



**NOTICE OF THE REGULARLY CALLED MEETING OF THE  
CITY COUNCIL  
OF THE VILLAGE OF VOLENTE, TEXAS  
TUESDAY, JULY 19, 2016 at 6:30 P.M.  
16100 Wharf Cove, Volente, Texas 78641**

Notice is hereby given that the City Council of the Village of Volente will hold their regularly called meeting at 6:30 p.m., Tuesday, the 19<sup>th</sup> day of July, 2016 in Council Chambers at 16100 Wharf Cove, Volente, Texas to consider and act upon any lawful subject which may come before it, including the following:

**A. ITEMS OPENING THE MEETING**

1. Call to Order.
2. Call Roll and Establish Quorum.
3. Pledge of Allegiance.
4. Approval of the minutes from June 30<sup>th</sup> and July 7<sup>th</sup>, 2016.
5. Village Reports.
  - a. Financial Reports
  - b. Construction Update
  - c. Crime & Complaints Report
  - d. City Secretary's Report
  - e. Committee Reports

**B. CITIZEN COMMUNICATIONS.** *At this time, any person with business before the Council NOT scheduled on the agenda may speak to the Council. In accordance with the Open Meetings Act, Council is prohibited from acting on or discussing (other than factual responses to specific questions) any items brought before them that are not on the agenda. There is a four (4) minute time limit on any communication and time cannot be yielded to other parties.*

**C. GENERAL BUSINESS AND ACTION ITEMS**

1. Presentation of the draft Street Evaluation and Maintenance Playbook by HVJ & Associates.
2. Presentation, discussion, and possible action on requested expenditures from the Public Works Committee for the remainder of Fiscal Year 2015-16. (David Woodward, Public Works)
3. Presentation, discussion, and possible action related to the Fiscal Year 2016-2017 Budget Preparation. (Council Member Hopkins)
  - a. Due Date Calendar
  - b. Public Works (Capital Improvements Program)
    - i. Road Maintenance and Repair

- ii. City Hall Construction Project – Application of *Chapter 2269. Contracting and Deliver Procedures for Construction Projects*
  - c. Staffing
  - d. Committee Requests
4. Review, discussion and possible action to include language in uncodified, amended or new ordinances that addresses possible inconsistencies or conflicts between other existing ordinances. (Council Member Hopkins)
  5. Review, discussion and possible action regarding the CapMetro funding. (Council Member Hopkins)
  6. Close public meeting and open executive session. *Council will announce that it will enter Executive Session, if necessary, pursuant to the Texas Government Code, Chapter 551 for the following: Consultation with an Attorney (§551.07)*
  7. Close executive session and open public meeting.
  8. Discussion and possible action resulting from the executive session, if any.
  9. Review, discussion, and possible action regarding the Village procurement process, including the Invitation to Bid document. (Council Member Hopkins)
  10. Discussion, review, and possible action on a bid from HVJ & Associates to update the zoning map of the Village, confirming the scope of work matches Council’s expectations.
  11. Discussion and possible action on a timeline for the proposed zoning ordinance, including additional meetings or Town Hall meetings. (Council Member Connors)
  12. Discussion and possible action regarding the posting of council meeting backup materials to the Village website. (Mayor Pro Tem Baker)
  13. Update, discussion, and possible action on the ongoing codification and legal review of the Village of Volente ordinances. (City Secretary)

**D. ITEMS CLOSING THE MEETING**

14. Announcement of new and existing items on the Task List.
15. Announcement of new items and request of additional items on the Future Agenda List
16. Adjourn.

**IT IS HEREBY CERTIFIED that the above Agenda was posted in accordance with the Texas Open Meetings Act on this 14<sup>th</sup> day of July, 2016.**

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**Julia Vicars, City Secretary**

*The Village of Volente is committed to compliance with the American Disabilities Act. Reasonable modifications and equal access to communications are provided upon request. The Village Council reserves the right to enter executive session at any time during the course of this meeting to discuss any of the matters 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 551.086 (Economic Development). A quorum of the Planning and Zoning Commission or Board of Adjustments may be in attendance however, no official action by the Planning and Zoning Commission or Board of Adjustments shall be taken.*

*Orig. Post 7/13 @ 4:47; Second Post 7/14 @ 2:30*



MINUTES OF A SPECIAL CALLED MEETING OF THE  
 CITY COUNCIL  
 OF THE VILLAGE OF VOLENTE, TEXAS  
 JUNE 30, 2016 at 8:00 A.M.  
 At 16100 Wharf Cove, Volente, TX 78641

**Present**

Mayor Pro Tem Baker  
 Council Member Connors  
 Council Member Belote  
 Council Member Hopkins

**Absent**

Mayor Beck  
 Council Member Fogarasi

1. Open Special Called Meeting.  
 Mayor Pro Tem Baker opens the meeting at 8:04 a.m.
2. Call Roll.  
 City Secretary Julia Vicars calls roll. A quorum is established.
3. Review, discussion and possible action on an ordinance of the Village of Volente regulating the siting and construction of wireless communications facilities. (Council Member Belote)  
 Council Member Belote summarizes the comments made by City Attorney Tom Buckle on the document. Council discusses establishing vistas by ordinance to protect lake views and the ridgeline scenery. Staff is to follow up with the City Attorney and bring his response back to Council. *No action is taken.*
4. Review, discussion and possible action on proposals for professional engineering services to update and recreate a new zoning map for the Village of Volente.  
**Council Member Connors makes a motion to approve the bid from HVJ & Associates, conditional upon HVJ's agreement that their scope of work include distinguishing lots by size, importing the newest base map, and updating the districts without exceeding the original bid amount of \$1,500.00. Seconded by Council Member Belote. The motion carries with Council Members Belote and Connors voting aye and Council Member Hopkins abstaining.**
5. Update, Discussion, Edits, and Possible Direction or Action on the proposed Zoning ordinance and its timeline for passage.  
 Council Member Connors discusses a spreadsheet of changes that he prepared using the compare feature in Word and excluding the formatting edits. There are some areas in the ordinance some Council members feel require Planning and Zoning Commissioners to be present to answer questions on. The process by which Council reviews the document is decided upon; a page by page look at each Division. Edits and review of Division 1 will begin at the July 7<sup>th</sup>, 2016 meeting. *No action was taken.*

- 8 6. Discussion and establishment of a process and timeline for review of the land use ordinances of the  
9 Village.  
0 Council discusses using a systematic approach to edits of the Site Development Ordinance, versus  
1 assigned sections for edit by each member and potentially mismatched styles or opinions. Council  
2 Member Fogarasi's spreadsheet is used to establish a loose timeline for zoning. *No action was taken.*  
3
- 4 7. Adjourn.  
5 The meeting adjourns at 9:31 a.m.  
6

7 APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.  
8

9 Signed:

0 \_\_\_\_\_  
1 Ken Beck, Mayor  
2

3 Attest:

4 \_\_\_\_\_  
5 Julia Vicars, City Secretary  
6

DRAFT



MINUTES OF A SPECIAL CALLED MEETING OF THE  
**CITY COUNCIL**  
 OF THE VILLAGE OF VOLENTE, TEXAS  
**JULY 7, 2016 at 6:30 P.M.**  
 at 16100 Wharf Cove, Volente, TX 78641

**Present**

Mayor Ken Beck  
 Mayor Pro Tem Steve Baker  
 Council Member Bill Connors  
 Council Member Kristi Belote  
 Council Member Andy Fogarasi  
 Council Member Kit Hopkins

**Absent**

**Also in Attendance**

1. Open Special Called Meeting.  
 Mayor Beck opens the meeting at 6:30 p.m.
2. Call Roll.  
 Julia Vicars, City Secretary, calls roll. A quorum is established.
3. Approval of the meeting minutes from June 21, 2016.  
**Mayor Pro Tem Baker makes a motion to approve the meeting minutes from June 21<sup>st</sup>, 2016 as they are presented. Seconded by Council Member Belote. The motion carries unanimously.**
4. Close public session and enter into Executive Session. *In accordance with Government Code, Chapter 551, the City Council of the Village of Volente will convene into executive session, pursuant to Section 551.074, Tex. Gov't Code (Personnel):The deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, specifically, City Secretary Julia Vicars.*  
 Mayor Beck closes the public session at 6:33 p.m. and Council enters into executive session.
5. Re-Open public session.  
 Mayor Beck reopens the public at 8:36 p.m.  
*Council takes a brief recess and reconvenes at 8:45 p.m.*
6. Discussion and Possible Action resulting from the executive session.  
**Council Member Belote makes a motion that the City Secretary create an action plan to address the points reviewed which will be sent on to Council and formalized at a City Council meeting within thirty days of today's meeting. Seconded by Council Member Fogarasi. The motion carries unanimously.**
7. Discussion and Possible Action on the staffing needs and resources of the Village.  
 Business continuity is discussed, as well as filling the vacant position of Receptionist/Office Assistant. Council discusses workload, the amount of staffing suitable for the Village, and the

49 potential risk of having only one staff person trained and available for meeting support,  
50 financials, etc. *Mayor Pro Tem Baker will pull the Development duties from the recently updated*  
51 *City Secretary job description to create a new job description for a possible future position.*  
52 *Mayor Beck will meet with other cities to discuss how they employ, train, and utilize their*  
53 *Building Officials. No action was taken.*  
54

55 8. Update, Discussion, Edits, and Possible Direction or Action on the proposed zoning ordinance:

56 (a) Edits and review of Division 1: General Provisions

57 Council begins a page-by-page review of the proposed zoning ordinance, discussing and  
58 reviewing definitions and potential uses of properties. Council ends at the definition for  
59 "Floodplain".  
60

61 9. Update, Discussion and Possible Action on Capital Metropolitan Transportation Authority

62 funding for fiscal year 2016-17 and the removal of the Village from the CapMetro program.

63 Council Member Hopkins discusses the need for a clear answer from CapMetro on the funding  
64 for this fiscal year and if accepting reimbursement for capital improvements made this year will  
65 increase our liability amount.  
66

67 10. Adjourn.

68 Meeting adjourns at 10:32 p.m.  
69

70 **Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2016.**

71  
72 Signed:

73 \_\_\_\_\_  
74 Ken Beck, Mayor

75  
76 Attest:

