		Permitted Back Pressure	50 mbar (20.1 in. H ₂ O)

Load Analysis Summary

Peak kVA	60.5	Running kVA	11.5	Load Factor %	17.3
Peak kW	31.8	Running kW^[6]	10.4	Regenerative kW^[9]	NA ^[4]
		Running PF	0.9		

Generator Set Details

Generator Set Model	SP-620-3-3	Nameplate kW Rating	60
Alternator Model	Stamford	Rated P.F.	0.8
Temperature Rise	130°C	Site kW Rating^[7]	60
Engine Model	PSI 5.7L NG		

Block Load Transient Response^[3]

Alternator Motor Starting^[2]

Load Change	FDip	VDip	Recovery Times	VDip	SkVA
0-25 %	2.9%	4.7%	0.5s	10%	72
0-50 %	5.7%	12.7%	0.9s	20%	144
0-75 %	8.2%	20.7%	1.1s	30%	216
0-100 %	10.2%	25.2%	1.3s	35%	252

Technical Data at 100% Nameplate Rated Load^[1]

Make	PSI	Governor	Electronic Isochronous (Bosch)
Model	SP-620-3-3	Cooling Pkg Ambient Rating	50°C (122°F)
Aspiration	Naturally Aspirated	Cooling Pkg Airflow	138 m ³ /min (4888 ft ³ /min)
Cylinder Configuration	8-V	Heat Rejection to Coolant	55 kW (3120 BTU/min)
Displacement	5.7 L (348 in ³)	Heat Rejection to CAC	NA ^[4]
Rated RPM	1,800	Heat Rejection to Fuel	NA ^[4]
Fuel Consumption	23.2 m ³ /hr (819.3 ft ³ /hr)	Heat Radiated to Ambient	18 kW (995 BTU/min)
Aspiration Airflow	5 m ³ /min (173 ft ³ /min)	Exhaust Stack Temperature	744°C (1372°F)
Emissions Rating	EPA	Exhaust Flow Rate	16 m ³ /min (559 ft ³ /min)

1. Based on standard conditions of 77 °F, 1000 ft. elevation, 0.5" H₂O intake restriction. Exhaust Flow Rate is evaluated using Stack Temperature. 2. Based on instantaneous voltage dip as defined per NEMA MG-1. 3. Recovery time is based on steady state recovery of voltage. Block load percentage is based on Nameplate kW rating. This information is based on average performance, and should not be considered a guarantee. Results may vary based on production tolerances and site conditions. Consult Gillette Generators, Inc. for further information regarding transients. 4. NA = Not Applicable 5. CF = Consult Factory 6. The average running load on diesel engines should not be less than 30% of rated power. 7. Site kW Rating is the maximum sustainable kW at the project site conditions. Note that the Starting kW can be higher. 8. Engine intake air temperature is based on ambient temperature. Additional installation preheat is not considered for calculated derate performance. 9. Maximum net regenerative power allowed is 10% of genset rating. Active running loads can offset regenerative load. It is the end user's responsibility to ensure the system does not exceed the regenerative capability of the genset.

Disclaimer/Explanation: All information provided in this program is provided for information purposes only and does not constitute a legal contract between Gillette Generators, Inc. and any person(s) or entity unless otherwise specified.



GILLETTE GENERATORS

WORLDWIDE Power

1/15/2024

Model: SP-620-3-3

Project Overview

Voltage	120/240V	Fuel Type	Natural Gas
Frequency	60 Hz	Rating Type	Standby
Phase	Three Phase	Site Elevation	100 m (328 ft)
Temperature Rise	120°C	Ambient Temperature	25°C (77°F)
External Static Pressure	N/A	Permitted Back Pressure	50 mbar (20.1 in. H ₂ O)

Step	Load Description	Qty	SkW	SkVA	SPF	RkW	RkVA	RPF	VDIP _[3]	FDIP _[3]
1 - Pump Control Panel	Miscellaneous								1.2%	0.4%
	Permitted V-Dip: 20%	1	2	2	1	2	2	1		
	Permitted F-Dip: 10%									
	Nonlinear: No									
	1 - Pump Control Panel Loads Total		2	2	1	2	2	1		
	Project Total at 1 - Pump Control Panel		2	2		2	2	1		
2 - Lift Station Pump #1	Three Phase Motor								14%	5.7%
	Permitted V-Dip: 20%									
	Permitted F-Dip: 10%									
	Nonlinear: No	1	29.75	59.5	0.5	8.4	9.7	0.86		
	Starting Method: Across the line 100%									
	HP: 10									
	2 - Lift Station Pump #1 Loads Total		29.75	59.5	0.5	8.4	9.7	0.86		
	Project Total at 2 - Lift Station Pump #1		31.75	60.52		10.4	11.5	0.9		



GILLETTE GENERATORS

WORLDWIDE Power

1/15/2024

Model: SP-410-3-3

Sizing: Meets requirements

Sizing Prepared By:

For:

United States of America

Project Overview

Voltage	120/240V	Fuel Type	Natural Gas
Frequency	60 Hz	Rating Type	Standby
Phase	Three Phase	Site Elevation	100 m (328 ft)
Product Type	Standard	Ambient Temperature ^[8]	25°C (77°F)
		Permitted Back Pressure	50 mbar (20.1 in. H ₂ O)

Load Analysis Summary

Peak kVA	43.6	Running kVA	6.9	Load Factor %	12.6
Peak kW	25.4	Running kW ^[6]	6.3	Regenerative kW ^[9]	NA ^[4]
		Running PF	0.91		

Generator Set Details

Generator Set Model	SP-410-3-3(Qty 1)	Nameplate kW Rating	50
Alternator Model	Stamford	Rated P.F.	0.8
Temperature Rise	130°C	Site kW Rating ^[7]	50
Engine Model	PSI 4.3L NG		

Block Load Transient Response^[3]

Alternator Motor Starting^[2]

Load Change	FDip	VDip	Recovery Times	VDip	SkVA
0-25 %	2.5%	3.6%	0.5s	10%	43
0-50 %	4.8%	9.9%	0.9s	20%	86
0-75 %	7%	16.9%	1.1s	30%	129
0-100 %	8.9%	22.8%	1.3s	35%	151

Technical Data at 100% Nameplate Rated Load^[1]

Make	PSI	Governor	Electronic Isochronous (Bosch)
Model	SP-410-3-3 (Qty 1)	Cooling Pkg Ambient Rating	50°C (122°F)
Aspiration	Naturally Aspirated	Cooling Pkg Airflow	138 m ³ /min (4888 ft ³ /min)
Cylinder Configuration	8-V	Heat Rejection to Coolant	55 kW (3120 BTU/min)
Displacement	4.3 L (348 in ³)	Heat Rejection to CAC	NA ^[4]
Rated RPM	1,800	Heat Rejection to Fuel	NA ^[4]
Fuel Consumption	23.2 m ³ /hr (819.3 ft ³ /hr)	Heat Radiated to Ambient	18 kW (995 BTU/min)
Aspiration Airflow	5 m ³ /min (173 ft ³ /min)	Exhaust Stack Temperature	744°C (1372°F)
Emissions Rating	EPA	Exhaust Flow Rate	16 m ³ /min (559 ft ³ /min)

1. Based on standard conditions of 77 °F, 1000 ft. elevation, 0.5" H₂O intake restriction. Exhaust Flow Rate is evaluated using Stack Temperature. 2. Based on instantaneous voltage dip as defined per NEMA MG-1. 3. Recovery time is based on steady state recovery of voltage. Block load percentage is based on Nameplate kW rating. This information is based on average performance, and should not be considered a guarantee. Results may vary based on production tolerances and site conditions. Consult Gillette Generators, Inc. for further information regarding transients. 4. NA = Not Applicable 5. CF = Consult Factory 6. The average running load on diesel engines should not be less than 30% of rated power. 7. Site kW Rating is the maximum sustainable kW at the project site conditions. Note that the Starting kW can be higher. 8. Engine intake air temperature is based on ambient temperature. Additional installation preheat is not considered for calculated derate performance. 9. Maximum net regenerative power allowed is 10% of genset rating. Active running loads can offset regenerative load. It is the end user's responsibility to ensure the system does not exceed the regenerative capability of the genset.

Disclaimer/Explanation: All information provided in this program is provided for information purposes only and does not constitute a legal contract between Gillette Generators, Inc. and any person(s) or entity unless otherwise specified.



GILLETTE GENERATORS

WORLDWIDE Power

1/15/2024

Model: SP-410-3-3

Sizing: Meets requirements

Project Overview

Voltage	120/240V	Fuel Type	Natural Gas
Frequency	60 Hz	Rating Type	Standby
Phase	Three Phase	Site Elevation	100 m (328 ft)
Temperature Rise	120°C	Ambient Temperature	25°C (77°F)
External Static Pressure	N/A	Permitted Back Pressure	50 mbar (20.1 in. H ₂ O)

Step	Load Description	Qty	SkW	SkVA	SPF	RkW	RkVA	RPF	VDIP _[3]	FDIP _[3]
1 - Pump Control Panel	Miscellaneous								1.7%	0.4%
	Permitted V-Dip: 20%	1	2	2	1	2	2	1		
	Permitted F-Dip: 10%									
	Nonlinear: No									
	1 - Pump Control Panel Loads Total		2	2	1	2	2	1		
	Project Total at 1 - Pump Control Panel		2	2		2	2	1		
2 - Lift Station Pump #1	Three Phase Motor								13.5%	4.5%
	Permitted V-Dip: 20%									
	Permitted F-Dip: 10%									
	Nonlinear: No	1	23.38	42.5	0.55	4.3	5.2	0.83		
	Starting Method: Across the line 100%									
	HP: 5									
	2 - Lift Station Pump #1 Loads Total		23.38	42.5	0.55	4.3	5.2	0.83		
	Project Total at 2 - Lift Station Pump #4		25.38	43.63		6.3	6.9	0.91		



GILLETTE GENERATORS

LIQUID COOLED LPG/NG ENGINE GENERATOR SET

Model	STANDBY 120°C RISE		
	HZ	LPG	N.G.
SP-620-60 HERTZ	60	60/62	58/60



All generator sets are USA prototype built and thoroughly tested. Production models are USA factory built and 100% load tested.