77 \_\_\_\_\_  
78 Julia Vicars, City Secretary  
79

2:56 PM

07/12/16

Accrual Basis

**Village of Volente  
Revenue and Expense Budget Performance  
June 2016**

	Jun 16	Budget	\$ Over Budget	Oct '15 - Jun 16	YTD Budget	\$ Over Budget	Annual Budget
<b>Ordinary Income/Expense</b>							
<b>Income</b>							
40000 - Property Tax Revenue	793.62	233.00	560.62	178,379.48	178,390.90	1,988.58	177,981.00
41000 - Sales Tax Revenue							
41110 - Mixed Beverage Sales Tax	0.00	0.00	0.00	619.07	2,881.09	-2,242.02	3,500.00
41120 - Sales & Use Taxes	6,152.50	2,943.37	3,209.13	35,843.82	27,472.53	8,371.29	48,000.00
<b>Total 41000 - Sales Tax Revenue</b>	<b>6,152.50</b>	<b>2,943.37</b>	<b>3,209.13</b>	<b>36,462.89</b>	<b>30,333.62</b>	<b>6,129.27</b>	<b>51,500.00</b>
42000 - Utility Franchise Fees	0.00	0.00	0.00	24,062.69	29,313.28	-5,250.59	37,750.00
43000 - Development Fees & Related							
43120 - Development Fees & Permits	220.50	4,500.00	-4,279.50	4,820.50	4,500.00	320.50	4,500.00
43150 - Administrative Fees	87.50	3,500.00	-3,412.50	3,688.89	3,500.00	188.89	3,500.00
43155 - Handling Fees & Markup	39.38	2,000.00	-1,960.62	2,179.74	2,000.00	179.74	2,000.00
43160 - Variance Fee	0.00	3,000.00	-3,000.00	3,225.00	3,000.00	225.00	3,000.00
<b>Total 43000 - Development Fees &amp; Related</b>	<b>347.38</b>	<b>13,000.00</b>	<b>-12,652.62</b>	<b>13,913.93</b>	<b>13,000.00</b>	<b>913.93</b>	<b>13,000.00</b>
44000 - Grant Revenue	0.00	0.00	0.00	0.00	29,000.00	-29,000.00	29,000.00
45000 - Village Permits	-10.00	0.00	-10.00	40.00	738.10	-698.10	750.00
47000 - Investment Earning	26.39	33.33	-6.94	242.48	300.01	-57.53	400.00
<b>Total Income</b>	<b>7,309.89</b>	<b>16,209.70</b>	<b>-8,899.81</b>	<b>253,101.47</b>	<b>279,075.91</b>	<b>-25,974.44</b>	<b>310,381.00</b>
<b>Gross Profit</b>	<b>7,309.89</b>	<b>16,209.70</b>	<b>-8,899.81</b>	<b>253,101.47</b>	<b>279,075.91</b>	<b>-25,974.44</b>	<b>310,381.00</b>
<b>Expense</b>							
50000 - Operations							
50100 - Office Supplies & Equipment							
50120 - Office Supplies - General	120.20	208.33	-88.13	1,349.87	1,874.97	-525.10	2,500.00
50130 - Office Supplies printing	0.00	83.34	-83.34	680.68	749.98	-69.30	1,000.00
50140 - Office Equipment Lease	462.54	458.34	4.20	3,956.82	4,124.98	-168.16	5,500.00
<b>Total 50100 - Office Supplies &amp; Equipment</b>	<b>582.74</b>	<b>750.01</b>	<b>-167.27</b>	<b>5,987.37</b>	<b>6,749.93</b>	<b>-762.56</b>	<b>9,000.00</b>
50200 - Postage and Shipping	73.31	200.00	-126.69	432.67	1,800.00	-1,367.33	2,400.00
50300 - Communications & Internet							
50310 - Website Maintenance	0.00	83.34	-83.34	0.00	749.98	-749.98	1,000.00
50320 - Telephone & Internet	198.46	250.00	-51.54	1,790.50	2,250.00	-459.50	3,000.00
50350 - Domain Sites	283.39	0.00	283.39	533.39	533.39	0.00	0.00
50360 - Community Survey	0.00	0.00	0.00	911.28	0.00	911.28	0.00
<b>Total 50300 - Communications &amp; Internet</b>	<b>481.85</b>	<b>333.34</b>	<b>148.51</b>	<b>3,235.17</b>	<b>2,999.98</b>	<b>235.19</b>	<b>4,000.00</b>
50600 - Computer Services and Support							
50610 - Computer Software and Support	214.91	100.00	114.91	1,272.72	900.00	372.72	1,200.00
50620 - Computer Hardware and Repairs	0.00	20.84	-20.84	0.00	187.48	-187.48	250.00
<b>Total 50600 - Computer Services and Support</b>	<b>214.91</b>	<b>120.84</b>	<b>94.07</b>	<b>1,272.72</b>	<b>1,087.48</b>	<b>185.24</b>	<b>1,450.00</b>
50800 - Other Operating Expense	68.23	312.51	-244.28	6,543.58	7,112.51	-568.93	7,800.00
<b>Total 50000 - Operations</b>	<b>1,421.04</b>	<b>1,718.70</b>	<b>-297.66</b>	<b>17,471.51</b>	<b>19,749.90</b>	<b>-2,278.39</b>	<b>24,650.00</b>
52000 - Municipal Court	0.00	0.00	0.00	-1,383.77	500.00	-1,883.77	500.00
53000 - Facilities, Equip. & Furniture							
53100 - Facilities, Equip & Furn -Other							
53120 - Office Equipment & Furniture	0.00	173.00	-173.00	180.00	519.00	-339.00	692.00
53130 - Utilities - Electric	158.05	291.67	-133.62	1,599.85	2,625.03	-1,025.18	3,500.00
53140 - Facilities - Repairs & Maint	185.00	500.00	-315.00	4,471.00	4,500.00	-29.00	8,000.00
53150 - Burglar Alarm	0.00	0.00	0.00	427.08	315.00	112.08	425.00
53160 - Pest Control	0.00	0.00	0.00	120.00	187.50	-67.50	250.00
<b>Total 53100 - Facilities, Equip &amp; Furn -Other</b>	<b>343.05</b>	<b>964.67</b>	<b>-621.62</b>	<b>6,797.93</b>	<b>8,146.53</b>	<b>-1,348.60</b>	<b>10,867.00</b>
53200 - Facility and Equipment Rent	1,750.00	1,818.18	-68.18	16,000.00	16,620.44	-620.44	22,100.00
<b>Total 53000 - Facilities, Equip. &amp; Furniture</b>	<b>2,093.05</b>	<b>2,782.85</b>	<b>-689.80</b>	<b>22,797.93</b>	<b>24,766.97</b>	<b>-1,969.04</b>	<b>32,967.00</b>
55000 - Community Events							
55120 - Village Cleanup, other	0.00	0.00	0.00	0.00	1,600.00	-1,600.00	1,600.00
55150 - Council Meetings & Workshop	0.00	31.25	-31.25	538.40	906.25	-367.85	1,000.00
55160 - Election Expense	0.00	500.00	-500.00	2,249.89	3,300.00	-1,050.11	3,500.00
55170 - Events - Other	0.00	129.18	-129.18	597.74	1,162.52	-564.78	1,550.00
55180 - Town Hall Meetings	0.00	175.00	-175.00	83.78	1,575.00	-1,511.22	2,100.00
<b>Total 55000 - Community Events</b>	<b>0.00</b>	<b>835.43</b>	<b>-835.43</b>	<b>3,449.79</b>	<b>8,633.77</b>	<b>-5,183.98</b>	<b>9,750.00</b>
57000 - Public Works							
57110 - Park Maintenance	0.00	4,765.00	-4,765.00	3,765.47	4,765.00	-999.53	4,765.00
57120 - ROW Herbicide	0.00	0.00	0.00	425.00	0.00	425.00	0.00
57121 - Mowing	0.00	0.00	0.00	695.00	0.00	695.00	0.00
57131 - Roads & Right of Way	0.00	1,485.00	-1,485.00	0.00	13,985.00	-13,985.00	20,235.00
57160 - Public Works - General	14,450.00	1,250.00	13,200.00	14,450.00	11,250.00	3,200.00	15,000.00
<b>Total 57000 - Public Works</b>	<b>14,450.00</b>	<b>7,500.00</b>	<b>6,950.00</b>	<b>19,335.47</b>	<b>30,000.00</b>	<b>-10,664.53</b>	<b>40,000.00</b>
64000 - Outside Services							
64011 - Audit	0.00	6,000.00	-6,000.00	0.00	6,000.00	-6,000.00	6,000.00
64012 - Tax Collection	236.60	125.00	111.60	709.60	1,125.00	-415.40	1,500.00
64014 - Special Consultant	0.00	291.87	-291.87	3,000.00	2,625.02	374.98	13,500.00
64018 - Bookkeeping Service	142.65	400.00	-257.35	2,089.95	3,600.00	-1,510.05	4,800.00
64020 - Records Management	0.00	0.00	0.00	2,127.00	2,000.00	127.00	2,000.00
64100 - Development Costs							
64101 - Inspections	0.00	0.00	0.00	50.00	0.00	50.00	0.00
64102 - Plan Review (Engineer/Inspect)	273.94	0.00	273.94	795.44	0.00	795.44	0.00
64106 - Public Notices/Notifications	0.00	0.00	0.00	-627.02	375.00	-252.02	0.00
64110 - Dev. Cost to be invoiced	0.00	0.00	0.00	375.00	0.00	375.00	0.00
64115 - Markup	46.57	0.00	46.57	27.82	0.00	27.82	0.00
64199 - Engineer/Inspection - Non-Reimb	0.00	5,766.66	-5,766.66	7,708.75	11,899.94	-4,191.19	14,200.00
<b>Total 64100 - Development Costs</b>	<b>320.51</b>	<b>5,766.66</b>	<b>-5,446.15</b>	<b>8,329.99</b>	<b>11,899.94</b>	<b>-3,569.95</b>	<b>14,200.00</b>
64400 - Legal Services							
64410 - City Attorney - General	0.00	4,000.00	-4,000.00	12,184.06	16,000.00	-3,815.94	23,000.00
64470 - Legal Fees - City Projects	0.00	658.33	-658.33	0.00	5,924.97	-5,924.97	7,900.00
64471 - Codification	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total 64470 - Legal Fees - City Projects</b>	<b>0.00</b>	<b>658.33</b>	<b>-658.33</b>	<b>0.00</b>	<b>5,924.97</b>	<b>-5,924.97</b>	<b>7,900.00</b>
<b>Total 64400 - Legal Services</b>	<b>0.00</b>	<b>4,658.33</b>	<b>-4,658.33</b>	<b>12,184.06</b>	<b>21,924.97</b>	<b>-9,740.91</b>	<b>30,900.00</b>
<b>Total 64000 - Outside Services</b>	<b>699.76</b>	<b>17,241.66</b>	<b>-16,541.90</b>	<b>28,440.80</b>	<b>49,174.93</b>	<b>-20,734.13</b>	<b>72,900.00</b>

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07/12/16

Accrual Basis

**Village of Volente**  
**Revenue and Expense Budget Performance**  
**June 2016**

	<u>Jun 16</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>Oct '15 - Jun 16</u>	<u>YTD Budget</u>	<u>\$ Over Budget</u>	<u>Annual Budget</u>
65000 - Contract Labor	0 00	625 00	-625 00	1,280 00	5,825 00	-4,345 00	7,500 00
65000 - Compensation and Benefits							
68100 - Salaries and Wages	3,418 41	4,165 00	-746 59	34,883 04	37,485 00	-2,801 96	49,880 00
66500 - Employee Related	255 91	1,095 19	-839 28	9,514 68	9,856 70	-342 04	13,142 00
<b>Total 65000 - Compensation and Benefits</b>	<b>3,674 32</b>	<b>5,260 19</b>	<b>-1,585 87</b>	<b>44,197 70</b>	<b>47,341 70</b>	<b>-3,144 00</b>	<b>63,122 00</b>
<b>Total Expense</b>	<b>22,338 17</b>	<b>35,981 81</b>	<b>-13,823 64</b>	<b>135,609 43</b>	<b>185,792 27</b>	<b>-50,182 84</b>	<b>251,389 00</b>
<b>Net Ordinary Income</b>	<b>-15,028 28</b>	<b>-19,752 11</b>	<b>4,723 83</b>	<b>117,492 04</b>	<b>93,283 64</b>	<b>24,208 40</b>	<b>58,992 00</b>
<b>Other Income/Expense</b>							
<b>Other Income</b>	-20 25			222 44			
<b>Other Expense</b>							
82000 - Appropriation of General Funds	0 00	0 00	0 00	0 00	62,500 00	-62,500 00	65,992 00
<b>Total Other Expense</b>	<b>0 00</b>	<b>0 00</b>	<b>0 00</b>	<b>0 00</b>	<b>62,500 00</b>	<b>-62,500 00</b>	<b>65,992 00</b>
<b>Net Other Income</b>	<b>-20 25</b>	<b>0 00</b>	<b>-20 25</b>	<b>222 44</b>	<b>-62,500 00</b>	<b>62,722 44</b>	<b>-65,992 00</b>
<b>Net Income</b>	<b>-15,048 53</b>	<b>-19,752 11</b>	<b>4,703 58</b>	<b>117,714 48</b>	<b>30,783 64</b>	<b>86,930 84</b>	<b>-7,000 00</b>

3:04 PM

07/12/16

**Village of Volente**  
**Statement of Cash Flows**  
 June 2016

	Jun 16
<b>OPERATING ACTIVITIES</b>	
Net Income	-15,048.53
Adjustments to reconcile Net Income to net cash provided by operations:	
12000 · Accounts Receivable	-611.01
20000 · Accounts Payable	16,850.94
20110 · A/P Accrued Liabilities	-521.00
24015 · Social Security - EE	-6.19
24020 · Medicare Tax - EE	-1.45
24515 · Social Security ER Paid	-6.19
24525 · Medicare Tax - ER Paid	-1.45
Net cash provided by Operating Activities	655.12
Net cash increase for period	655.12
Cash at beginning of period	818,425.33
Cash at end of period	819,080.45