UL2200, UL1446, UL508, UL142, UL498



NFPA 110, 99, 70, 37

All generator sets meet NFPA-110 Level 1, when equipped with the necessary accessories and installed per NFPA standards.



NEC 700, 701, 702, 708



NEMA ICS10, MG1, ICS6, AB1



ANSI C62.41, 27, 59, 32, 480, 40Q, 81U, 360-05



ASCE 7-05 & 7-10

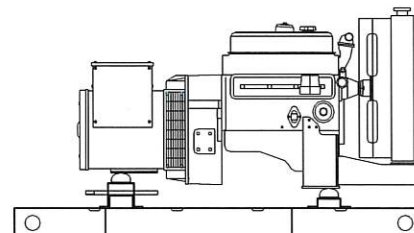
All generator sets meet 180 MPH rating.



EPA 40CFR Part 60, 1048, 1054, 1065, 1068

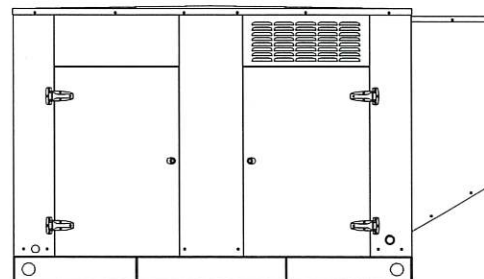
60 HZ MODEL

SP-620



“OPEN” GEN-SET

There is no enclosure, so gen-set must be placed within a weather protected area, un-inhabited by humans or animals, with proper ventilation. Silencer not supplied, as installation requirements are not known. However, this item is available as optional equipment.



“LEVEL 2” HOUSED GEN-SET

Full aluminum weather protection and superior sound attenuation for specific low noise applications. Critical grade muffler is standard.

GENERATOR RATINGS

GENERATOR RATINGS					LIQUID PROPANE GAS FUEL		NATURAL GAS FUEL	
GENERATOR MODEL	VOLTAGE		PH	HZ	120°C RISE STANDBY RATING		120°C RISE STANDBY RATING	
	L-N	L-L			KW/KVA	AMP	KW/KVA	AMP
SP-620-1-1	120	240	1	60	60/60	250	58/58	242
SP-620-3-2	120	208	3	60	62/77.5	215	60/75	208
SP-620-3-3	120	240	3	60	62/77.5	187	60/75	181
SP-620-3-4	277	480	3	60	62/77.5	93	60/75	90
SP-620-3-5	127	220	3	60	62/77.5	204	60/75	197
SP-620-3-16	346	600	3	60	62/77.5	74	60/75	72

RATINGS: All single phase gen-sets are dedicated 4 lead windings, rated at unity (1.0) power factor. All three phase gen-sets are 12 lead windings, rated at .8 power factor. 120°C “STANDBY RATINGS” are strictly for gen-sets that are used for back-up emergency power to a failed normal utility power source. This standby rating allows varying loads, with no overload capability, for the entire duration of utility power outage. All gen-set power ratings are based on temperature rise measured by resistance method as defined by MIL-STD 705C and IEEE STD 115, METHOD 6.4.4. All generators have class H (180°C) insulation system on both rotor and stator windings. All factory tests and KW/KVA charts shown above are based on 120°C (standby) R/R winding temperature, within a maximum 40°C ambient condition. Generators operated at standby power ratings must not exceed the temperature rise limitation for class H insulation system, as specified in NEMA MG1-22.40. Specifications & ratings are subject to change without prior notice.

Gillette Generators, Inc. • 2921 Thorne Dr. • Elkhart, IN • 46514 • Ph: 574-264-9639 • Fax: 574-262-1840 • Web: www.gillettegenerators.com • spc4-221014

APPLICATION AND ENGINEERING DATA FOR MODEL SP-620-60 HZ

GENERATOR SPECIFICATIONS

Manufacturer.....Stamford Electric Generators
Model & Type.....UCI224F-06, 4 Pole, 4 Lead, Single Phase
..... UCI224F-311, 4 Pole, 12 Lead re-connectable, Three Phase
..... UCI224F-17, 4 Pole, 6 Lead, 600V, Three Phase,
Exciter.....Brushless, shunt excited
Voltage Regulator.....Solid State, HZ/Volts
Voltage Regulation.....½%, No load to full load
Frequency.....Field convertible, 60 HZ to 50 HZ
Frequency Regulation.....½% (½ cycle, no load to full load)
Unbalanced Load Capability.....100% of standby amps
Total Stator and Load Insulation.....Class H, 180°C
Temperature Rise.....130°C R/R, standby rating @ 40°C amb.
1 Ø Motor Starting @ 30% Voltage Dip (240V).....168 kVA
3 Ø Motor Starting @ 30% Voltage Dip (208-240V).....190 kVA
3 Ø Motor Starting @ 30% Voltage Dip (480V).....260 kVA
3 Ø Motor Starting @ 30% Voltage Dip (600V).....290 kVA
Bearing.....1, Pre-lubed and sealed
Coupling.....Direct flexible disc
Total Harmonic Distortion.....Max 3½% (MIL-STD705B)
Telephone Interference Factor.....Max 50 (NEMA MG1-22)
Deviation Factor.....Max 5% (MIL-STD 405B)
Ltd. Warranty Period.....24 Months from date of start-up or
.....1000 hours use, first to occur.

GENERATOR FEATURES

- World Renown Stamford Electric Generator having UL-1446 certification.
- Full generator protection with **Deep Sea 7420** controller, having UL-508 certification.
- Automatic voltage regulator with over-excitation, under-frequency compensation, under-speed protection, and EMI filtering. Entire solid-state board is encapsulated for moisture protection.
- Generator power ratings are based on temperature rise, measured by resistance method, as defined in MIL-STD 705C and IEEE STD 115, Method 6.4.4.
- Power ratings will not exceed temperature rise limitation for class H insulation as per NEMA MG1-22.40.
- Insulation resistance to ground, exceeds 1.5 meg-ohm.
- Stator receives 2000 V. hi-potential test on main windings, and rotor windings receive a 1500 V. hi-potential test, as per MIL-STD 705B.
- Full amortisseur windings with UL-1446 certification.
- Complete engine-generator torsional acceptance, confirmed during initial prototype testing.
- Full load testing on all engine-generator sets, before shipping.
- Self ventilating and drip-proof & revolving field design

ENGINE SPECIFICATIONS AND APPLICATIONS DATA

ENGINE

Manufacturer.....Power Solutions, Inc (PSI)
Model and Type.....Ind. Power Train, 5.7L, 4 cycle
Aspiration.....Natural
Cylinder Arrangement.....8 Cylinders, V-8
Displacement Cu. In. (Liters).....350 (5.7)
Bore & Stroke In. (Cm.).....4 x 3.48 (10.2 x 8.84)
Compression Ratio.....9.1:1
Main Bearings & Style.....5M 400 Copper Lead
Cylinder Head.....Cast Iron
Pistons.....High, Silicon Aluminum
Crankshaft.....Nodular Iron
Exhaust Valve.....Forged Steel
Governor.....Electronic
Frequency Reg. (no load-full load).....Isochronous
Frequency Reg. (steady state).....± 1/4%
Air Cleaner.....Dry, Replaceable Cartridge
Engine Speed.....1800 rpm
Piston Speed, ft/min (m./min).....1044 (318)
Max Power, bhp (kwm) Standby /LPG.....108 (81)
Max Power, bhp (kwm) Standby/NG.....100 (75)
Ltd. Warranty Period.....12 Months or 2000 hrs., first to occur

FUEL SYSTEM

Type.....LPG or NAT. GAS, Vapor Withdrawal
Fuel Pressure (kpa), in. H₂O*.....(1.74-2.74), 7"-11"
Secondary Fuel Regulator.....NG or LPG Vapor System
Auto Fuel Lock-Off Solenoid.....Standard on all sets
Fuel Supply Inlet Line.....1" NPTF
* Measured at gen-set fuel inlet, downstream of any dry fuel accessories.

FUEL CONSUMPTION

LP GAS: FT ³ /HR (M ³ /HR)	STANDBY
100% LOAD	330 (9.3)
75% LOAD	240 (7.0)
50% LOAD	195 (5.5)
LPG = 2500 BTU X FT ³ /HR = Total BTU/HR LPG Conversion: 8.50 FT ³ = 1 LB. : 36.4 FT ³ = 1 GAL.	
NAT. GAS: FT ³ /HR (M ³ /HR)	STANDBY
100% LOAD	800 (22.6)
75% LOAD	695 (20.0)
50% LOAD	500 (14.2)
NG = 1000 BTU X FT ³ /HR = Total BTU/HR	

OIL SYSTEM

Type.....Full Pressure
Oil Pan Capacity qt. (L).....5.0 (4.7)
Oil Pan Cap. W/ filter qt. (L).....6.5 (6.2)
Oil Filter.....1, Replaceable Spin-On

ELECTRICAL SYSTEM

Ignition System.....Electronic
Eng. Alternator and Starter:

Ground.....Negative
Volts DC.....12
Max. Amp Output of Alternator.....70
Recommended Battery to -18°C (0°F):.. 12 VDC, Size BCI# 24F
Max Dimensions: ..10 3/4" lg X 6 3/4" wi X 9" hi, with standard round posts. Min. output at 600 CCA. Battery tray (max. dim. at 12"lg x 7"wi), hold down straps, battery cables, and battery charger, is furnished. Installation of (1) starting battery is required, with possible higher AMP/HR rating, as described above, if normal environment averages -13°F (-25°C) or cooler.

APPLICATION AND ENGINEERING DATA FOR MODEL SP-620-60 HZ

COOLING SYSTEM

Type of System	Pressurized, closed recovery
Coolant Pump	Pre-lubricated, self-sealing
Cooling Fan Type (no. of blades)	Pusher (10)
Fan Diameter inches (cm)	21" (533)
Ambient Capacity of Radiator °F (°C)	125 (51.6)
Engine Jacket Coolant Capacity Gal (L)	1.8 (6.8)
Radiator Coolant Capacity Gal. (L)	5.2 (19.7)
Maximum Restriction of Cooling Air Intake and discharge side of radiator in. H ₂ O (kpa)	.5 (.125)
Water Pump Capacity gpm (L/min)	27 (100)
Heat Reject Coolant: Btu/min (kw)	3200 (54.9)
Low Radiator Coolant Level Shutdown	Standard

Note: Coolant temp. shut-down switch setting at 212°F (100°C) with 50/50 (water/antifreeze) mix.

COOLING AIR REQUIREMENTS

Combustion Air, cfm (m ³ /min)	185 (5.2)
Radiator Air Flow cfm (m ³ /min)	6000 (170)
Heat Rejected to Ambient:	
Engine: kw (btu/min)	30.9 (1760)
Alternator: kw (btu/min)	7.5 (430)

EXHAUST SYSTEM

Exhaust Outlet Size	2.5"
Max. Back Pressure in. hg (KPA)	3.0 (10.2)
Exhaust Flow, at rated kw: cfm (m ³ /min)	580 (16.5)
Exhaust Temp., at rated kw: °F (°C)	1200 (649)

Engines are EPA certified for LPG and Natural Gas.

SOUND LEVELS MEASURED IN dB(A)

	Open Set	Level 2 Encl.
Level 2, Critical Silencer	74	67
Level 3, Hospital Silencer		62

Note: Open sets (no enclosure) have silencer system choices due to unknown job-site applications. Level 2 enclosure has installed critical silencer with upgrade to Level 3 hospital silencer. Sound tests are averaged from several test points and taken at 23 ft. (7 m) from source of noise at normal operation.

DERATE GENERATOR FOR ALTITUDE

3% per 1000 ft. (305m) above 3000 ft.(914m) from sea level

DERATE GENERATOR FOR TEMPERATURE

2% per 10°F (5.6°C) above 104°F (40°C)

DIMENSIONS AND WEIGHTS

	Open Set	Level 2 Enclosure
Length in (cm)	78 (199)	94 (238)
Width in (cm)	42 (107)	42 (107)
Height in (cm)	38 (97)	53 (134)
1 Ø Net Weight lbs (kg)	1931 (876)	2456 (1114)
1 Ø Ship Weight lbs (kg)	2031 (921)	2556 (1159)
3 Ø Net Weight lbs (kg)	1891 (858)	2416 (1096)
3 Ø Ship Weight lbs (kg)	1991 (903)	2516 (1141)

DEEP SEA 7420MKII DIGITAL MICROPROCESSOR CONTROLLER

Deep Sea 7420MKII



The "7420MKII" controller is an auto start mains (utility) failure module for single gen-set applications. This controller includes a backlit LCD display which continuously displays the status of the engine and generator at all times.

The "7420MKII" controller will also monitor speed, frequency, voltage, current, oil pressure, coolant temp., and fuel levels. These modules have been designed to display warning and shut down status. It also includes: (11) configurable inputs • (8) configurable outputs • voltage monitoring • mains (utility) failure detection • (250) event logs • configurable timers • automatic shutdown or warning during fault detection • remote start (on load) • engine preheat • advanced metering capability • hour meter • text LCD 132 x 64 pixel ratio display • protected solid state outputs • test buttons for: stop/reset • manual mode • auto mode • lamp test • start button • power monitoring (kWh, kVAr, kVAh, kVArh) • IP65 rating (with supplied gasket)

This controller includes expansion features including RS232, RS484 (using MODBUS-RTU/TCP), direct USB connection with PC, expansion optioned using DSENet for remote annunciation and remote relay interfacing for a distance of up to 3300FT. The controller software is freely downloadable from the internet and allows monitoring with direct USB cable, LAN, or by internet via the built in web interface.

Advanced Features:

PLC editor allow user configurable functions to meet specific application requirements • Data logging to assist with fault finding with 20 parameter data logging and recording on USB drives • Multiple date and time scheduler • Set maintenance periods can be configured to maintain optimum engine performance • Modules can be integrated into building management systems (BMS) using MODBUS • Configurable MODBUS pages with RTU & TCP support • Fully configurable via DSE Configuration Suite PC software • Remote SCADA monitoring via DSE Configuration Suite PC software • Engine exerciser • Automatic load transfer • Multiple configurations

STANDARD FEATURES FOR MODEL SP-620-60HZ

STANDARD FEATURES

CONTROL PANEL:

- Deep Sea 7420 digital microprocessor with logic allows programming in the field. Controller has:
- STOP-MANUAL-AUTO modes and automatic engine shutdowns, signaled by full text LCD indicators:
 - Low oil pressure
 - High engine temp
 - Low Radiator Level
 - Three auxiliary alarms
 - Battery fail alarm
 - Engine fail to start
 - Engine over speed
 - Engine under speed
 - Over & under voltage
- Also included is tamper-proof engine hour meter

ENGINE:

- Full flow oil filter • Air filter • Oil pump • Solenoid type starter motor • Hi-temp radiator • Jacket water pump
- Thermostat • Pusher fan and guard • Exhaust manifold
 - 12 VDC battery charging alternator • Flexible exhaust connector • "Isochronous" duty, electronic governor • Secondary dry fuel regulator • Dry fuel lock-off solenoid • Vibration isolators • Closed coolant recovery system with 50/50 water to anti-freeze mixture

AC GENERATOR SYSTEM:

- AC generator • Shunt excited • Brushless design • Circuit Breaker installed and wired to gen-set • Direct connection to engine with flex disc • Class H, 180°C insulation • Self ventilated • Drip proof construction • UL Certified

VOLTAGE REGULATOR:

- ½% Voltage regulation • EMI filter • Under-speed protection • Over-excitation protection • total encapsulation

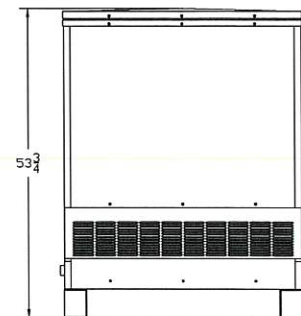
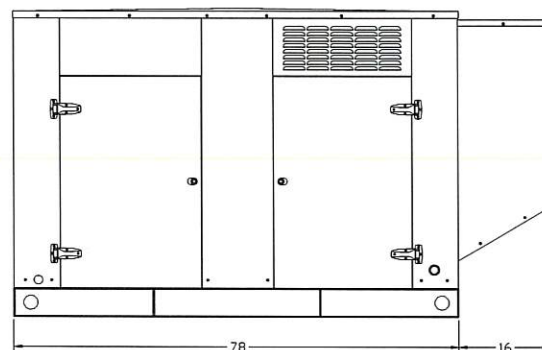
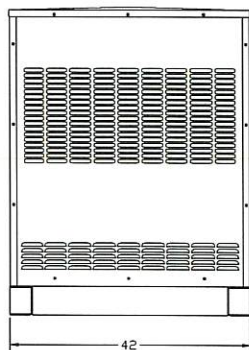
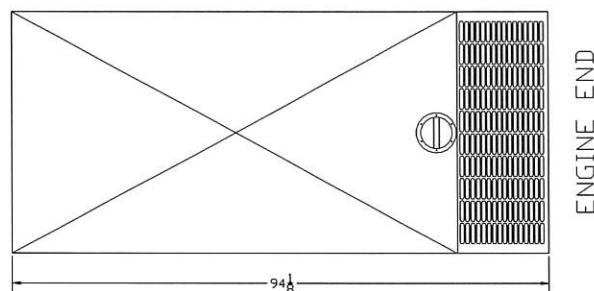
DC ELECTRICAL SYSTEM:

- Battery tray • Battery cables • Battery hold down straps
- 2-stage battery float charger with maintaining & recharging automatic charge stages

WEATHER/SOUND PROOF ALUMINUM HOUSING CORROSION RESISTANT PROTECTION CONSISTING OF:

- 9 Heated And Agitated Wash Stages
- Zinc Phosphate Etching-coating Stage
- Final Baked On Enamel Powder Coat
- 18/8 Stainless Steel Hardware

Design & specifications subject to change without prior notice. Dimensions shown are approximate. Contact Gillette for certified drawings.
DO NOT USE DIMENSIONS FOR INSTALLATION PURPOSES.