3:03 PM  
07/12/16

**Village of Volente  
Development Job Summary  
Excludes Administrative Costs**

	Act. Cost	Act. Revenue	(\$ Diff.
<b>Arifi, Michelle and Zahir</b> 8102 Lime Creek	1,882.93	3,502.95	1,620.02
<b>Total Arifi, Michelle and Zahir</b>	1,882.93	3,502.95	1,620.02
<b>Beckway Mgt LLC - McCuiston, Ross</b> 8301 Lime Creek	3,532.12	6,474.49	2,942.37
<b>Total Beckway Mgt LLC - McCuiston, Ross</b>	3,532.12	6,474.49	2,942.37
<b>Brad Marshall Homes</b> 7800 Brandy Way 7809 Brandy Way	1,804.00 960.00	2,654.51 1,705.01	850.51 745.01
<b>Total Brad Marshall Homes</b>	2,764.00	4,359.52	1,595.52
<b>Bundy, Kristen- English</b> 15815 Booth Circle	1,982.62	4,165.24	2,182.62
<b>Total Bundy, Kristen- English</b>	1,982.62	4,165.24	2,182.62
<b>Chaudhari, Baldev - Olson Custom Homes</b> 8408 Lime Creek	2,091.50	3,575.47	1,483.97
<b>Total Chaudhari, Baldev - Olson Custom Homes</b>	2,091.50	3,575.47	1,483.97
<b>Davison, Terry - Cambridge Custom Homes</b> 16409 Sherman St	1,633.25	2,477.41	844.16
<b>Total Davison, Terry - Cambridge Custom Homes</b>	1,633.25	2,477.41	844.16
<b>Johnson, Corrinne</b> 8216 Lime Creek	1,855.00	2,711.89	856.89
<b>Total Johnson, Corrinne</b>	1,855.00	2,711.89	856.89
<b>Kerr, Mahlon &amp; Ashley/Lawn Masters</b> 16500 Jackson St.	1,648.50	1,854.57	206.07
<b>Total Kerr, Mahlon &amp; Ashley/Lawn Masters</b>	1,648.50	1,854.57	206.07
<b>Koll, Gloriana Guerra</b> 8201 West Dr - Pool	324.50	365.06	40.56
<b>Total Koll, Gloriana Guerra</b>	324.50	365.06	40.56
<b>Oliver Custom Homes - Sudbrook</b> 8325 Lime Creek	2,566.89	4,218.32	1,651.43
<b>Total Oliver Custom Homes - Sudbrook</b>	2,566.89	4,218.32	1,651.43
<b>Piercey, Brent - Chaparral Pools</b> 16508 Jackson	399.00	448.88	49.88
<b>Total Piercey, Brent - Chaparral Pools</b>	399.00	448.88	49.88
<b>Ratcliffe, Lori</b> 15757 Booth Circle	3,625.63	5,562.61	1,936.98
<b>Total Ratcliffe, Lori</b>	3,625.63	5,562.61	1,936.98
<b>Robinson, David</b> 8132 Joy Rd	5,103.88	10,209.93	5,106.05
<b>Total Robinson, David</b>	5,103.88	10,209.93	5,106.05
<b>Roman - David Weekly Homes</b> 16303 Jackson	563.00	1,258.39	695.39
<b>Total Roman - David Weekly Homes</b>	563.00	1,258.39	695.39
<b>Springer, David</b> 8504 Lime Creek Rd	149.00	167.63	18.63
<b>Total Springer, David</b>	149.00	167.63	18.63
<b>Spurlin, Paul - Probulit Enterprises</b>			

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**Village of Volente  
Development Job Summary  
Excludes Administrative Costs**

	<u>Act. Cost</u>	<u>Act. Revenue</u>	<u>(\$) Diff.</u>
15718 Booth Circle	1,688.25	2,663.77	975.52
Total Spurlin, Paul - Probulit Enterprises	1,688.25	2,663.77	975.52
<b>TOTAL</b>	<b>31,810.07</b>	<b>54,016.13</b>	<b>22,206.06</b>

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**Village of Volente  
A/R Aging Summary  
As of June 30, 2016**

	Current	1 - 30	31 - 60	61 - 90	91 - 120	121 - 180	181 - 180	181 - 210	> 210	TOTAL
Arifi, Michelle and Zahir	0.00	0.00	625.00	0.00	0.00	0.00	0.00	0.00	0.00	625.00
BCRUA	0.00	0.00	1,257.19	0.00	0.00	0.00	0.00	0.00	0.00	1,257.19
Beckway Mgt LLC - McCuiston, Ross	0.00	391.50	434.53	251.44	167.63	544.78	460.25	724.36	0.00	2,974.49
Brad Marshall Homes	0.00	280.13	80.63	0.00	0.00	-701.24	0.00	0.00	167.63	-172.85
Bundy, Kristen- English	0.00	0.00	625.00	23.12	0.00	0.00	0.00	0.00	0.00	648.12
Chaudhari, Baldev - Olson Custom Homes	0.00	0.00	1,168.40	0.00	0.00	225.00	237.50	0.00	94.57	1,725.47
Clefo Property Group	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	251.44	251.44
Davison, Terry - Cambridge Custom Homes	0.00	0.00	216.78	0.00	0.00	0.00	56.25	0.00	354.38	627.41
Dixon -- Gregory Gomez	0.00	56.25	-343.75	0.00	0.00	0.00	0.00	0.00	0.00	-287.50
Dooley, Richard	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Fogarasi, Andrew & Susan	0.00	73.13	0.00	-514.75	0.00	0.00	0.00	0.00	0.00	-541.62
Gleinsner, Daryl	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	-193.75	-193.75
Gold, Mike	0.00	0.00	0.00	0.00	251.44	0.00	0.00	0.00	0.00	251.44
Johnson, Corinne	0.00	0.00	793.75	0.00	0.00	56.25	61.89	0.00	0.00	911.89
Marquis Group Office Building	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	200.00	200.00
Marzan, Lourdes	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	56.25	56.25
Oliver Custom Homes - Sudbrook	0.00	0.00	625.00	112.50	167.63	613.19	0.00	0.00	0.00	1,518.32
Piercey, Brent - Chaparral Pools	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	98.88	98.88
Ratcliffe, Lori	0.00	0.00	0.00	0.00	245.85	167.63	359.53	990.76	2,664.85	4,428.62
Reinking, Kirsten-Demeo Custom Pools/Spas	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	65.00	65.00
Robinson, David	0.00	56.25	93.68	0.00	0.00	0.00	0.00	0.00	142.60	292.53
Roman - David Weekly Homes	0.00	0.00	0.00	0.00	-666.61	0.00	0.00	0.00	0.00	-666.61
Springer, David	0.00	0.00	0.00	0.00	0.00	0.00	0.00	167.63	0.00	167.63
Spurfin, Paul - Probuilt Enterprises	0.00	0.00	0.00	0.00	0.00	56.25	12.50	0.00	0.00	68.75
TCAD	0.00	0.00	0.00	0.00	159.99	0.00	0.00	0.00	0.00	159.99
Yom, Kerry	0.00	0.00	127.88	0.00	0.00	0.00	0.00	0.00	0.00	127.88
<b>TOTAL</b>	<b>0.00</b>	<b>857.26</b>	<b>5,704.09</b>	<b>-227.69</b>	<b>125.93</b>	<b>961.86</b>	<b>1,187.92</b>	<b>1,882.75</b>	<b>3,901.85</b>	<b>14,393.97</b>

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07/12/16  
Accrual Basis

Village of Volente  
Balance Sheet  
As of June 30, 2016

	Jun 30, 16	May 31, 16	\$ Change
<b>ASSETS</b>			
<b>Current Assets</b>			
<b>Checking/Savings</b>			
10100 · Cap One Checking- 5191	175,183.60	174,554.87	628.73
10200 · Cap One Tower Fund - 1411	488,424.65	488,404.63	20.02
10300 · Cap One Savings - 6099	155,472.20	155,465.83	6.37
10400 · Parkland Fund - Restricted	61,250.00	61,250.00	0.00
10500 · Temporarily Restricted Cash	-61,250.00	-61,250.00	0.00
<b>Total Checking/Savings</b>	<b>819,080.45</b>	<b>818,425.33</b>	<b>655.12</b>
<b>Accounts Receivable</b>	<b>14,393.97</b>	<b>13,782.96</b>	<b>611.01</b>
<b>Other Current Assets</b>	<b>2,111.00</b>	<b>2,111.00</b>	<b>0.00</b>
<b>Total Current Assets</b>	<b>835,585.42</b>	<b>834,319.29</b>	<b>1,266.13</b>
<b>Fixed Assets</b>	<b>19,337.55</b>	<b>19,337.55</b>	<b>0.00</b>
<b>TOTAL ASSETS</b>	<b>854,922.97</b>	<b>853,656.84</b>	<b>1,266.13</b>
<b>LIABILITIES &amp; EQUITY</b>			
<b>Liabilities</b>			
<b>Current Liabilities</b>			
<b>Accounts Payable</b>			
20000 · Accounts Payable	24,120.25	7,269.31	16,850.94
<b>Total Accounts Payable</b>	<b>24,120.25</b>	<b>7,269.31</b>	<b>16,850.94</b>
<b>Other Current Liabilities</b>			
20100 · Other Payables	11,700.00	12,221.00	-521.00
24000 · Payroll Liabilities	141.38	156.66	-15.28
<b>Total Other Current Liabilities</b>	<b>11,841.38</b>	<b>12,377.66</b>	<b>-536.28</b>
<b>Total Current Liabilities</b>	<b>35,961.63</b>	<b>19,646.97</b>	<b>16,314.66</b>
<b>Total Liabilities</b>	<b>35,961.63</b>	<b>19,646.97</b>	<b>16,314.66</b>
<b>Equity</b>			
39000 · Net Assets - Retained Earnings	634,613.94	634,613.94	0.00
39010 · Opening Bal Equity	5,382.92	5,382.92	0.00
39100 · Net Assets - Temp Restricted	61,250.00	61,250.00	0.00
Net Income	117,714.48	132,763.01	-15,048.53
<b>Total Equity</b>	<b>818,961.34</b>	<b>834,009.87</b>	<b>-15,048.53</b>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>854,922.97</b>	<b>853,656.84</b>	<b>1,266.13</b>

# Village of Volente - Active Development Projects

Date of Application	Site Address	Name	Type of Project	Pre-App Conference	Submission and Deposit	Review	Variances	Permit	Inspections	Final & C/o
05/02/2016	7318 Reed	Yom	SFR	✓	✓	x				
03/14/2016	16303 Jackson	Roman	SFR	✓	✓	✓	n/a	✓	✓	
07/29/2015	8301 Lime Creek	McCouston	Driveway	✓	✓	✓	✓	✓	✓	
11/10/2015	15815 Booth	English	SFR	✓	✓	✓	pending			
02/10/2016	7800 Brandy	Brad Marshall Homes	SFR	✓	✓	✓	n/a	✓	✓	
02/10/2016	7809 Brandy	Brad Marshall Homes	SFR	✓	✓	✓	n/a	✓	✓	
07/07/2015	8216 Lime Creek	Johnson	SFR	✓	✓	✓	n/a	✓	✓	
04/09/2015	8408 Lime Creek	Chaudhari	SFR	✓	✓	✓	✓	✓	✓	
07/14/2014	8132 Joy	Robinson	SFR	✓	✓	✓	✓	✓	✓	
10/05/2015	8325 Lime Creek	Sudbrook	SFR	✓	✓	✓	✓	✓	✓	
2013-2015	15757 Booth	Ratcliffe	SFR	✓	✓	✓	✓	✓	✓	
05/01/2016	15205 FM 2769	Dixon	Remodel	✓	✓	✓	n/a	✓	✓	
03/31/2016	8306 Lime Creek	Fogarasi	Accessory Bldg	✓	✓	✓	n/a	✓		
forthcoming	Resub of Lake Trav. #1	Gold	Sub.	✓	pending					
07/06/2016	8120 Joy Rd	Hoag	Plumbing	✓	✓	✓	n/a	pending		

Updated 7/14/2016

Old Fee Schedule



## Monthly Crime Report – June 2016

Date	Time	Case #	Type of call	Street of occurrence
6/1/16	11:18		ASSIST COMPLAINANT	7620-blk Debbie Dr
6/2/16	8:26		COMMUNITY CONTACT	15300-15412 YENAWINE WAY
6/2/16	21:41		CHECK WELFARE	9246-10033 LIME CREEK RD
6/3/16	3:25		CHECK WELFARE	LIME CREEK RD
6/3/16	19:58	160015798	DISTURBANCE/ OTHER	FM 2769 RD
6/4/16	3:12	160015839	FALSE ALARM/ BURG	Booth Cir
6/4/16	14:07	160015871	MISSING ADULT	Booth Cir
6/5/16	14:24		HAZARD TRFC VIOL	9246-10033 LIME CREEK RD
6/5/16	17:29		COMMUNITY CONTACT	16107 WHARF CV
6/5/16	17:50		PARKING VIOLATION	16107 WHARF CV
6/7/16	3:15		DIRECTED PATROL	9246-10033 LIME CREEK RD
6/7/16	3:33		DIRECTED PATROL	15800-15901 MARY ST
6/7/16	6:16		DIRECTED PATROL	9246-10033 LIME CREEK RD
6/9/16	16:44		DIRECTED PATROL	9025 LIME CREEK RD
6/10/16	5:54		FALSE ALARM/ BURG	Booth Cir
6/10/16	15:15	160016516	THEFT	Fm 2769 Rd
6/10/16	18:06		PREMISE CHECK NO LIQUOR	16107 WHARF CV
6/11/16	5:12		DIRECTED PATROL	16000-16007 FM 2769 RD
6/11/16	5:24		CHECK WELFARE	9246-10033 LIME CREEK RD
6/11/16	21:53		MISSING ADULT	WHARF CV
6/12/16	9:36		RECKLESS DRIVING	8300-blk LIME CREEK RD
6/13/16	19:49		DIRECTED PATROL	16104 DODD ST
6/13/16	20:23		ASSIST COMPLAINANT	Lime Creek Rd
6/14/16	11:41		COMMUNITY CONTACT	15300-15412 YENAWINE WAY
6/14/16	20:00		DIRECTED PATROL	8316 LIME CREEK RD
6/17/16	15:26		DIRECTED PATROL	16003 FM 2769 RD
6/17/16	18:13		VIOL/ WATER SAFETY	16107 WHARF CV
6/18/16	16:32		DIRECTED PATROL	16105 WHARF CV
6/18/16	17:20		COMMUNITY CONTACT	16107 WHARF CV
6/19/16	14:01		COMMUNITY CONTACT	15929 BOOTH CIR
6/19/16	19:20	160017439	BOAT ACCIDENT	16107 Wharf Cv
6/22/16	17:32		HAZARD TRFC VIOL	15900-15909 FM 2769 RD
6/22/16	17:57		HAZARD TRFC VIOL	16000-16007 FM 2769 RD
6/22/16	18:28		DIRECTED PATROL	15706 FM 2769 RD
6/23/16	17:05	160017910	DISTURBANCE/ OTHER	16107 Wharf Cv
6/23/16	17:52		ASSIST BOATER	16107 Wharf Cv
6/23/16	18:24		HAZARD TRFC VIOL	15700-blk FM 2769 RD