GILLETTE GENERATORS

WORLDWIDE Power

1/15/2024

Model: SP-620-3-3

Sizing: Meets requirements

Sizing Prepared By:

For:

United States of America

Project Overview

Voltage	120/240V	Fuel Type	Natural Gas
Frequency	60 Hz	Rating Type	Standby
Phase	Three Phase	Site Elevation	100 m (328 ft)
Product Type	Standard	Ambient Temperature^[8]	25°C (77°F)
		Permitted Back Pressure	50 mbar (20.1 in. H ₂ O)

Load Analysis Summary

Peak kVA	60.5	Running kVA	11.5	Load Factor %	17.3
Peak kW	31.8	Running kW^[6]	10.4	Regenerative kW^[9]	NA ^[4]
		Running PF	0.9		

Generator Set Details

Generator Set Model	SP-620-3-3	Nameplate kW Rating	60
Alternator Model	Stamford	Rated P.F.	0.8
Temperature Rise	130°C	Site kW Rating^[7]	60
Engine Model	PSI 5.7L NG		

Block Load Transient Response^[3]

Alternator Motor Starting^[2]

Load Change	FDip	VDip	Recovery Times	VDip	SkVA
0-25 %	2.9%	4.7%	0.5s	10%	72
0-50 %	5.7%	12.7%	0.9s	20%	144
0-75 %	8.2%	20.7%	1.1s	30%	216
0-100 %	10.2%	25.2%	1.3s	35%	252

Technical Data at 100% Nameplate Rated Load^[1]

Make	PSI	Governor	Electronic Isochronous (Bosch)
Model	SP-620-3-3	Cooling Pkg Ambient Rating	50°C (122°F)
Aspiration	Naturally Aspirated	Cooling Pkg Airflow	138 m ³ /min (4888 ft ³ /min)
Cylinder Configuration	8-V	Heat Rejection to Coolant	55 kW (3120 BTU/min)
Displacement	5.7 L (348 in ³)	Heat Rejection to CAC	NA ^[4]
Rated RPM	1,800	Heat Rejection to Fuel	NA ^[4]
Fuel Consumption	23.2 m ³ /hr (819.3 ft ³ /hr)	Heat Radiated to Ambient	18 kW (995 BTU/min)
Aspiration Airflow	5 m ³ /min (173 ft ³ /min)	Exhaust Stack Temperature	744°C (1372°F)
Emissions Rating	EPA	Exhaust Flow Rate	16 m ³ /min (559 ft ³ /min)

1. Based on standard conditions of 77 °F, 1000 ft. elevation, 0.5" H₂O intake restriction. Exhaust Flow Rate is evaluated using Stack Temperature. 2. Based on instantaneous voltage dip as defined per NEMA MG-1. 3. Recovery time is based on steady state recovery of voltage. Block load percentage is based on Nameplate kW rating. This information is based on average performance, and should not be considered a guarantee. Results may vary based on production tolerances and site conditions. Consult Gillette Generators, Inc. for further information regarding transients. 4. NA = Not Applicable 5. CF = Consult Factory 6. The average running load on diesel engines should not be less than 30% of rated power. 7. Site kW Rating is the maximum sustainable kW at the project site conditions. Note that the Starting kW can be higher. 8. Engine intake air temperature is based on ambient temperature. Additional installation preheat is not considered for calculated derate performance. 9. Maximum net regenerative power allowed is 10% of genset rating. Active running loads can offset regenerative load. It is the end user's responsibility to ensure the system does not exceed the regenerative capability of the genset.

Disclaimer/Explanation: All information provided in this program is provided for information purposes only and does not constitute a legal contract between Gillette Generators, Inc. and any person(s) or entity unless otherwise specified.



GILLETTE GENERATORS

WORLDWIDE Power

1/15/2024

Model: SP-620-3-3

Project Overview

Voltage	120/240V	Fuel Type	Natural Gas
Frequency	60 Hz	Rating Type	Standby
Phase	Three Phase	Site Elevation	100 m (328 ft)
Temperature Rise	120°C	Ambient Temperature	25°C (77°F)
External Static Pressure	N/A	Permitted Back Pressure	50 mbar (20.1 in. H ₂ O)

Step	Load Description	Qty	SkW	SkVA	SPF	RkW	RkVA	RPF	VDIP ^[3]	FDIP ^[3]
1 - Pump Control Panel									1.2%	0.4%
	Miscellaneous									
	Permitted V-Dip: 20%	1	2	2	1	2	2	1		
	Permitted F-Dip: 10%									
	Nonlinear: No									
	1 - Pump Control Panel Loads Total		2	2	1	2	2	1		
	Project Total at 1 - Pump Control Panel		2	2		2	2	1		
2 - Lift Station Pump #1									14%	5.7%
	Three Phase Motor									
	Permitted V-Dip: 20%									
	Permitted F-Dip: 10%									
	Nonlinear: No	1	29.75	59.5	0.5	8.4	9.7	0.86		
	Starting Method: Across the line 100%									
	HP: 10									
	2 - Lift Station Pump #14 Loads Total		29.75	59.5	0.5	8.4	9.7	0.86		
	Project Total at 2 - Lift Station Pump #1		31.75	60.52		10.4	11.5	0.9		



City Council Agenda Item #14.

Title: Consideration and possible action approving Resolution No. 2024-2845 authorizing application for Grant FY2025 Criminal Justice Grant # 5104301 Radio Interoperability Project.

Date: March 4, 2024

From: Jennifer Howell, Police Chief

Staff Recommendation: Staff recommends to approve resolution for grant application.

Item Summary: The police department has applied for a number of grants to obtain needed equipment and update/replace outdated equipment. This grant will assist the department in adding dispatch radio equipment for interoperability. Our current radio equipment has limited capabilities and no redundancy system in place in case of a system failure. It was discovered in recent incidents, which required interagency communication, that our system did not have all the needed equipment to allow this communication. Furthermore, if our primary radio system failed, there was no back up system in place to maintain radio communication for first responders. This grant will allow the department to perform these updates to our radio equipment, allowing for better communication.

Background Information: When dispatch console/radio system was set up over two years ago, only basic equipment was installed for Police, Fire and EMS.

Special Considerations: None.

Financial Impact: None.

Board or 3rd Party Recommendation: None.

Supporting Documentation:

1. Resolution Grant5104301 Radio Interoperability Project

RESOLUTION NO. 2024-2845

A RESOLUTION OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; MAKING FINDINGS OF FACT; AUTHORIZING THE CITY MANAGER TO APPLY TO THE OFFICE OF THE GOVERNOR, FOR THE GRANT FOR FY2025 CRIMINAL JUSTICE GRANT PROGRAM GRANT# 5104301 TITLED RADIO INTEROPERABILITY PROJECT, AND AGREEING TO CERTAIN CONDITIONS IN CONNECTION WITH SUCH GRANT; CONTAINING A SEVERANCE CLAUSE; PROVIDING THAT THIS RESOLUTION SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTION; AND PROVIDING THAT THE ORIGINAL OF THIS RESOLUTION SHALL BE MAINTAINED BY THE CITY SECRETARY IN THE PERMANENT RECORDS OF SAID CITY.

WHEREAS, the City of Freeport, Texas, hereinafter "the City," is a "Home Rule City" and a "Home Rule Municipality" lying and situated in Brazoria County, Texas, as described in and defined by Section 5, Article XI of the Constitution of Texas and Section 1.005 of the Local Government Code of Texas, respectively; and,

WHEREAS, the Local Government Code and the Home Rule Charter of the City authorize the City Council thereof to adopt the provisions of this Resolution; and,

WHEREAS, the City Council of the City of Freeport finds it in the best interest of and to benefit the health, safety, and welfare of the citizens of Freeport, that the city submit an application to the Office of the Governor of the State of Texas to receive a grant for the FY2025 Criminal Justice Grant Program Grant# 5104301 Titled Radio Interoperability Project be operated for the Fiscal Year 2024-2025 and comply with all the conditions contained therein.

WHEREAS, City of Freeport agrees that in the event of loss or misuse of the Office of the Governor Funds, City of Freeport assures that the funds will be returned to the Office of the Governor in full.

WHEREAS, City of Freeport designates City Manager Lance Petty as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS:

First, that the City Council of the City approves submission of an application to the Office of the Governor, for a Grant for the FY2025 Criminal Justice Grant Program Grant# 5104301 Titled Radio Interoperability Project.

Second, that the City Council of the City designates The Freeport City Manager as the grantee's authorized official.

Third, that the authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the City.

Fourth, the City agrees that in the event of loss or misuse of the Office of the Governor Funds, the City assures that the funds will be returned to the Office of the Governor in full.

Fifth, in the event any section or provision of this resolution is found to be unconstitutional, void or inoperative by the final judgment of a court of competent jurisdiction, such defective provision, if any, is hereby declared to be severable from the remaining sections and provisions of this resolution and such remaining sections and provisions shall remain in full force and effect.

Sixth, this resolution shall take effect and be in force from and after its passage and adoption.

Seventh, the original of this resolution, after execution and attestation, shall be maintained by the City Secretary in the permanent records of the City.

READ, PASSED AND ADOPTED this _____ day of _____, 2024.

Brooks Bass, Mayor
City of Freeport, Texas

ATTEST:

Clarisa Molina, City Secretary,
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

David Olson, City Attorney,
City of Freeport, Texas



City Council Agenda Item #15.

Title: Consideration and possible action approving Resolution No. 2024-2846 authorizing application for Grant FY2025 Criminal Justice Grant # 5107601 Vehicle Radio Equipment Project.

Date: March 4, 2024

From: Jennifer Howell, Police Chief

Staff Recommendation: Staff recommends to approve resolution for grant application.

Item Summary: The police department has applied for a number of grants to obtain needed equipment and update/replace outdated equipment. This grant will assist the department in updating vehicle radio equipment. Our current radio equipment has outdated software and is no longer being serviced by the manufacturer. In car radios are over 10 years old and parts are no longer made for the radios. In not maintaining and updating the equipment, radio communication between vehicles and dispatch becomes broken and distorted, creating officer safety issues and possible delays in response to calls for service in the community. This grant will allow the department to perform these updates to our radio equipment, allowing for better communication.

Background Information: None.

Special Considerations: None.

Financial Impact: None.

Board or 3rd Party Recommendation: None.

Supporting Documentation:

1. Resolution Grant5107601 Vehicle Radio

RESOLUTION NO. 2024-2846

A RESOLUTION OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; MAKING FINDINGS OF FACT; AUTHORIZING THE CITY MANAGER TO APPLY TO THE OFFICE OF THE GOVERNOR, FOR THE GRANT FOR FY2025 CRIMINAL JUSTICE GRANT PROGRAM GRANT# 5107601 TITLED VEHICLE RADIO EQUIPMENT REFRESH, AND AGREEING TO CERTAIN CONDITIONS IN CONNECTION WITH SUCH GRANT; CONTAINING A SEVERANCE CLAUSE; PROVIDING THAT THIS RESOLUTION SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTION; AND PROVIDING THAT THE ORIGINAL OF THIS RESOLUTION SHALL BE MAINTAINED BY THE CITY SECRETARY IN THE PERMANENT RECORDS OF SAID CITY.