6/24/16	12:48	160017975	ASSIST EMS	16209 Dodd St
6/24/16	19:58		COMMUNITY CONTACT	16209 DODD ST
6/24/16	20:30		PREMISE CHECK NO LIQUOR	16107 WHARF CV
6/25/16	8:59		DIRECTED PATROL	16100-16120 WHARF CV
6/25/16	9:19		CHECK WELFARE	9246-10033 LIME CREEK RD
6/25/16	12:18		SELECT TRF ENFOR	16000-16007 FM 2769 RD
6/25/16	15:24		ASSIST BOATER	16107 Wharf Cv
6/26/16	7:41	160018150	BURGLARY/VEHICLE	15432 Fm 2769 Rd
6/26/16	13:49		ASSIST BOATER	15815 BOOTH CIR
6/27/16	16:47		HAZARD TRFC VIOL	16000-16007 FM 2769 RD
6/27/16	16:52		HAZARD TRFC VIOL	16100-16120 WHARF CV
6/27/16	17:12		HAZARD TRFC VIOL	16000-16007 FM 2769 RD
6/28/16	12:16	160018392	THEFT OF WATERCRAFT	16107 Wharf Cv
6/28/16	13:25		ASSIST COMPLAINANT	15925 Booth Cir
6/29/16	7:27	160018456	BURGLARY/VEHICLE	16120 WHARF CV
6/29/16	8:40	160018457	BURGLARY/VEHICLE	16120 WHARF CV
6/29/16	8:40	160018458	BURGLARY/VEHICLE	16120 WHARF CV
6/29/16	8:58	160018459	BURGLARY/VEHICLE	16120 WHARF CV
6/29/16	10:28	160018471	BURGLARY/VEHICLE	16120 WHARF CV
6/29/16	19:55		ASSIST COMPLAINANT	Randolph St / Fm 2769 Rd
6/30/16	15:23		DIRECTED PATROL	16105 WHARF CV

July 2016

July 2016							August 2016							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	
						1 2			1	2	3	4	5	6
3	4	5	6	7	8	9	7	8	9	10	11	12	13	
10	11	12	13	14	15	16	14	15	16	17	18	19	20	
17	18	19	20	21	22	23	21	22	23	24	25	26	27	
24	25	26	27	28	29	30	28	29	30	31				
						31								

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Jun 26 - Jul 2	Jun 26	27	28	29	30	Jul 1	2
						Create Election Pac	
Jul 3 - 9	3	4	5	6	7	8	9
					6:30pm 10:30pm CC - Special (City Hall)	8:00am 9:30am Public Safety (City Hall)	
Jul 10 - 16	10	11	12	13	14	15	16
	VENDOR bills due		8:30am 10:30am Budget, Finance & Admin Mtg (City Hall) 6:30pm 9:30pm P&Z CANCELLED (City Hall)		8:00am 9:30am CC - Worksession (City Hall) 10:00am 10:30am STR Permit Prep: Raven (7306 & 73) 4:00pm 5:00pm CC Agenda Posted	Mayor Out of Office 8:00am 8:30am File Campaign Finance Report ( ) 8:00am 8:30am OCA Report Due (Office) 11:00am 4:00pm CC Packets Out	
Jul 17 - 23	17	18	19	20	21	22	23
		Finalize Election pa	6:30pm 11:30pm City Council Reg. Mtg (City Hall) - City Secretary	Mayor Out of Office 8:00am 11:00am CC Mtg Follow UP (Office) 11:00am 12:00pm Prep docs to Call Election (Julia's Office)			8:00am 8:30am Private Appointment
Jul 24 - 30	24	25	26	27	28	29	30
		8:00am 9:00am 1st Day: Place on Ballot (City Hall) 9:00am 10:00am Deadline: Appraiser Certify 11:00am 12:00pm 1st Day Write-In ( )		Mayor Out of Office	8:00am 9:30am CC - Worksession (City Hall)		
Jul 31 - Aug 6	31	Aug 1	2	3	4	5	6
	Mayor Out of Office						

August 2016

August 2016

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

September 2016

Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Jul 31	Aug 1	2	3	4	5	6	
Jul 31 - Aug 6		Mayor Out of Office			Call General Electic 8:00am 5:00pm LAST DAY: File for place on ballot (City Hall) 6:00pm 10:00pm CC - Special Mtg (City Hall)		10:00am 1:00pm Tentative Town Hall: Zoning (Fire Hall)
		8:00am 8:30am Deadline: Notify Elections Division of Intent to Contract (Travis Co. Elections)					
Aug 7 - 13	7	8	9	10	11	12	13
	8:00am 5:00pm DEADLINE: Action Plan by Staff to Council		6:30pm 9:30pm P&Z - Reg (City Hall)	VENDOR bills due	Deadline: Prelimina 8:00am 9:30am CC - Worksession (City Hall) 8:00am 8:30am Deadline: Jurisdiction Boundary Review Due		
Aug 14 - 20	14	15	16	17	18	19	20
		8:00am 8:30am OCA Report Due (Office) 8:00am 8:30am Post reminder about filing deadline (Nextdoor, Website)	6:30pm 11:30pm City Council Reg. Mtg (City Hall) - City Secretary			Post 72 Hr Notice d 6:00pm 9:00pm Remove any Candidate who has Died	
Aug 21 - 27	21	22	23	24	25	26	27
		Deadline: Submit C 8:00am 8:30am Deadline: Ballot Changes &/or Cancellation (Travis Co. Elections)		AUDIT for Fiscal Year 2014-15 (City Hall/ Rem	8:00am 9:30am CC - Worksession (City Hall) 8:00am 8:30am Last Day: Write in Candidate (Julia's office)	Draw Order for Na 8:00am 8:30am Plan Joint Publication of Election Notice w/ Other Entities (Office)	
Aug 28 - Sep 3	28	29	30	31	Sep 1	2	3
		Last Day: Withdraw 8:00am 5:00pm Last day to file proposed budget with City Secretary (Julia's office) - City Secretary 8:00am 8:30am Last Day: Write Ins (City Hall)					

**VILLAGE OF VOLENTE, TEXAS STREET EVALUATION AND  
MAINTENANCE PLAYBOOK  
DRAFT**

**Submitted to:  
Mayor Ken Beck  
Village of Volente, Texas**



**4201 Freidrich Lane, Suite 110  
Austin, Texas 78744**

**REPORT NO. AP-15-17583  
July 8, 2016**

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## APPENDIX

Deduction Values.....	Appendix A
Condition Scores and Map.....	Appendix B
Maintenance Playbook.....	Appendix C

## 1. INTRODUCTION

Road deterioration is a constant force that causes road quality to decline based on constant traffic and environmental loads. HVJ Associates, Inc. (HVJ) was contracted to conduct pavement ratings and evaluate the current needs of the Village of Volente, Texas. All pavements sections in the City have been evaluated using HVJ pavement condition rating procedures [Ref. 1]. The following project tasks have been completed:

- Collect visual condition survey data on all street sections and roadside drainage within the maintenance responsibility of the Village of Volente, Texas to obtain individual pavement distress ratings for determining an overall Pavement Condition Rating (PCR).
- Provide condition assessment report with summary statistics.
- Estimate maintenance and rehabilitation costs.

Based on the city maintenance responsibility and aerial imagery, it is estimated that the Village of Volente is composed of 39 sections and approximately 9.2 centerline miles. HVJ staff completed a 100% visual pavement condition survey of the Village of Volente maintained streets and roadside drainage features to determine the Pavement Condition Rating (PCR) of each section. The surveys were conducted by trained HVJ staff using the HVJ condition survey procedures used in multiple Texas cities. Surveys will provide the Village with information regarding the current condition of the streets and drainage and the potential repairs that will need to be performed. HVJ's assessment included in this report of the streets within the system will improve the Village's ability to estimate future repair requirements, plan annual maintenance and rehabilitation programs and to estimate street funding needs. The Village of Volente network average condition assessment score yielded an average value of 82 on a scale of 0 to 100.

## 2. PAVEMENT NETWORK INVENTORY

Currently the Village of Volente street inventory consists of approximately 9.2 centerline miles, which are maintained by the city. The pavement network inventory was based on the field surveys and consultation with city staff. Based on the listing, HVJ Associates, Inc. identified and surveyed 39 street sections. Based on the field surveys and length estimations from aerial imagery, the following network inventory was determined; quantities, functional classification area, number of sections, and section length:

**Table 1: Inventory Quantities**

Item	Arterial	Local	Total
Total Center Line Miles	3.64	5.54	9.18
Total Lane Miles	7.28	11.06	18.34

## 3. VISUAL CONDITION SURVEYS

Visual pavement and drainage condition surveys were collected the on April 26, 2016. A trained field rater used the pavement and appurtenance rating process to perform the field surveys of each individual street segment. The number of lanes and roadway width data were collected and measured for each segment, as well.

All surveys were performed in accordance with the HVJ Visual Condition Survey Guidelines (Ref 1). The village network has only flexible surfaced streets, thus the following distresses were evaluated:

Flexible or Composite Pavements

- Wheelpath Rutting,
- Fatigue (Alligator) Cracking,
- Transverse Cracking,
- Longitudinal Cracking,
- Pavement Failures (Patches and Potholes),
- Utility Cut Patches, and
- Ride Quality

Drainage

- Type
- Condition
- Side of Road (one or both)

For each of the individual pavement distresses identified for flexible pavements, the surveyor rates severity and extent. The following is a typical description from the Condition Survey Rating Guide for surface deterioration distress:

Alligator cracking is a series of interconnecting cracks caused by fatigue failure of the asphalt pavement under repeated traffic loading. The cracks initiate at the bottom of the asphalt surface and propagate to the surface, initially as one or more longitudinal parallel cracks. After repeated traffic loading, the cracks interconnect; and form many-sided, sharp angled pieces which are usually less than 1 ft. on the longest side. Alligator cracking commonly occurs in areas subjected to repeated traffic loading, such as the wheel paths. The distress is rated based on its severity and extent within a length of pavement. Rate the most prevalent severity level.

- Severity: Based on the worst alligator cracking encountered, the severity is defined as follows:
- Slight – Fine, longitudinal cracks running parallel to each other with none or only a few interconnecting cracks. Most cracks are less than 1/4" wide.
  - Moderate – Progression of cracks into chicken wire or alligator skin pattern. Cracks may be up to 1/2" wide but pieces are still intact.
  - Extreme – Further progression of cracking in such a way that widths are generally more than 1/2" wide. Cracks may be spalled, or flaked, at the edges. Pavement pieces may be loosened, shift or rock under traffic, or may be missing.
- Extent: Estimate the extent of surface deterioration in the worst area of the segment.
- Localized – 1-15% of section length is affected.
  - Intermittent – 16-30% of section length is affected.
  - Prevalent – > 30% of section length is affected.

The rater selects the appropriate description entry based on the severity and extent present.

**Table 2: Severity and Extent Levels**

		EXTENT		
		Localized 1-15%	Intermittent 16-30%	Prevalent >30%
SEVERITY	Slight	1	2	3
	Moderate	4	5	6
	Extreme	7	8	9

Once all the data are recorded for each distress, the information is used to determine deduct values which are used to calculate the current pavement condition rating (PCR values).

Calculation of PCR

Based on the level of severity and extent of each distress identified as present on the street, a number of deduct points are assigned. The summation of these deduct points is subtracted from a perfect score of 100 to estimate the current pavement condition rating (PCR). This PCR value provides a relative condition assessment for each pavement section. The deduction points assigned to each distress at each severity/extent level are provided in Appendix A.

The pavement condition rating (PCR) value provides a uniform and systematic method to describe the overall condition of a street's pavement. The following are the ranges typically used for Arterial and Local streets.

**Table 3: PCR Ranges for Local and Arterial Sections**

Arterial	Condition	Local
0-50	Very Poor	0-50
51-60	Poor	51-60
61-70	Fair	61-70
71- 80	Good	71-80
81-100	Very Good	81-100

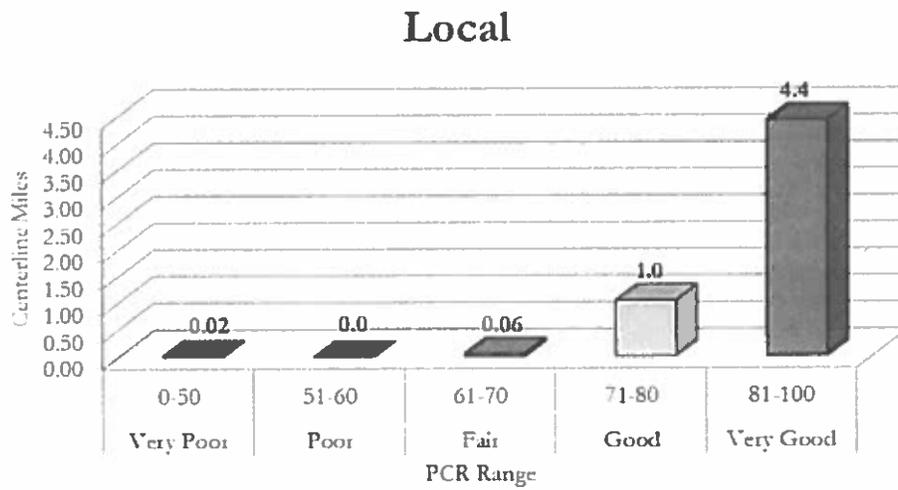
The PCR value is on a scale of 0 to 100, with a newly constructed pavement having a score of 100, while a score of 0 indicates a pavement with many severe distress conditions.

Pavement Condition Rating (PCR) Distribution

The current average network PCR score for the Village of Volente is 84 indicating an overall good condition. The overall distribution of PCR ratings for local sections is provided in Table 4 and Figure 1. The overall distribution of PCR ratings for arterial streets is provided in Table 5 and Figure 2. While these statistics show a majority of the pavements are in good condition, there are poor and very poor streets, which currently need rehabilitation. Also, the pavements which are in fair condition will continue to deteriorate at an increased rate if rehabilitation is not performed.

**Table 4: PCR Distribution for Local Streets in Centerline Miles**

Condition	PCR Range	Local	% of TOTAL
Very Poor	0-50	0.02	0.4%
Poor	51-60	0.00	0.0%
Fair	61-70	0.06	1.1%
Good	71-80	1.04	18.8%
Very Good	81-100	4.42	79.8%
<b>TOTAL</b>		<b>5.54</b>	

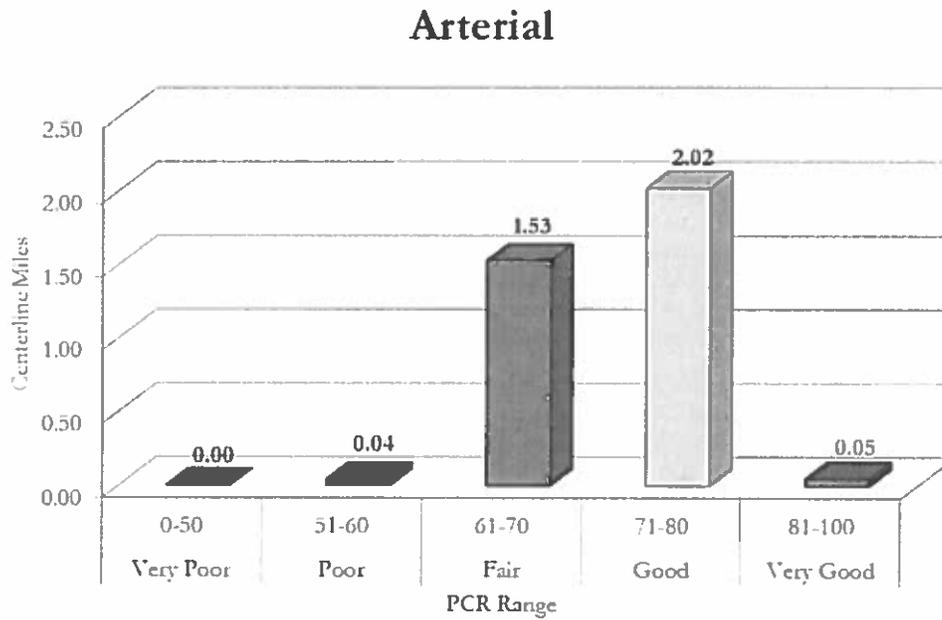


**Figure 1: PCR Distribution for Local Streets**

Streets classified as Arterials include Lime Creek and FM 2769

**Table 5: PCR Distribution for Arterial in Centerline Miles**

Condition	PCR Range	Arterial-HMAC	% of TOTAL
Very Poor	0-50	0.00	0.0%
Poor	51-60	0.04	1.1%
Fair	61-70	1.53	42.0%
Good	71-80	2.02	55.5%
Very Good	81-100	0.05	1.4%
<b>TOTAL</b>		<b>3.64</b>	



**Figure 2: PCR Distribution for Arterials**

### Drainage Assessment

The type of drainage was first identified from the following categories:

- None
- Curb and Gutter
- Curb and Gutter with Inlets
- Valley Gutter
- Lined Ditch
- Unlined Ditch

If drainage was present, the type of drainage in the Village of Volente was Unlined Ditch. The survey demonstrated that approximately 54% of the network contained unlined ditch drainage, the remaining 46% drainage was controlled by surface runoff only and no drainage feature was present. The condition of the drainage was then assessed by estimating the percent needing repair. Of the drainage present, approximately 54% was in very good (0-20% needing repair) and 46% was in good (21-40% needing repair).

## **4. MAINTENANCE, REHABILITATION & RECONSTRUCTION PLANS**

### MR&R Estimate Methodology-Roadways

The visual condition survey PCR value is used to assign a recommended repair method for each street section within the street network of the Village of Volente based on the individual distresses. Projects should be evaluated on a detailed level prior to repairs/reconstruction. Due to funding availability, Hot Mix Asphalt Concrete (HMAC) surface is not a viable reconstruction option for local streets and therefore HVJ recommends recycling in place with a HMAC Overlay be used in the case of reconstruction of local streets. It is recommended that before any treatment is performed, crack sealing and edge repair be performed to protect the integrity of the repairs.

The final recommended repair for each segment is selected based on the existing PCR score and the pavement functional classification (Arterial or Local) using the following assignments for the Village of Volente. Unit cost information was obtained from Travis County based on typical treatments near the Village of Volente.

A summary of the individual scores and recommended treatments can be found in Appendix B.

**Table 6: Flexible Pavement Repair Table Based on Pavement Condition Rating (PCR) Score**

PCR Range	Treatment Category	Budget Unit Price (\$/SY)	Improved PCR After Funding of Treatment
<b>HMAC Arterial</b>			
0-50	Reconstruction	\$315	100
51-60	Cold in-place recycling	\$20	100
61-70	1½" Overlay	\$9	100
71-80	Surface Treatment (Chip Seal)	\$3	95
81-100	Do Nothing	n/a	n/a
<b>HMAC Local</b>			
0-50	Cold in-place recycling	\$20	100
51-60	1½" Overlay	\$9	100
61-70	Surface Treatment (Chip Seal)	\$3	95
71-80	Rejuvenation & Crack Seal	\$1.20	85
81-100	Do Nothing	n/a	n/a

Definitions of the above treatments are as follows:

- Rejuvenation – an emulsion is sprayed on top of the existing pavement to rejuvenate oxidized binders
- Crack Sealing – specialized materials are placed into or above cracks to prevent the intrusion of water and incompressible material into the cracks and to reinforce the adjacent pavement
- Surface Treatment (Chip Seal) – a pavement surface treatment that combines one or more layer(s) of asphalt with one or more layer(s) of fine aggregate. A dump truck full of chips (gravel) locks on to the chip spreader and is pulled backwards. A thin layer of liquid asphalt is sprayed down in front of the chip spreader.
- 1.5" Overlay – 1.5" of asphaltic concrete is placed over the existing pavement.
- Cold In-place Recycling – recycling of asphalt pavement without the application of heat. Recycled asphalt pavement is mixed with an additive(s) to produce a reprocessed material used as an asphalt pavement layer. This is typically done when the base and subgrade is in good condition.
- Reconstruction – excavation of the entire roadway and complete restoration of the pavement section

## 5. CONCLUSIONS AND RECOMMENDATIONS

### Roadway Maintenance

Based on the rated condition, post repair PCR and the classification (arterial or local) of the sections, HVJ has assigned a priority ranking to each street with 100 being the highest priority. It is recommended that repairs be done on a street by street basis, or by combining

multiple nearby smaller streets to potentially aid in the reduction of construction mobilization and cost.

It is recommended that an initial repair based on current condition is made with a subsequent maintenance schedule to follow. Following guidance from Travis County in the area of Volente, the following is recommended for Local and Arterial Streets:

- Arterial – HMAC Overlay every 15 years with interim crack sealing every 5 years
- Local – Rejuvenation with Crack Seal every 5 years & HMAC Overlay approximately every 20 years.

This guidance was used along with the current condition score to estimate when future repairs and maintenance can be expected. The initial treatment and estimated maintenance schedule can be found in Appendix C.

#### **Drainage Maintenance**

Based on TxDOT unit costs, a budget unit price of \$1.50 per linear foot was estimated for drainage ditch cleaning and reshaping. It is recommended that the arterial roadway ditches be maintained first, followed by the local roadway ditches displaying lower quality. Arterial ditches should have maintenance performed once every 2 years, while local ditches should have maintenance once every 5 years.

Ditch maintenance is highly dependent on weather patterns. Should a large rain event occur, unforeseen damage requiring repair could follow.

A ditch maintenance schedule can be found in Appendix C.

#### **Signage**

Roadway signage replacement will be done on an “as-needed” basis. The Village should budget for 5 sign replacements per year at an approximate cost of \$1,000/sign for purchase and installation.

#### **Mowing/Herbicide**

Ditch mowing and herbicide should be done twice annually for all Village streets.

## 6. REFERENCES

1. *Street Surface Condition and Inventory Rating Guidelines*

APPENDIX A  
DEDUCTION VALUES

Table A-1 PCR Deduct Values for Determining Pavement Condition Rating (PCR) Score

Surface Type	Distress Type	Deduct Values by Distress Type and Distress Severity / Extent Level <sup>1</sup>									
		1	2	3	4	5	6	7	8	9	
Flexible	Ride	15	10	5	0	0					
	Rutting	0	2	5	5	7	10	10	12	15	
	Alligator Cracking	5	10	15	10	15	20	15	20	25	
	Failure Patches	0	2	5	5	7	10	7	15	20	
	Utility Patches	5	8	10	10	12	15	15	18	20	
	Transverse / Longitudinal Cracking - Not Sealed	8	10	10	12	15	15	15	20	20	
	Transverse / Longitudinal Cracking - Partially Sealed	5	7	8	7	10	10	13	15	15	
	Transverse / Longitudinal Cracking - Sealed	2	3	5	3	7	8	7	10	12	

A. Distress Severity/Extent Level Key

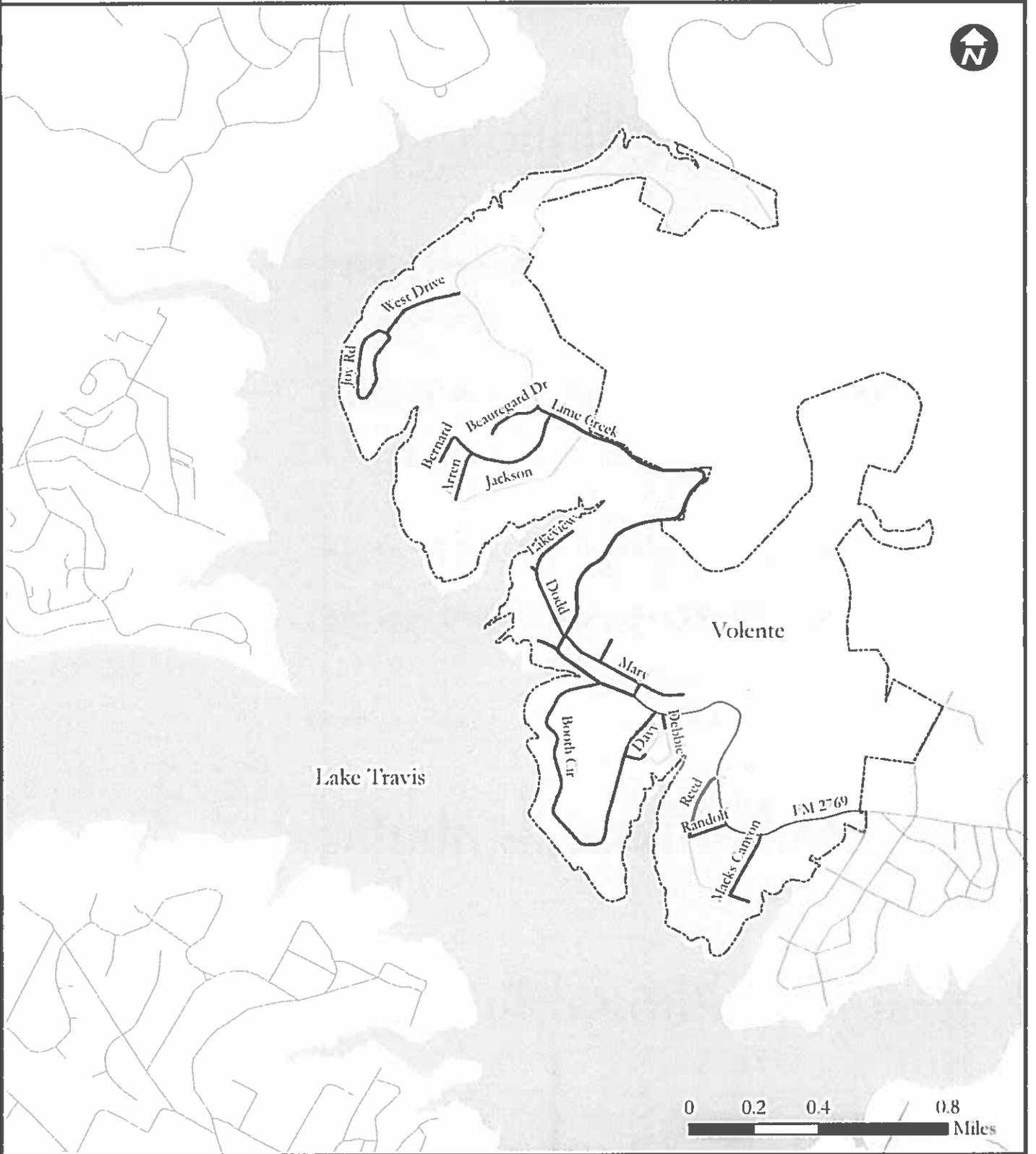
Severity	Extent		
	Localized 1-15%	Intermittent 16-30%	Prevalent >30%
Slight	1	2	3
Moderate	4	5	6
Extreme	7	8	9