WHEREAS, the City of Freeport, Texas, hereinafter "the City," is a "Home Rule City" and a "Home Rule Municipality" lying and situated in Brazoria County, Texas, as described in and defined by Section 5, Article XI of the Constitution of Texas and Section 1.005 of the Local Government Code of Texas, respectively; and,

WHEREAS, the Local Government Code and the Home Rule Charter of the City authorize the City Council thereof to adopt the provisions of this Resolution; and,

WHEREAS, the City Council of the City of Freeport finds it in the best interest of and to benefit the health, safety, and welfare of the citizens of Freeport, that the city submit an application to the Office of the Governor of the State of Texas to receive a grant for the FY2025 Criminal Justice Grant Program Grant# 5107601 Titled Vehicle Radio Equipment Refresh be operated for the Fiscal Year 2024-2025 and comply with all the conditions contained therein.

WHEREAS, City of Freeport agrees that in the event of loss or misuse of the Office of the Governor Funds, City of Freeport assures that the funds will be returned to the Office of the Governor in full.

WHEREAS, City of Freeport designates City Manager Lance Petty as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS:

First, that the City Council of the City approves submission of an application to the Office of the Governor, for a Grant for the FY2025 Criminal Justice Grant Program Grant# 5107601 Titled Vehicle Radio Equipment Refresh.

Second, that the City Council of the City designates The Freeport City Manager as the grantee's authorized official.

Third, that the authorized official is given the power to apply for, accept, reject, alter or terminate the grant

on behalf of the City.

Fourth, the City agrees that in the event of loss or misuse of the Office of the Governor Funds, the City assures that the funds will be returned to the Office of the Governor in full.

Fifth, in the event any section or provision of this resolution is found to be unconstitutional, void or inoperative by the final judgment of a court of competent jurisdiction, such defective provision, if any, is hereby declared to be severable from the remaining sections and provisions of this resolution and such remaining sections and provisions shall remain in full force and effect.

Sixth, this resolution shall take effect and be in force from and after its passage and adoption.

Seventh, the original of this resolution, after execution and attestation, shall be maintained by the City Secretary in the permanent records of the City.

READ, PASSED AND ADOPTED this _____ day of _____, 2024.

Brooks Bass, Mayor
City of Freeport, Texas

ATTEST:

Clarisa Molina, City Secretary,
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

David Olson, City Attorney,
City of Freeport, Texas



City Council Agenda Item #16.

Title: Consideration and possible action approving Resolution No. 2024-2847 authorizing application for Bullet-Resistant Shield Grant Program # 5075701.

Date: March 4, 2024

From: Jennifer Howell, Police Chief

Staff Recommendation: Staff recommends to approve resolution for grant application.

Item Summary: The police department has applied for a number of grants to obtain needed equipment and replace outdated equipment. This grant will cover the total cost to equip the department with bullet resistant shields. The state mandates active shooter training every two years in preparation of mass casualty incidents that may occur in their community. Providing officers with not only the training, but the equipment needed for such an incident is crucial in the preservation of life.

Background Information: State funds for these projects are authorized by an execution order proposed by the Legislative Budget Board and ratified by Governor Abbott pursuant to the Texas Government Code.

Special Considerations: None.

Financial Impact: None.

Board or 3rd Party Recommendation: None.

Supporting Documentation:

1. Resolution Grant5075701 Ballistic Shield Project

RESOLUTION NO. 2024-2847

A RESOLUTION OF THE CITY OF FREEPORT, TEXAS, CONTAINING A PREAMBLE; MAKING FINDINGS OF FACT; AUTHORIZING THE CITY MANAGER TO APPLY TO THE OFFICE OF THE GOVERNOR, FOR THE GRANT FOR BULLET-RESISTANT SHIELD GRANT PROGRAM GRANT# 5075701 TITLED BALLISTIC SHIELD PROJECT, AND AGREEING TO CERTAIN CONDITIONS IN CONNECTION WITH SUCH GRANT; CONTAINING A SEVERANCE CLAUSE; PROVIDING THAT THIS RESOLUTION SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND ADOPTION; AND PROVIDING THAT THE ORIGINAL OF THIS RESOLUTION SHALL BE MAINTAINED BY THE CITY SECRETARY IN THE PERMANENT RECORDS OF SAID CITY.

WHEREAS, the City of Freeport, Texas, hereinafter "the City," is a "Home Rule City" and a "Home Rule Municipality" lying and situated in Brazoria County, Texas, as described in and defined by Section 5, Article XI of the Constitution of Texas and Section 1.005 of the Local Government Code of Texas, respectively; and,

WHEREAS, the Local Government Code and the Home Rule Charter of the City authorize the City Council thereof to adopt the provisions of this Resolution; and,

WHEREAS, the City Council of the City of Freeport finds it in the best interest of and to benefit the health, safety, and welfare of the citizens of Freeport, that the city submit an application to the Office of the Governor of the State of Texas to receive a grant for the Bullet-Resistant Shield Grant Program Grant# 5075701 Titled Ballistic Shield Project be operated for the Fiscal Year 2024-2025 and comply with all the conditions contained therein.

WHEREAS, City of Freeport agrees that in the event of loss or misuse of the Office of the Governor Funds, City of Freeport assures that the funds will be returned to the Office of the Governor in full.

WHEREAS, City of Freeport designates City Manager Lance Petty as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS:

First, that the City Council of the City approves submission of an application to the Office of the Governor, for a Grant for the Bullet-Resistant Shield Grant Program Grant# 5075701 Titled Ballistic Shield Project.

Second, that the City Council of the City designates The Freeport City Manager as the grantee's authorized official.

Third, that the authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the City.

Fourth, the City agrees that in the event of loss or misuse of the Office of the Governor Funds, the City assures that the funds will be returned to the Office of the Governor in full.

Fifth, in the event any section or provision of this resolution is found to be unconstitutional, void or inoperative by the final judgment of a court of competent jurisdiction, such defective provision, if any, is hereby declared to be severable from the remaining sections and provisions of this resolution and such remaining sections and provisions shall remain in full force and effect.

Sixth, this resolution shall take effect and be in force from and after its passage and adoption.

Seventh, the original of this resolution, after execution and attestation, shall be maintained by the City Secretary in the permanent records of the City.

READ, PASSED AND ADOPTED this _____ day of _____, 2024.

Brooks Bass, Mayor
City of Freeport, Texas

ATTEST:

Clarisa Molina, City Secretary,
City of Freeport, Texas

APPROVED AS TO FORM ONLY:

David Olson, City Attorney,
City of Freeport, Texas



City Council Agenda Item #17.

Title: Consideration and possible action approving Freeport PD to sign a five (5) year contract with Axon Enterprise for in-car camera services.

Date: March 4, 2024

From: Jennifer Howell, Police Chief

Staff Recommendation: Staff recommends approving and authorizing Freeport PD and Chief Howell to sign a five (5) year contract with Axon Enterprise for in-car camera services.

Item Summary: The police department received several grants to update our camera system. The department explored a number of vendors to determine the best quality and cost efficiency product. We previously used a different vendor, however due to rising cost of equipment of that vendor, the changes in their system and the lack of compatibility with our district attorney's office, the police department selected Axon Enterprise for our body camera, in-car camera and interview room camera systems.

Background Information: The current system the police department is on allows for lower annual reoccurring cost of \$6500 per system, however the current vendor does not allow that option any further. Their new system will have an annual price increase of more than six times what we have paid over the last several years.

Special Considerations: None.

Financial Impact: Annual renewal fee of \$12,144.42. Total for all 3 systems is \$40,204.20 for the year 2025 and \$39,919.34 for the following 3 years.

Board or 3rd Party Recommendation: None.

Supporting Documentation:

1. Vehicle Cameras



Axon Enterprise, Inc.
17800 N 85th St.
Scottsdale, Arizona 85255
United States
VAT: 86-0741227
Domestic: (800) 978-2737
International: +1.800.978.2737

Q-421688-45321.850BJ

Issued: 01/30/2024

Quote Expiration: 10/31/2024

Estimated Contract Start Date: 12/01/2024

Account Number: 305667

Payment Terms: N30

Delivery Method:

SHIP TO	BILL TO
Freeport Police Dept. - TX 430 N Brazosport Blvd Freeport, TX 77541-3802 USA	Freeport Police Dept. - TX 430 N Brazosport Blvd Freeport TX 77541-3802 USA Email:

SALES REPRESENTATIVE	PRIMARY CONTACT
Adam Smith Phone: 602-751-1798 Email: asmith@axon.com Fax: (480) 463-2201	David Fernandez Phone: 979-871-0157 Email: dfernandez@freeport.tx.us Fax: (979) 239-3830

Quote Summary

Program Length	60 Months
TOTAL COST	\$161,925.60
ESTIMATED TOTAL W/ TAX	\$161,925.60

Discount Summary

Average Savings Per Year	\$6,632.52
TOTAL SAVINGS	\$33,162.60

Payment Summary

Date	Subtotal	Tax	Total
Mar 2024	\$101,851.20	\$0.00	\$101,851.20
Apr 2024	\$11,496.72	\$0.00	\$11,496.72
Apr 2025	\$12,144.42	\$0.00	\$12,144.42
Apr 2026	\$12,144.42	\$0.00	\$12,144.42
Apr 2027	\$12,144.42	\$0.00	\$12,144.42
Apr 2028	\$12,144.42	\$0.00	\$12,144.42
Total	\$161,925.60	\$0.00	\$161,925.60