APPENDIX B  
Condition Scores and Map

Volante Condition Scores and Priority

HVLI ID	Road Name	From	To	Class	Length, ft.	Width, ft.	No. of Lanes	Lane Miles	2016 Score	Area, Sq	2016 Priority	Recommended Repair
1	West Drive	Lime Creek Road	Joy Road	L	1,460	20	2	0.55	96	3,163	0	Do Nothing
2	Joy Rd	West	Sharon	L	1,406	17	2	0.53	91	2,656	0	Do Nothing
3	Sharon Rd	Joy	West	L	1,279	18	2	0.48	91	2,487	0	Do Nothing
4	Beauregard Dr	Lime Creek	End	L	921	26	2	0.35	84	2,635	0	Do Nothing
5	Sherman St	Lime Creek	Arren	L	1,756	19	2	0.67	85	3,641	0	Do Nothing
6	Sherman	Arren	Bernard	L	388	26	2	0.15	82	1,099	0	Do Nothing
7	Bernard	End	26	L	459	26	2	0.17	92	1,313	0	Do Nothing
8	Arren	Sherman	Jackson	L	806	20	2	0.31	92	1,791	0	Do Nothing
9	Jackson	Arren	Lime Creek	L	2,519	20	2	0.95	79	5,550	43	Rejuvenation
10	Lakeview	Lakeview	Dodd	L	892	19	2	0.34	90	1,866	0	Do Nothing
11	Dodd	End	Dodd	L	90	10	1	0.02	43	100	0	Do Nothing
12	Dodd	Dodd	Lime Creek	L	1,187	19	2	0.45	91	2,561	57	Cold In-Place Recycling
13	Wharf Cove	End	Lime Creek	L	341	23	2	0.13	63	871	94	Surface Treatment
14	Brandy Way	Mary	End	L	402	24	2	0.15	100	1,072	0	Do Nothing
15	Mary	Lime Creek	Brandy Way	L	719	20	2	0.27	100	1,631	0	Do Nothing
16	Mary	Brandy	Ray Vista	L	748	20	2	0.28	95	1,676	0	Do Nothing
17	Mary	Ray Vista	End	L	743	20	2	0.28	95	1,686	0	Do Nothing
18	Ray Vista	Mary	Lime Creek	L	232	26	2	0.09	100	670	0	Do Nothing
19	Booth Cir	FM 2769	Davy	L	886	16	2	0.34	90	1,575	0	Do Nothing
20	Booth Cir	Davy	End	L	5,281	20	2	2.00	82	11,736	0	Do Nothing
21	Davy	Booth	Debbie	L	364	19	2	0.14	82	779	0	Do Nothing
22	Davy	Debbie	Davy	L	551	19	2	0.21	77	1,153	57	Rejuvenation
23	Debbie	Davy	FM 2769	L	963	19	2	0.36	79	2,033	43	Rejuvenation
24	Debbie	Davy	End	L	229	20	2	0.09	92	505	0	Do Nothing
25	Yerawine Way - Hill Street	FM 2769	End	L	132	17	2	0.05	80	247	36	Rejuvenation
26	Reed	FM 2769	Randolph	L	1,115	17	2	0.42	85	2,158	0	Do Nothing
27	Reed	Randolph	Macks Canyon	L	1,320	18	2	0.50	74	2,640	79	Rejuvenation
28	Reed	Macks Canyon	End	L	322	18	2	0.12	89	644	0	Do Nothing
29	Macks Canyon	Reed	FM 2769	L	1,099	19	2	0.42	84	2,259	0	Do Nothing
30	Randolf	FM 2769	Reed	L	641	20	2	0.24	100	1,389	0	Do Nothing
37	FM 2769	Ray Vista	Booth	A	573	26	2	0.22	70	1,655	77	1.5" Overlay
38	FM 2769	Booth	Lime Creek	A	899	22	2	0.34	65	2,198	90	1.5" Overlay
39	Lime Creek	FM 2769	Dodd	A	230	21	2	0.09	51	537	100	Cold In-Place Recycling
40	Lime Creek	Dodd	Gravel Road/Lakeview	A	1,897	22	2	0.72	65	4,637	90	1.5" Overlay
41	Lime Creek	Gravel Road/Lakeview Street	Jackson	A	4,114	22	2	1.56	65	10,056	90	1.5" Overlay
42	Lime Creek	Jackson	Sherman	A	598	22	2	0.23	68	1,462	82	1.5" Overlay
43	Lime Creek	Sherman	Beauregard	A	250	22	2	0.09	82	611	0	Do Nothing
44	Lime Creek	Beauregard	West	A	2,389	22	2	0.90	75	5,840	83	Surface Treatment
45	Lime Creek	West	City Limit	A	8,281	22	2	3.14	75	20,242	83	Surface Treatment

# Village of Volente, Texas 2016 Pavement Condition Map



## PCR Scores

- 0 - 50
- 51 - 60
- 61 - 70
- 71 - 80
- 81 - 100



APPENDIX C  
Maintenance Playbook

Initial Recommended Treatment Based on Priority

Year	Street	From	To	Class	Score at Time of Treatment	Area, SY	Priority	Recommended Repair	Unit Price	Cost
2017	Lime Creek	FM 2769	Dodd	A	51	537	100	Cold In-Place Recycling	\$ 20.00	\$ 10,740
	Wharf Cove	End	Lime Creek	L	63	871	94	Surface Treatment	\$ 3.00	\$ 2,613
	Lime Creek	Gravel Road/Lakeview Street	Jackson	A	65	10,056	90	1.5" Overlay	\$ 9.00	\$ 90,504
2018	FM 2769	Booth	Lime Creek	A	61	2,198	100	1.5" Overlay	\$ 9.00	\$ 19,778
	Lime Creek	Dodd	Gravel Road/Lakeview	A	61	4,637	100	1.5" Overlay	\$ 9.00	\$ 41,734
	Lime Creek	Beauregard	West	A	71	5,840	100	Surface Treatment	\$ 3.00	\$ 17,519
	Lime Creek	West	City Limit	A	71	20,242	100	Surface Treatment	\$ 3.00	\$ 60,727
2019	FM 2769	Ray Vista	Booth	A	62	1,655	97	1.5" Overlay	\$ 9.00	\$ 14,895
	Lime Creek	Jackson	Sherman	A	56	1,462	90	Cold In-Place Recycling	\$ 20.00	\$ 29,236
	Reed	Randolph	Macks Canyon	L	68	2,640	79	Surface Treatment	\$ 3.00	\$ 7,920
	Davy	Debbie	Debbie	L	71	1,153	100	Rejuvenation	\$ 1.20	\$ 1,383
	Dodd	End	Dodd	L	37	100	63	Cold In-Place Recycling	\$ 20.00	\$ 2,000
	Jackson	Arren	Lime Creek	L	73	5,550	86	Rejuvenation	\$ 1.20	\$ 6,660
	Debbie	Davy	Davy	L	73	2,033	86	Rejuvenation	\$ 1.20	\$ 2,440
	Yenawine Way - Hill Street	FM 2769	End	L	74	247	79	Rejuvenation	\$ 1.20	\$ 296
	Beauregard Dr	Lime Creek	End	L	78	2,635	50	Rejuvenation	\$ 1.20	\$ 3,162
	Sherman	Arren	Bernard	L	76	1,099	64	Rejuvenation	\$ 1.20	\$ 1,319
	Booth Cir	Davy	FM 2769	L	76	11,736	64	Rejuvenation	\$ 1.20	\$ 14,083
	Davy	Booth	Debbie	L	76	779	64	Rejuvenation	\$ 1.20	\$ 935
	Macks Canyon	Reed	FM 2769	L	80	2,259	36	Rejuvenation	\$ 1.20	\$ 2,711
	Lime Creek	Sherman	Beauregard	A	70	611	77	Surface Treatment	\$ 3.00	\$ 1,833

HWY ID	Road Name	From	To	Payment Type	Class	Length, Ft.	Width, Ft.	No. of Lanes	2016 Score	Area, SY	Shield Repair	Year	Subsequent Repairs
1	West Drive	Lime Creek Road	Joy Road	F	L	1,460	20	2	96	1,163	None	2017	Rejuv/Crack Seal 2021, 2026, 2031 Overlay 2031-
2	Joy Rd	West	Sharon	F	L	1,406	17	2	91	2,656	None	2019	Rejuv/Crack Seal 2021, 2026, Overlay 2031
3	Sharon Rd	Joy	End	F	L	1,279	18	2	91	2,487	None	2019	Rejuv/Crack Seal 2021, 2026, Overlay 2031
4	Beauregard Dr	Lime Creek	End	F	L	921	26	2	84	2,635	None	2019	Rejuv/Crack Seal 2021, 2026, Overlay 2026
5	Sherman St	Lime Creek	Arren	F	L	1,756	19	2	85	1,641	None	2019	Rejuv/Crack Seal 2021, 2026, Overlay 2026
6	Sherman	Arren	Bernard	F	L	388	26	2	82	1,099	Rejuvenation/Crack Seal	2019	Rejuv/Crack Seal 2021, 2026, Overlay 2026
7	Bernard	Sherman	End	F	L	459	26	2	92	1,313	None	2019	Rejuv/Crack Seal 2021, 2026, Overlay 2032
8	Arren	Sherman	Jackson	F	L	806	20	2	92	1,791	None	2019	Rejuv/Crack Seal 2021, 2026, Overlay 2032
9	Jackson	Arren	Lime Creek	F	L	2,519	20	2	79	5,550	Rejuvenation/Crack Seal	2019	Rejuv/Crack Seal 2021, 2026, Overlay 2032
10	Lakeview	Lakeview	Dodd	F	L	892	19	2	90	1,866	None	2019	Rejuv/Crack Seal 2021, 2026, Overlay 2031
11	Dodd	End	Dodd	F	L	90	10	1	43	100	Cold in Place Recycling	2019	Rejuv/Crack Seal 2021, 2026, Overlay 2031
12	Dodd	Dodd	Lime Creek	F	L	90	10	1	43	100	Cold in Place Recycling	2019	Rejuv/Crack Seal 2021, 2026, Overlay 2031
13	Wharf Cove	End	Lime Creek	F	L	1,187	23	2	91	2,561	None	2019	Rejuv/Crack Seal 2021, 2026, Overlay 2031
14	Brandy Way	Mary	End	F	L	341	19	2	63	871	Surface Treatment	2017	Rejuv/Crack Seal 2021, 2027, 2032, Overlay 2035
15	Mary	Lime Creek	Brandy Way	F	L	402	24	2	100	1,072	None	2019	Rejuv/Crack Seal 2021, 2026, 2031, Overlay 2031
16	Mary	Brandy	Brandy Way	F	L	719	20	2	100	1,631	None	2019	Rejuv/Crack Seal 2021, 2026, 2031, Overlay 2031
17	Mary	Brandy	Ray Vista	F	L	748	20	2	95	1,676	None	2019	Rejuv/Crack Seal 2021, 2026, 2031, Overlay 2031
18	Ray Vista	Mary	End	F	L	743	20	2	95	1,686	None	2019	Rejuv/Crack Seal 2021, 2026, 2031, Overlay 2031
19	Booth Cir	FM 2769	Lime Creek	F	L	232	26	2	100	670	None	2019	Rejuv/Crack Seal 2021, 2026, 2031, Overlay 2031
20	Booth Cir	Davy	Davy	F	L	886	16	2	90	1,575	None	2019	Rejuv/Crack Seal 2021, 2026, Overlay 2031
21	Davy	Booth	FM 2769	F	L	5,281	20	2	82	11,736	Rejuvenation/Crack Seal	2019	Rejuv/Crack Seal 2021, 2026, Overlay 2031
22	Davy	Booth	Debbie	F	L	364	19	2	82	779	Rejuvenation/Crack Seal	2019	Rejuv/Crack Seal 2021, 2026, Overlay 2032
23	Debbie	Debbie	Debbie	F	L	551	19	2	77	1,153	Rejuvenation/Crack Seal	2019	Rejuv/Crack Seal 2021, 2026, Overlay 2032
24	Debbie	Davy	Davy	F	L	963	19	2	79	2,033	Rejuvenation/Crack Seal	2019	Rejuv/Crack Seal 2021, 2026, Overlay 2032
25	Venamore Way - Hill Street	FM 2769	FM 2769	F	L	229	20	2	92	505	None	2019	Rejuv/Crack Seal 2021, 2026, 2031, Overlay 2034
26	Reed	FM 2769	End	F	L	132	17	2	80	247	Rejuvenation/Crack Seal	2019	Rejuv/Crack Seal 2021, 2026, Overlay 2032
27	Reed	FM 2769	Randolph	F	L	1,115	17	2	85	2,158	None	2019	Rejuv/Crack Seal 2021, 2026, Overlay 2025
28	Reed	Marks Canyon	Marks Canyon	F	L	1,320	18	2	85	2,640	Surface Treatment	2019	Rejuv/Crack Seal 2021, 2026, Overlay 2031
29	Marks Canyon	Reed	End	F	L	322	18	2	89	644	None	2019	Rejuv/Crack Seal 2021, 2026, Overlay 2031
30	Randolph	FM 2769	FM 2769	F	L	1,099	19	2	84	2,259	Rejuvenation/Crack Seal	2019	Rejuv/Crack Seal 2021, 2026, Overlay 2031
31	FM 2769	Reed	Reed	F	L	641	20	2	100	1,389	None	2019	Rejuv/Crack Seal 2021, 2026, Overlay 2032
32	FM 2769	Booth	Booth	F	A	573	26	2	70	1,655	1.5" Overlay	2019	Rejuv/Crack Seal 2021, 2026, Overlay 2031
33	FM 2769	Booth	Lime Creek	F	A	899	22	2	65	2,198	1.5" Overlay	2019	Rejuv/Crack Seal 2021, 2026, Overlay 2031
34	Lime Creek	FM 2769	Dodd	F	A	230	21	2	51	537	Cold in Place Recycling	2017	Crack seal 2021, 2022, Overlay 2032
40	Lime Creek	Dodd	Gravel Road/Lakeview	F	A	1,897	22	2	65	4,637	1.5" Overlay	2017	Crack seal 2021, 2026, Overlay 2031
41	Lime Creek	Gravel Road/Lakeview Street	Jackson	F	A	4,114	22	2	65	10,056	1.5" Overlay	2017	Crack seal 2021, 2026, Overlay 2032
42	Lime Creek	Jackson	Sherman	F	A	598	22	2	68	1,462	Cold in Place Recycling	2017	Crack seal 2021, 2026, Overlay 2031
43	Lime Creek	Beauregard	Beauregard	F	A	250	22	2	82	611	Surface Treatment	2019	Crack seal 2021, 2026, Overlay 2033
44	Lime Creek	Beauregard	West	F	A	2,389	22	2	75	5,840	Surface Treatment	2018	Crack seal 2021, 2027, Overlay 2032
45	Lime Creek	West	City Limit	F	A	8,281	22	2	75	20,742	Surface Treatment	2018	Crack seal 2021, 2027, Overlay 2032

Drainage Maintenance Schedule

HWY_ID	Road Name	From	To	Class	Length, Ft.	Drainage Type	Condition	Side	Length of Ditches	Unit Price \$1.50/LF	2016	2017	2018	2019	
4	Beauregard Dr	Lime Creek	End	L	921	Un-Lined Ditch	1 Both		1,842	\$ 2,763.00				\$ 2,763.00	
5	Sherman St	Lime Creek	Arren	L	1,756	Un-Lined Ditch	1 One		1,756	\$ 2,634.00				\$ 2,634.00	
6	Sherman	Arren	Bernard	L	388	Un-Lined Ditch	1 Both		776	\$ 1,164.00				\$ 1,164.00	
7	Bernard	Sherman	End	L	459	Un-Lined Ditch	1 Both		918	\$ 1,377.00				\$ 1,377.00	
8	Arren	Sherman	Jackson	L	806	Un-Lined Ditch	1 One		806	\$ 1,209.00				\$ 1,209.00	
9	Jackson	Arren	Lime Creek	L	2,519	Un-Lined Ditch	2 Both		5,038	\$ 7,557.00			\$ 7,557.00		
13	Wharf Cove	End	Lime Creek	L	341	Un-Lined Ditch	1 Both		682	\$ 1,023.00			\$ 1,023.00		
14	Brandy Way	Mary	End	L	402	Un-Lined Ditch	2 One		402	\$ 603.00			\$ 603.00		
15	Mary	Lime Creek	Brandy Way	L	719	Un-Lined Ditch	1 One		719	\$ 1,078.50			\$ 1,078.50		
16	Mary	Brandy	Ray Vista	L	748	Un-Lined Ditch	1 One		748	\$ 1,122.00			\$ 1,122.00		
17	Mary	Ray Vista	End	L	743	Un-Lined Ditch	1 One		743	\$ 1,114.50		\$ 1,114.50			
18	Ray Vista	Mary	Lime Creek	L	232	Un-Lined Ditch	1 One		232	\$ 348.00		\$ 348.00			
20	Booth Cir	Davy	FM 2769	L	5,281	Un-Lined Ditch	2 One		5,281	\$ 7,921.50		\$ 7,921.50			
21	Davy	Booth	Debbie	L	364	Un-Lined Ditch	2 One		364	\$ 546.00		\$ 546.00			
37	FM 2769	Ray Vista	Booth	A	573	Un-Lined Ditch	1 One		573	\$ 859.50		\$ 859.50			
39	Lime Creek	FM 2769	Dodd	A	230	Un-Lined Ditch	2 Both		460	\$ 690.00	\$ 690.00				
40	Lime Creek	Dodd	Gravel Road/Lakeview	A	1,897	Un-Lined Ditch	1 One		1,897	\$ 2,845.50	\$ 2,845.50				
41	Lime Creek	Gravel Road/Lakeview Street	Jackson	A	4,114	Un-Lined Ditch	2 One		4,114	\$ 6,171.00	\$ 6,171.00				
42	Lime Creek	Jackson	Sherman	A	598	Un-Lined Ditch	1 One		598	\$ 897.00	\$ 897.00				
43	Lime Creek	Sherman	Beauregard	A	250	Un-Lined Ditch	1 One		250	\$ 375.00	\$ 375.00				
44	Lime Creek	Beauregard	West	A	2,389	Un-Lined Ditch	1 One		2,389	\$ 3,583.50	\$ 3,583.50				
											\$ 45,882.00	\$ 14,562.00	\$ 10,789.50	\$ 11,383.50	\$ 9,147.00

## 2016 INTERIM PUBLIC WORKS REQUEST

1. Drainage
  - a. HVJ Recommendation
    - i. Lime Creek Road \$14,562.00
  - b. Robert Nelson
    - i. Lime Creek Road \$ 1,570.00
2. Crack Seal
  - a. Bids requested for Hwy 2769, Jackson, Lime Creek
    - i. Ace Asphalt Maintenance
    - ii. Travis County
    - iii. ?
  - b. HVJ estimate at \$3.00/SY \$49,778.00
    - i. Budget Amount \$20.000
3. Herbicide and Mowing
  - a. LRS has been instructed to mow ROW
  - b. Entities using herbicide
    - i. TXDOT on Hwy 2769
    - ii. Lago Vista in their new Road Maintenance Plan
    - iii. City of Austin
  - c. Jonestown, Point Venture, Briarcliff have curbs

R. NELSON CONCRETE & CONSTR. INC  
ROBERT W. NELSON  
8215 WEST DRIVE PH. 512-415-7077  
VOLENTE, TX 78641

# CONTRACTORS INVOICE

ATTN KEN

WORK PERFORMED AT:

TO: VILLAGE OF Volente

6-7 LOCATIONS  
ALL ON RIGHT SIDE OF  
LIME CREEK Rd.  
HEADING N.W.

DATE 6-27-16 YOUR WORK ORDER NO. OUR BID NO.

### DESCRIPTION OF WORK PERFORMED

I AM QUOTING BELOW PRICES,  
TO CLEAN OUT, REMOVE & HAUL OFF IF NECESSARY  
6-7 LOCATIONS ON LIME CREEK Rd,  
TO ALLOW WATER TO RUN DOWN DITCH,  
" NOT ONTO ROAD & SHOULDER,

1 WORKING DAY

2 WORKERS 8 HOURS

\$ 500.00

" includes 1 FLAGMAN "

TRACTOR WORK RATE 8 x 90.00

\$ 720.00

includes THOUS + 1 HOUR FUEL CHARGE

TRACTOR OPERATOR 8 HOURS

\$ 350.00

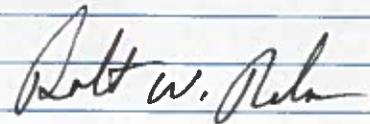
TOTAL MAXIMUM 1 DAY CHARGE

FOR EQUIPMENT ABOVE

\$ 1,570.00

Will supply DUMP TRUCK IF REQUIRED.

THANK YOU



All Material is guaranteed to be as specified, and the above work was performed in accordance with the drawings and specifications provided for the above work and was completed in a substantial workmanlike manner for the agreed sum of \_\_\_\_\_

Dollars (\$ \_\_\_\_\_).

This is a  Partial  Full invoice due and payable by: \_\_\_\_\_  
Month \_\_\_\_\_ Day \_\_\_\_\_ Year \_\_\_\_\_

in accordance with our  Agreement  Proposal No. \_\_\_\_\_ Dated \_\_\_\_\_  
Month \_\_\_\_\_ Day \_\_\_\_\_ Year \_\_\_\_\_

## 2016 CITY TAX AND BUDGET DEADLINES

Senate Bill 1510 (2013) made significant changes to the tax rate setting process: <http://www.capitol.state.tx.us/tlodocs/83R/billtext/html/SB01510F.htm>. Those changes are codified in Local Government Code Section 140.010. Pursuant to that law, and in conjunction with the budget adoption process in Chapter 102 of the Local Government Code, the following deadlines apply to—and may be used by—all cities.

However, a city that is considered to have a “low tax levy” under Tax Code Section 26.052 (a city that levies under \$500,000 in total property taxes and levies a tax rate under \$.50 per \$100) may choose to provide notice of its tax rate under that section of the Tax Code instead of Section 140.010 of the Local Government Code. LOCAL GOVERNMENT CODE § 140.010(b). A “low tax levy” city that chooses to provide notice under Section 26.052 of the Tax Code need not hold any public hearings on the tax rate, and is required to provide mailed or published notice of the tax rate no later than seven days before the date the city adopts the tax rate. The budget deadlines listed below still apply to “low tax levy” cities.

These are absolute deadlines, and assume the city waits until the last minute for each step. In most cases the city would be wise to act well in advance (except where there are front-end deadlines, which are noted).

Updates for 2016 are highlighted below.

**August 29** – last day for budget officer to file proposed budget with municipal clerk if the city plans to wait until September 29 to adopt the tax rate. LOCAL GOVERNMENT CODE § 102.005 (before 30th day before tax rate adopted – thus, if a city plans to adopt tax rate before September 29, the proposed budget must be filed sooner). The proposed budget must contain a special cover page if the budget will raise more total property taxes than the previous year. The city secretary must post the proposed budget on the city’s website if the city maintains one.

**September 1** – generally the last day for a city to provide notice of its proposed tax rate by publication or by mail. LOCAL GOVERNMENT CODE § 140.010(f) (due to the passage of H.B. 1953 and S.B. 1760 (2015), state law now allows a city to provide notice not later than the later of September 1<sup>st</sup> or the 30<sup>th</sup> day after the first date that the city receives each applicable certified appraisal roll). This is also the last day for the city to post notice of its proposed tax rate on its website, if it has one. The notice must remain on the website until the city adopts its tax rate. A city that proposes a tax rate that exceeds the lower of the effective tax rate or the rollback rate must include in the notice the date, time, and place of two separate hearings on the proposed tax rate. Additionally, S.B. 1760 (2015) requires the city that proposes a tax rate that exceeds the lower of the effective tax rate or the rollback rate to include a sentence describing the proposed use of the additional revenue attributable to the tax rate increase. For content of published notice, see Local Government Code Section 140.010.

**September 15** – Continuous Internet and T.V. notice of tax rate public hearings begins, if applicable. TAX CODE § 26.065. For content of published notice and Internet and T.V. notice, see Tax Code Section 26.06(b).

**September 18** – last day to publish notice of budget hearing. LOCAL GOVERNMENT CODE § 102.0065 (not later than 10th day before the budget hearing). Note that the notice may not be

published earlier than the 30th day before the hearing. The budget hearing notice must contain specific information about property tax increases. LOCAL GOVERNMENT CODE §102.0065(d).