Quote Unbundled Price:	\$195,088.20
Quote List Price:	\$184,007.40
Quote Subtotal:	\$161,925.60

Pricing

All deliverables are detailed in Delivery Schedules section lower in proposal

Item	Description	Qty	Term	Unbundled	List Price	Net Price	Subtotal	Tax	Total
Program									
Fleet3B	Fleet 3 Basic	19	60	\$171.13	\$161.41	\$142.04	\$161,925.60	\$0.00	\$161,925.60
Total							\$161,925.60	\$0.00	\$161,925.60

Delivery Schedule

Hardware

Bundle	Item	Description	QTY	Estimated Delivery Date
Fleet 3 Basic	11634	AXON FLEET - CRADLEPOINT IBR900-1200M-B-NPS+5YR NETCLOUD	19	12/01/2024
Fleet 3 Basic	70112	AXON SIGNAL - SIGNAL UNIT	19	12/01/2024
Fleet 3 Basic	71200	AXON FLEET - AIRGAIN ANT - 5-IN-1 2LTE 2WIFI 1GNSS BL	19	12/01/2024
Fleet 3 Basic	72034	AXON FLEET 3 - SIM INSERTION - VZW	19	12/01/2024
Fleet 3 Basic	72036	AXON FLEET 3 - STANDARD 2 CAMERA KIT	19	12/01/2024

Software

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
Fleet 3 Basic	80400	AXON EVIDENCE - FLEET VEHICLE LICENSE	19	12/01/2024	11/30/2029
Fleet 3 Basic	80410	AXON EVIDENCE - STORAGE - FLEET 1 CAMERA UNLIMITED	38	12/01/2024	11/30/2029

Services

Bundle	Item	Description	QTY
Fleet 3 Basic	73391	AXON FLEET 3 - DEPLOYMENT (PER VEHICLE)	19

Warranties

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
Fleet 3 Basic	80379	AXON SIGNAL - EXT WARRANTY - SIGNAL UNIT	19	12/01/2025	11/30/2029
Fleet 3 Basic	80495	AXON FLEET 3 - EXT WARRANTY - 2 CAMERA KIT	19	12/01/2025	11/30/2029

Payment Details

Mar 2024

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 1 Grant	Fleet3B	Fleet 3 Basic	19	\$101,851.20	\$0.00	\$101,851.20
Total				\$101,851.20	\$0.00	\$101,851.20

Apr 2024

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 1	Fleet3B	Fleet 3 Basic	19	\$11,496.72	\$0.00	\$11,496.72
Total				\$11,496.72	\$0.00	\$11,496.72

Apr 2025

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 2	Fleet3B	Fleet 3 Basic	19	\$12,144.42	\$0.00	\$12,144.42
Total				\$12,144.42	\$0.00	\$12,144.42

Apr 2026

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 3	Fleet3B	Fleet 3 Basic	19	\$12,144.42	\$0.00	\$12,144.42
Total				\$12,144.42	\$0.00	\$12,144.42

Apr 2027

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 4	Fleet3B	Fleet 3 Basic	19	\$12,144.42	\$0.00	\$12,144.42
Total				\$12,144.42	\$0.00	\$12,144.42

Apr 2028

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 5	Fleet3B	Fleet 3 Basic	19	\$12,144.42	\$0.00	\$12,144.42
Total				\$12,144.42	\$0.00	\$12,144.42

Tax is estimated based on rates applicable at date of quote and subject to change at time of invoicing. If a tax exemption certificate should be applied, please submit prior to invoicing.

Standard Terms and Conditions

Axon Enterprise Inc. Sales Terms and Conditions

Axon Master Services and Purchasing Agreement:

This Quote is limited to and conditional upon your acceptance of the provisions set forth herein and Axon's Master Services and Purchasing Agreement (posted at www.axon.com/legal/sales-terms-and-conditions), as well as the attached Statement of Work (SOW) for Axon Fleet and/or Axon Interview Room purchase, if applicable. In the event you and Axon have entered into a prior agreement to govern all future purchases, that agreement shall govern to the extent it includes the products and services being purchased and does not conflict with the Axon Customer Experience Improvement Program Appendix as described below.

ACEIP:

The Axon Customer Experience Improvement Program Appendix, which includes the sharing of de-identified segments of Agency Content with Axon to develop new products and improve your product experience (posted at www.axon.com/legal/sales-terms-and-conditions), is incorporated herein by reference. By signing below, you agree to the terms of the Axon Customer Experience Improvement Program.

Acceptance of Terms:

Any purchase order issued in response to this Quote is subject solely to the above referenced terms and conditions. By signing below, you represent that you are lawfully able to enter into contracts. If you are signing on behalf of an entity (including but not limited to the company, municipality, or government agency for whom you work), you represent to Axon that you have legal authority to bind that entity. If you do not have this authority, please do not sign this Quote.

Signature

Date Signed

1/30/2024





City Council Agenda Item #18.

Title: Consideration and possible action approving Freeport PD to sign a five (5) year contract with Axon Enterprise for body camera services.

Date: March 4, 2024

From: Jennifer Howell, Police Chief

Staff Recommendation: Staff recommends approving and authorizing Freeport PD and Chief Howell to sign a five (5) year contract with Axon Enterprise for body camera services.

Item Summary: The police department received several grants to update our camera system. The department explored a number of vendors to determine the best quality and cost efficiency product. We previously used a different vendor, however due to rising cost of equipment of that vendor, the changes in their system and the lack of compatibility with our district attorney's office, the police department selected Axon Enterprise for our body camera, in-car camera and interview room camera systems.

Background Information: The current system the police department is on allows for lower annual reoccurring cost of \$6500 per system, however the current vendor does not allow that option any further. Their new system will have an annual price increase of more than six times what we have paid over the last several years.

Special Considerations: None.

Financial Impact: Annual renewal fee of \$19,115.94 for the year 2025, then decrease to \$18,831.68 for following 3 years (a \$284.26 decrease). Total for all 3 systems is \$40,204.20 for the year 2025 and \$39,919.34 for the following 3 years.

Board or 3rd Party Recommendation: None.

Supporting Documentation:

1. Body Cameras



Axon Enterprise, Inc.
17800 N 85th St.
Scottsdale, Arizona 85255
United States
VAT: 86-0741227
Domestic: (800) 978-2737
International: +1.800.978.2737

Q-421223-45329.060BJ

Issued: 02/06/2024

Quote Expiration: 11/01/2024

Estimated Contract Start Date: 12/01/2024

Account Number: 305667

Payment Terms: N30

Delivery Method:

SHIP TO	BILL TO
Freeport Police Dept. - TX 430 N Brazosport Blvd Freeport, TX 77541-3802 USA	Freeport Police Dept. - TX 430 N Brazosport Blvd Freeport TX 77541-3802 USA Email:

SALES REPRESENTATIVE	PRIMARY CONTACT
Adam Smith Phone: 602-751-1798 Email: asmith@axon.com Fax: (480) 463-2201	David Fernandez Phone: 979-871-0157 Email: dfernandez@freeport.tx.us Fax: (979) 239-3830

Quote Summary

Program Length	60 Months
TOTAL COST	\$142,125.85
ESTIMATED TOTAL W/ TAX	\$142,125.85

Discount Summary

Average Savings Per Year	\$1,113.33
TOTAL SAVINGS	\$5,566.65

Payment Summary

Date	Subtotal	Tax	Total
Mar 2024	\$47,256.82	\$0.00	\$47,256.82
Apr 2024	\$19,258.05	\$0.00	\$19,258.05
Apr 2025	\$19,115.94	\$0.00	\$19,115.94
Apr 2026	\$18,831.68	\$0.00	\$18,831.68
Apr 2027	\$18,831.68	\$0.00	\$18,831.68
Apr 2028	\$18,831.68	\$0.00	\$18,831.68
Total	\$142,125.85	\$0.00	\$142,125.85

Quote Unbundled Price:	\$147,692.50
Quote List Price:	\$147,692.50
Quote Subtotal:	\$142,125.85

Pricing

All deliverables are detailed in Delivery Schedules section lower in proposal

Item	Description	Qty	Term	Unbundled	List Price	Net Price	Subtotal	Tax	Total
A la Carte Hardware									
H00001	AB4 Camera Bundle	35			\$862.80	\$1,263.00	\$44,205.00	\$0.00	\$44,205.00
H00002	AB4 Multi Bay Dock Bundle	5			\$1,638.90	\$819.45	\$4,097.25	\$0.00	\$4,097.25
A la Carte Software									
73686	AXON EVIDENCE - STORAGE - UNLIMITED (AXON DEVICE)	35	60		\$25.00	\$21.00	\$44,100.00	\$0.00	\$44,100.00
BasicLicense	Basic License Bundle	30	60		\$15.00	\$11.38	\$20,475.00	\$0.00	\$20,475.00
ProLicense	Pro License Bundle	7	60		\$40.00	\$43.33	\$18,198.60	\$0.00	\$18,198.60
A la Carte Services									
85144	AXON BODY - PSO - STARTER	1			\$13,000.00	\$11,050.00	\$11,050.00	\$0.00	\$11,050.00
Total							\$142,125.85	\$0.00	\$142,125.85

Delivery Schedule

Hardware

Bundle	Item	Description	QTY	Estimated Delivery Date
AB4 Camera Bundle	100147	AXON BODY 4 - CAMERA - NA US FIRST RESPONDER BLK RAPIDLOCK	35	12/01/2024
AB4 Camera Bundle	100147	AXON BODY 4 - CAMERA - NA US FIRST RESPONDER BLK RAPIDLOCK	1	12/01/2024
AB4 Camera Bundle	100466	AXON BODY 4 - CABLE - USB-C TO USB-C	39	12/01/2024
AB4 Camera Bundle	74020	AXON BODY - MOUNT - MAGNET FLEXIBLE RAPIDLOCK	39	12/01/2024
AB4 Multi Bay Dock Bundle	100206	AXON BODY 4 - DOCK - EIGHT BAY	5	12/01/2024
AB4 Multi Bay Dock Bundle	70033	AXON - DOCK WALL MOUNT - BRACKET ASSY	5	12/01/2024
AB4 Multi Bay Dock Bundle	71019	AXON BODY - DOCK POWERCORD - NORTH AMERICA	5	12/01/2024

Software

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
Basic License Bundle	73683	AXON EVIDENCE - STORAGE - 10GB A LA CARTE	30	12/01/2024	11/30/2029
Basic License Bundle	73840	AXON EVIDENCE - ECOM LICENSE - BASIC	30	12/01/2024	11/30/2029
Pro License Bundle	73683	AXON EVIDENCE - STORAGE - 10GB A LA CARTE	21	12/01/2024	11/30/2029
Pro License Bundle	73746	AXON EVIDENCE - ECOM LICENSE - PRO	7	12/01/2024	11/30/2029
A la Carte	73686	AXON EVIDENCE - STORAGE - UNLIMITED (AXON DEVICE)	35	12/01/2024	11/30/2029

Services

Bundle	Item	Description	QTY
A la Carte	85144	AXON BODY - PSO - STARTER	1

Warranties

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
AB4 Camera Bundle	100942	AXON BODY 4 - EXT WARRANTY - CAMERA	35	12/01/2025	05/31/2028

Payment Details

Mar 2024

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Grant	73686	AXON EVIDENCE - STORAGE - UNLIMITED (AXON DEVICE)	35	\$14,663.25	\$0.00	\$14,663.25
Grant	85144	AXON BODY - PSO - STARTER	1	\$3,674.12	\$0.00	\$3,674.12
Grant	BasicLicense	Basic License Bundle	30	\$6,807.94	\$0.00	\$6,807.94
Grant	H00001	AB4 Camera Bundle	35	\$14,698.15	\$0.00	\$14,698.15
Grant	H00002	AB4 Multi Bay Dock Bundle	5	\$1,362.33	\$0.00	\$1,362.33
Grant	ProLicense	Pro License Bundle	7	\$6,051.03	\$0.00	\$6,051.03
Total				\$47,256.82	\$0.00	\$47,256.82

Apr 2024

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 1 Agency	73686	AXON EVIDENCE - STORAGE - UNLIMITED (AXON DEVICE)	35	\$5,975.54	\$0.00	\$5,975.54
Year 1 Agency	85144	AXON BODY - PSO - STARTER	1	\$1,497.28	\$0.00	\$1,497.28
Year 1 Agency	BasicLicense	Basic License Bundle	30	\$2,774.36	\$0.00	\$2,774.36
Year 1 Agency	H00001	AB4 Camera Bundle	35	\$5,989.78	\$0.00	\$5,989.78
Year 1 Agency	H00002	AB4 Multi Bay Dock Bundle	5	\$555.18	\$0.00	\$555.18
Year 1 Agency	ProLicense	Pro License Bundle	7	\$2,465.91	\$0.00	\$2,465.91
Total				\$19,258.05	\$0.00	\$19,258.05

Apr 2025

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 2 Agency	73686	AXON EVIDENCE - STORAGE - UNLIMITED (AXON DEVICE)	35	\$5,931.45	\$0.00	\$5,931.45
Year 2 Agency	85144	AXON BODY - PSO - STARTER	1	\$1,486.23	\$0.00	\$1,486.23
Year 2 Agency	BasicLicense	Basic License Bundle	30	\$2,753.89	\$0.00	\$2,753.89
Year 2 Agency	H00001	AB4 Camera Bundle	35	\$5,945.58	\$0.00	\$5,945.58
Year 2 Agency	H00002	AB4 Multi Bay Dock Bundle	5	\$551.08	\$0.00	\$551.08
Year 2 Agency	ProLicense	Pro License Bundle	7	\$2,447.71	\$0.00	\$2,447.71
Total				\$19,115.94	\$0.00	\$19,115.94

Apr 2026

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 3 Agency	73686	AXON EVIDENCE - STORAGE - UNLIMITED (AXON DEVICE)	35	\$5,843.27	\$0.00	\$5,843.27
Year 3 Agency	85144	AXON BODY - PSO - STARTER	1	\$1,464.12	\$0.00	\$1,464.12
Year 3 Agency	BasicLicense	Basic License Bundle	30	\$2,712.94	\$0.00	\$2,712.94
Year 3 Agency	H00001	AB4 Camera Bundle	35	\$5,857.16	\$0.00	\$5,857.16
Year 3 Agency	H00002	AB4 Multi Bay Dock Bundle	5	\$542.88	\$0.00	\$542.88
Year 3 Agency	ProLicense	Pro License Bundle	7	\$2,411.31	\$0.00	\$2,411.31
Total				\$18,831.68	\$0.00	\$18,831.68

Apr 2027

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 4 Agency	73686	AXON EVIDENCE - STORAGE - UNLIMITED (AXON DEVICE)	35	\$5,843.27	\$0.00	\$5,843.27

Apr 2027

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 4 Agency	85144	AXON BODY - PSO - STARTER	1	\$1,464.12	\$0.00	\$1,464.12
Year 4 Agency	BasicLicense	Basic License Bundle	30	\$2,712.94	\$0.00	\$2,712.94
Year 4 Agency	H00001	AB4 Camera Bundle	35	\$5,857.16	\$0.00	\$5,857.16
Year 4 Agency	H00002	AB4 Multi Bay Dock Bundle	5	\$542.88	\$0.00	\$542.88
Year 4 Agency	ProLicense	Pro License Bundle	7	\$2,411.31	\$0.00	\$2,411.31
Total				\$18,831.68	\$0.00	\$18,831.68

Apr 2028

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 5 Agency	73686	AXON EVIDENCE - STORAGE - UNLIMITED (AXON DEVICE)	35	\$5,843.27	\$0.00	\$5,843.27
Year 5 Agency	85144	AXON BODY - PSO - STARTER	1	\$1,464.12	\$0.00	\$1,464.12
Year 5 Agency	BasicLicense	Basic License Bundle	30	\$2,712.94	\$0.00	\$2,712.94
Year 5 Agency	H00001	AB4 Camera Bundle	35	\$5,857.16	\$0.00	\$5,857.16
Year 5 Agency	H00002	AB4 Multi Bay Dock Bundle	5	\$542.88	\$0.00	\$542.88
Year 5 Agency	ProLicense	Pro License Bundle	7	\$2,411.31	\$0.00	\$2,411.31
Total				\$18,831.68	\$0.00	\$18,831.68

Tax is estimated based on rates applicable at date of quote and subject to change at time of invoicing. If a tax exemption certificate should be applied, please submit prior to invoicing.

Standard Terms and Conditions

Axon Enterprise Inc. Sales Terms and Conditions

Axon Master Services and Purchasing Agreement:

This Quote is limited to and conditional upon your acceptance of the provisions set forth herein and Axon's Master Services and Purchasing Agreement (posted at www.axon.com/legal/sales-terms-and-conditions), as well as the attached Statement of Work (SOW) for Axon Fleet and/or Axon Interview Room purchase, if applicable. In the event you and Axon have entered into a prior agreement to govern all future purchases, that agreement shall govern to the extent it includes the products and services being purchased and does not conflict with the Axon Customer Experience Improvement Program Appendix as described below.

ACEIP:

The Axon Customer Experience Improvement Program Appendix, which includes the sharing of de-identified segments of Agency Content with Axon to develop new products and improve your product experience (posted at www.axon.com/legal/sales-terms-and-conditions), is incorporated herein by reference. By signing below, you agree to the terms of the Axon Customer Experience Improvement Program.

Acceptance of Terms:

Any purchase order issued in response to this Quote is subject solely to the above referenced terms and conditions. By signing below, you represent that you are lawfully able to enter into contracts. If you are signing on behalf of an entity (including but not limited to the company, municipality, or government agency for whom you work), you represent to Axon that you have legal authority to bind that entity. If you do not have this authority, please do not sign this Quote.

Signature

Date Signed

2/6/2024





City Council Agenda Item #19.

Title: Consideration and possible action approving Freeport PD to sign a five (5) year contract with Axon Enterprise for interview room camera services.

Date: March 4, 2024

From: Jennifer Howell, Police Chief

Staff Recommendation: Staff recommends approving and authorizing Freeport PD and Chief Howell to sign a five (5) year contract with Axon Enterprise for body camera services.

Item Summary: The police department received several grants to update our camera system. The department explored a number of vendors to determine the best quality and cost efficiency product. We previously used a different vendor, however due to rising cost of equipment of that vendor, the changes in their system and the lack of compatibility with our district attorney's office, the police department selected Axon Enterprise for our body camera, in-car camera and interview room camera systems.

Background Information: The current system the police department is on allows for lower annual reoccurring cost of \$6500 per system, however the current vendor does not allow that option any further. Their new system will have an annual price increase of more than six times what we have paid over the last several years.

Special Considerations: None.

Financial Impact: Annual renewal fee of \$8,943.84. Total for all 3 systems is \$40,204.20 for the year 2025 and \$39,919.34 for the following 3 years.

Board or 3rd Party Recommendation: None.

Supporting Documentation:

1. Interview Rooms



Axon Enterprise, Inc.
17800 N 85th St.
Scottsdale, Arizona 85255
United States
VAT: 86-0741227
Domestic: (800) 978-2737
International: +1.800.978.2737

Q-421700-45338.939BJ

Issued: 02/16/2024

Quote Expiration: 03/15/2024

Estimated Contract Start Date: 04/01/2024

Account Number: 305667

Payment Terms: N30

Delivery Method:

SHIP TO	BILL TO
Freeport Police Dept. - TX 430 N Brazosport Blvd Freeport, TX 77541-3802 USA	Freeport Police Dept. - TX 430 N Brazosport Blvd Freeport TX 77541-3802 USA Email:

SALES REPRESENTATIVE	PRIMARY CONTACT
Adam Smith Phone: 602-751-1798 Email: asmith@axon.com Fax: (480) 463-2201	David Fernandez Phone: 979-871-0157 Email: dfernandez@freeport.tx.us Fax: (979) 239-3830

Quote Summary

Program Length	60 Months
TOTAL COST	\$44,719.20
ESTIMATED TOTAL W/ TAX	\$44,719.20

Discount Summary

Average Savings Per Year	\$1,896.24
TOTAL SAVINGS	\$9,481.20

Payment Summary

Date	Subtotal	Tax	Total
Mar 2024	\$8,943.84	\$0.00	\$8,943.84
Mar 2025	\$8,943.84	\$0.00	\$8,943.84
Mar 2026	\$8,943.84	\$0.00	\$8,943.84
Mar 2027	\$8,943.84	\$0.00	\$8,943.84
Mar 2028	\$8,943.84	\$0.00	\$8,943.84
Total	\$44,719.20	\$0.00	\$44,719.20

Quote Unbundled Price:	\$54,200.40
Quote List Price:	\$46,276.80
Quote Subtotal:	\$44,719.20

Pricing

All deliverables are detailed in Delivery Schedules section lower in proposal

Item	Description	Qty	Term	Unbundled	List Price	Net Price	Subtotal	Tax	Total
Program									
IR1CB	Interview Room 1 Camera Essential	2	60	\$451.67	\$385.64	\$372.66	\$44,719.20	\$0.00	\$44,719.20
Total							\$44,719.20	\$0.00	\$44,719.20

Delivery Schedule

Hardware

Bundle	Item	Description	QTY	Estimated Delivery Date
Interview Room 1 Camera Essential	50118	AXON INTERVIEW - MIC - WIRED (STANDARD MIC)	2	03/01/2024
Interview Room 1 Camera Essential	50298	AXON INTERVIEW - CAMERA - OVERT DOME	2	03/01/2024
Interview Room 1 Camera Essential	50322	AXON INTERVIEW - TOUCH PANEL PRO	2	03/01/2024
Interview Room 1 Camera Essential	74056	AXON INTERVIEW - TOUCH PANEL WALL MOUNT	2	03/01/2024

Software

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
Interview Room 1 Camera Essential	50037	AXON INTERVIEW - CLIENT SOFTWARE - PER TOUCH PANEL-PC	2	04/01/2024	03/31/2029
Interview Room 1 Camera Essential	50039	AXON INTERVIEW - CLIENT SOFTWARE - MAINT. PER TOUCH PANEL	2	04/01/2024	03/31/2029
Interview Room 1 Camera Essential	50041	AXON INTERVIEW - STREAMING SERVER LICENSE - PER SERVER	2	04/01/2024	03/31/2029
Interview Room 1 Camera Essential	50043	AXON INTERVIEW - STREAMING SERVER MAINTENANCE - PER SERVER	2	04/01/2024	03/31/2029
Interview Room 1 Camera Essential	50045	AXON EVIDENCE - STORAGE - INTERVIEW ROOM UNLIMITED	2	04/01/2024	03/31/2029
Interview Room 1 Camera Essential	73840	AXON EVIDENCE - ECOM LICENSE - BASIC	1	04/01/2024	03/31/2029

Services

Bundle	Item	Description	QTY
Interview Room 1 Camera Essential	85170	AXON INTERVIEW - INSTALLATION - STANDARD (PER ROOM)	2

Warranties

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
Interview Room 1 Camera Essential	50448	AXON INTERVIEW - EXT WARRANTY	2	04/01/2024	03/31/2029

Payment Details

Mar 2024						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 1	IR1CB	Interview Room 1 Camera Essential	2	\$8,943.84	\$0.00	\$8,943.84
Total				\$8,943.84	\$0.00	\$8,943.84

Mar 2025						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 2	IR1CB	Interview Room 1 Camera Essential	2	\$8,943.84	\$0.00	\$8,943.84
Total				\$8,943.84	\$0.00	\$8,943.84

Mar 2026						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 3	IR1CB	Interview Room 1 Camera Essential	2	\$8,943.84	\$0.00	\$8,943.84
Total				\$8,943.84	\$0.00	\$8,943.84

Mar 2027						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 4	IR1CB	Interview Room 1 Camera Essential	2	\$8,943.84	\$0.00	\$8,943.84
Total				\$8,943.84	\$0.00	\$8,943.84

Mar 2028						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 5	IR1CB	Interview Room 1 Camera Essential	2	\$8,943.84	\$0.00	\$8,943.84
Total				\$8,943.84	\$0.00	\$8,943.84

Tax is estimated based on rates applicable at date of quote and subject to change at time of invoicing. If a tax exemption certificate should be applied, please submit prior to invoicing.

Standard Terms and Conditions

Axon Enterprise Inc. Sales Terms and Conditions

Axon Master Services and Purchasing Agreement:

This Quote is limited to and conditional upon your acceptance of the provisions set forth herein and Axon's Master Services and Purchasing Agreement (posted at www.axon.com/legal/sales-terms-and-conditions), as well as the attached Statement of Work (SOW) for Axon Fleet and/or Axon Interview Room purchase, if applicable. In the event you and Axon have entered into a prior agreement to govern all future purchases, that agreement shall govern to the extent it includes the products and services being purchased and does not conflict with the Axon Customer Experience Improvement Program Appendix as described below.

ACEIP:

The Axon Customer Experience Improvement Program Appendix, which includes the sharing of de-identified segments of Agency Content with Axon to develop new products and improve your product experience (posted at www.axon.com/legal/sales-terms-and-conditions), is incorporated herein by reference. By signing below, you agree to the terms of the Axon Customer Experience Improvement Program.

Acceptance of Terms:

Any purchase order issued in response to this Quote is subject solely to the above referenced terms and conditions. By signing below, you represent that you are lawfully able to enter into contracts. If you are signing on behalf of an entity (including but not limited to the company, municipality, or government agency for whom you work), you represent to Axon that you have legal authority to bind that entity. If you do not have this authority, please do not sign this Quote.

Signature

Date Signed

2/16/2024





City Council Agenda Item #20.

Title: Consideration and possible action approving Resolution No. 2024-2848 deeming items surplus and donating to local agency.

Date: March 4, 2024

From: Jennifer Howell, Police Chief

Staff Recommendation: Staff recommends deeming radios and chargers as surplus items and approving the items as a donation to Oyster Creek PD as a part of our continued partnership.

Item Summary: Motorola hand held radios APX600 model H98UCF9PW6AN with chargers model NNTN7079A.

Serial Numbers: 481CQB0163, 481CQB0154, 481CQB0153, 481CQB0160, 481CQB0158, 481CQX7616, 481CQB0165, 481CPX3300, 481CQX7617, 481CQX7613.

Background Information: The 10 listed hand held radios with chargers were previously purchased through Grant # 2656501 FY2013. The radios were end of life and were no longer serviced by the manufacturer. A new grant was obtained to purchase the police department updated radios. Since the previous radios purchased in 2013 were no longer in use by our police department, Oyster Creek PD has requested 10 of these radios with chargers to be donated to their agency.

Special Considerations: Law enforcement agencies in Brazoria County make an extra effort to assist our neighboring agencies. These additional radios for Oyster Creek PD would allow for continued communication to better protect their community, and our community in mutual aid incidents.

Financial Impact: None.

Board or 3rd Party Recommendation: None.

Supporting Documentation:

1. Resolution Declaring Certain Personal Property Surplus

RESOLUTION NO. 2024 -2848

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREEPORT, TEXAS, DECLARING CERTAIN PERSONAL PROPERTY AS OBSOLETE, VALUELESS AND SURPLUS; PROVIDING FOR DISPOSAL OF THE SAME BY THE CITY MANAGER OR HIS DESIGNEE; AUTHORIZING THE MAYOR TO EXECUTE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has certain personal property to wit attached as Exhibit “A”; and,

WHEREAS, said personal property due to its age and use is obsolete, valueless and surplus and has no effective value for the City to otherwise dispose of or trade in such personal property; and

WHEREAS, the City no longer has any foreseeable use for such property which has no useful purpose and the same should be deemed to be surplus; and,

WHEREAS, the City needs to dispose of such personal property; and,

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

SECTION 1. the personal property owned by the City identified by Exhibit “A”, attached, are hereby declared to be obsolete, valueless and surplus, and that the City Manager is authorized to dispose of such personal property for its salvage value or donate it to any other nonprofit entity, by appropriate means.

SECTION 2. That should any word, phrase, paragraph, or section of this Resolution be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Resolution as a whole, or any part or provision thereof other than the part so decided to be unconstitutional, illegal or invalid, and shall not affect the validity of the Resolution as a whole.

SECTION 3. That all provisions of the resolutions of the City of Freeport, Texas, in conflict with the provisions of this Resolution be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this Resolution shall remain in full force and effect.

SECTION 4. That this Resolution shall take effect immediately from and after its passage as the law provides.

PASSED and APPROVED by the City Council of the City of Freeport, Texas, on the 4th day of March, 2024.

APPROVED:

Brooks Bass, Mayor

ATTEST:

Clarisa Molina, City Secretary

APPROVED:

City Attorney

EXHIBIT A
RESOLUTION 2024 - _____

Motorola hand held radios APX600 model H98UCF9PW6AN with chargers model NNTN7079A.

Serial Numbers:

481CQB0163
481CQB0154
481CQB0153
481CQB0160
481CQB0158
481CQX7616
481CQB0165
481CPX3300
481CQX7617
481CQX7613