**September 23** – last day for **first hearing on tax rate increase** (if needed for an increase over the lower of the effective or rollback tax rate) (at least three days before second hearing, but not on a weekend or public holiday). TAX CODE § 26.06(a) and (e). Note that the first tax rate hearing may not be held before the seventh day after the notice of the public hearing is given. TAX CODE § 26.06(a). Thus if notice of the public hearing is given on September 1 under Local Government Code Section 140.010(f), the earliest date for the first hearing on the tax rate increase is September 8.

**September 26** – last day for **second hearing on tax rate increase** (if needed for an increase over the lower of the effective or rollback rate) (at least three days before adoption of tax rate, not on weekend or public holiday). TAX CODE § 26.06(a) and (e). Note also, the second hearing must be no more than 14 days before adoption of tax rate. TAX CODE § 26.06(e).

**September 28** – last day for **hearing on budget**. LOCAL GOVERNMENT CODE § 102.006(b) (hearing shall be before the date of the tax levy). Note that the hearing must be after the 15th day after the proposed budget is filed with the clerk. Also, the city must take some sort of **action on the budget** at conclusion of hearing. LOCAL GOVERNMENT CODE § 102.007. This action could be the adoption of the budget, or else a vote to postpone the final budget vote. It is generally accepted that the city need not adopt the budget at the end of the hearing.

**September 29** – city should **adopt the budget** no later than this date. LOCAL GOVERNMENT CODE § 102.009 (city may only levy taxes in accordance with budget, and because levy cannot take place later than September 29 (see below), this is the effective deadline for property taxing cities). The city council must take a separate ratification vote to adopt any budget that will raise total property tax revenue. LOCAL GOVERNMENT CODE § 102.007(c). The budget must contain a special cover page that includes: (a) a specific statement on the whether the budget raises more, less, or the same amount of property tax revenue compared to the previous year's budget; (b) the record vote of each member of the governing body by name voting on the adoption of the budget; (c) the city property tax rates for the preceding and current fiscal years, including the adopted rate, effective tax rate, effective maintenance and operations tax rate, rollback tax rate, and debt rate; and (d) the total amount of city debt obligations secured by property taxes. LOCAL GOVERNMENT CODE § 102.007(d). The adopted budget, including the cover page, must be posted on the city's website if the city has one.

**September 29** – Must **adopt tax rate** no later than this date. TAX CODE § 26.05 (or 60th day after receipt of appraisal roll, whichever is later. If the city uses the 60 day rule, almost every date in this memo would need to be recalculated). The motion to adopt a tax rate that exceeds the effective rate must be made precisely as follows: "I move that the property tax rate be increased by the adoption of a tax rate of (specify tax rate), which is effectively a (insert percentage by which the proposed tax rate exceeds the effective tax rate) percent increase in the tax rate." S.B. 1760 (2015) provides that if the tax rate will exceed the effective tax rate, the vote on the ordinance setting the tax rate must be a record vote and must be approved by at least 60 percent of the members of the governing body. TAX CODE § 26.05(b). Tax Code Section 26.05 contains several other precise requirements regarding notice in the tax rate ordinance itself that must be complied with if the city adopts a rate exceeding the effective tax rate.

**VILLAGE of VOLENTE**  
*Fiscal Year 2016-2017 Budget*

	Actual FY 2015	Amended Budget FY 2016	FY to June 30, 2016	Projected Actual FY 2016	Budget FY 2017
Adopted Tax Rate	\$0.1300	\$0.1000		\$0.1000	
Effective Tax Rate	\$0.1247	\$0.1203		\$0.1203	
M&O Tax Rate	0.1247	\$0.1203		\$0.1203	
Rollback Tax Rate	0.1346	\$0.1299		\$0.1299	
Taxable Property Value	163,990,728	\$177,981,701		\$177,981,701	
<b>REVENUE</b>					
<b>40000 · Property Tax Revenue</b>					
40110 · Real Property Tax - Current Yr	216,796.37	177,981.00	178,379.48	179,000.00	-
<b>Total 40000 · Property Tax Revenue</b>	<b>216,796.37</b>	<b>177,981.00</b>	<b>178,379.48</b>	<b>179,000.00</b>	<b>-</b>
<b>41000 · Sales Tax Revenue</b>					
41110 · Mixed Beverage Sales Tax	3,818.53	3,500.00	619.07	3,500.00	
41120 · Sales & Use Taxes	48,402.18	48,000.00	35,843.82	48,000.00	
<b>Total 41000 · Sales Tax Revenue</b>	<b>52,220.71</b>	<b>51,500.00</b>	<b>36,462.89</b>	<b>51,500.00</b>	<b>-</b>
<b>42000 · Utility Franchise Fees</b>					
42110 · Franchise Fees	32,268.24	37,750.00	24,062.69	37,750.00	
<b>Total 42000 · Utility Franchise Fees</b>	<b>32,268.24</b>	<b>37,750.00</b>	<b>24,062.69</b>	<b>37,750.00</b>	<b>-</b>
<b>43000 · Development Fees &amp; Related</b>					
43120 · Development Fees and Permits	315.00	4,500.00	4,820.50	4,800.00	
43150 · Administration Fees	250.00	3,500.00	3,688.69	3,700.00	
43155 · Handling Fees & Markup	603.07	2,000.00	2,179.74	2,170.00	
43160 · Variance Fee	6,537.50	3,000.00	3,225.00	4,000.00	
<b>Total 43000 · Development Fees/Permits</b>	<b>7,705.57</b>	<b>13,000.00</b>	<b>13,913.93</b>	<b>14,670.00</b>	<b>-</b>
<b>44000 Grant Revenue</b>					
44110 · Capt Metro	60,000.00	29,000.00	-	15,000.00	-
<b>Total 44000 · Grant Revenue</b>	<b>60,000.00</b>	<b>29,000.00</b>	<b>-</b>	<b>15,000.00</b>	<b>-</b>
<b>45000 · Conditional Use Permits</b>					
45010 · Short-term Rental	1,650.00	-	50.00	1,000.00	-
45025 · Sign Permit Fees	630.00	750.00	(10.00)		-

**VILLAGE of VOLENTE**  
*Fiscal Year 2016-2017 Budget*

	Actual FY 2015	Amended Budget FY 2016	FY to June 30, 2016	Projected Actual FY 2016	Budget FY 2017
Total 45000 · Conditional Use Permits	2,280.00	750.00	40.00	1,000.00	-
<b>47000 · Investment Earning</b>					
47120 · Interest Earned /Savs/MMA	358.31	400.00	242.48	325.00	
<b>Total 47000 · Investment Earning</b>	<b>358.31</b>	<b>400.00</b>	<b>242.48</b>	<b>325.00</b>	<b>-</b>
<b>49100 · Miscellaneous Income</b>					
49100 · Miscellaneous Income	322.85	-	-	-	-
<b>Total 49100 · Miscellaneous Income</b>	<b>322.85</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

**TOTAL REVENUE**

	<b>371,952.05</b>	<b>310,381.00</b>	<b>253,101.47</b>	<b>299,245.00</b>	<b>-</b>
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**EXPENDITURES**

<b>50000 · Operations</b>					
<b>50100 · Office Supplies &amp; Equipment</b>					
50120 · Office Supplies - General	4,882.58	2,500.00	1,349.87	1,900.00	
50130 · Office Supplies - Printing	(400.75)	1,000.00	680.68	1,000.00	
50140 · Office Equipment Lease	4,748.91	5,500.00	3,956.82	5,500.00	
<b>Total 50100 · Office Supplies &amp; Equipment</b>	<b>9,230.74</b>	<b>9,000.00</b>	<b>5,987.37</b>	<b>8,400.00</b>	<b>-</b>
<b>50200 · Postage and Shipping</b>					
50220 · Postage	1,103.61	2,400.00	432.67	700.00	
<b>Total 50200 · Postage and Shipping</b>	<b>1,103.61</b>	<b>2,400.00</b>	<b>432.67</b>	<b>700.00</b>	<b>-</b>
<b>50300 · Communications &amp; Internet</b>					
50310 · Website Maintenance	-	1,000.00	-	-	
50320 · Telephone & Internet	3,131.24	3,000.00	1,790.50	2,400.00	
50350 · Domain Sites	988.09	-	533.39	600.00	
50360 · Community Survey	2,286.11	-	911.28	950.00	
50380 · Cell Phone Reimbursement	1,092.18	-	-	-	
<b>Total 50300 · Communications &amp; Internet</b>	<b>7,497.62</b>	<b>4,000.00</b>	<b>3,235.17</b>	<b>3,950.00</b>	<b>-</b>
<b>50600 · Computer Services and Support</b>					

**VILLAGE of VOLENTE**

*Fiscal Year 2016-2017 Budget*

	Actual FY 2015	Amended Budget FY 2016	FY to June 30, 2016	Projected Actual FY 2016	Budget FY 2017
50610 · Computer Software and Support	1,671.79	1,200.00	1,272.72	1,700.00	
50620 · Computer Hardware & Repairs	124.00	250.00	-		
<b>Total 50600 · Computer Services and Support</b>	<b>1,795.79</b>	<b>1,450.00</b>	<b>1,272.72</b>	<b>1,700.00</b>	<b>-</b>
<b>50800 · Other Operating Expense</b>					
50801 · Bank Service Charges			35.00	100.00	
50804 · Advertising/Public Notices	1,060.27	1,000.00	375.37	600.00	
50805 · Books & Publications	177.50	500.00	269.50	300.00	
50806 · Dues, Fees, & Subscriptions	1,982.90	3,600.00	3,121.40	3,300.00	
50808 · Insurance, Liab/workers comp	2,323.44	1,200.00	1,846.52	1,850.00	
50809 · Training & Ed - Council	-	1,000.00	375.00	375.00	
50812 · Mileage Reimbursement	1,471.44	500.00	520.79	100.00	
50813 · Travel - Meals	50.08		-		
<b>Total 50800 · Other Operating Expense</b>	<b>7,065.63</b>	<b>7,800.00</b>	<b>6,543.58</b>	<b>6,625.00</b>	<b>-</b>
<b>Total 50000 · Operations</b>	<b>26,693.39</b>	<b>24,650.00</b>	<b>17,471.51</b>	<b>21,375.00</b>	<b>-</b>
<b>52000 · Municipal Court</b>					
52120 · Municipal Court Expenditures	1,637.75	500.00	(1,363.77)	(1,364.00)	
<b>Total 52000 · Municipal Court</b>	<b>1,637.75</b>	<b>500.00</b>	<b>(1,363.77)</b>	<b>(1,364.00)</b>	<b>-</b>
<b>53000 · Facilities and Equipment</b>					
<b>53100 · Facilities and Equip -Other</b>					
53120 · Office Equipment & Furniture	50.00	692.00	180.00	180.00	
53130 · Utilities - Electric	3,486.12	3,500.00	1,599.85	2,250.00	
53140 · Repairs & Maint Facilities	3,529.39	6,000.00	4,471.00	5,200.00	
53150 · Burglar Alarm	419.88	425.00	427.08	450.00	
53160 · Pest & Extermination Services	-	250.00	120.00	180.00	
<b>Total 53100 · Facilities and Equip -Other</b>	<b>7,485.39</b>	<b>10,867.00</b>	<b>6,797.93</b>	<b>8,260.00</b>	<b>-</b>
<b>53200 · Facility and Equipment Rent</b>					
53210 · Firehall Rental	-	100.00	-		
53220 · Office Space Lease	24,000.00	22,000.00	16,000.00	21,300.00	
<b>Total 53200 · Facility and Equipment Rent</b>	<b>24,000.00</b>	<b>22,100.00</b>	<b>16,000.00</b>	<b>21,300.00</b>	<b>-</b>
<b>Total 53000 · Facilities and Equipment</b>	<b>31,485.39</b>	<b>32,967.00</b>	<b>22,797.93</b>	<b>29,560.00</b>	<b>-</b>
<b>55000 · Community Events</b>					

**VILLAGE of VOLLENTE**

*Fiscal Year 2016-2017 Budget*

	Actual FY 2015	Amended Budget FY 2016	FY to June 30, 2016	Projected Actual FY 2016	Budget FY 2017
55120 · Village Cleanup, other	1,579.00	1,600.00	-	1,600.00	
55150 · City Council Meetings & Workshop	754.76	3,000.00	538.40	550.00	
55160 · Election Expense	858.53	1,500.00	2,249.89	2,450.00	
55170 · Events - Other	1,087.23	1,550.00	597.74	600.00	
55180 · Town Hall Meetings	-	2,100.00	63.76	400.00	
<b>Total 55000 · Community Events</b>	<b>4,279.52</b>	<b>9,750.00</b>	<b>3,449.79</b>	<b>5,600.00</b>	<b>-</b>
<b>57000 · Public Works</b>					
57110 · Park Maintenance	3,625.00	4,765.00	3,765.47	4,000.00	
57120 · ROW Herbicide	-	-	425.00	1,500.00	
57121 · Mowing	18,510.00	-	695.00	3,500.00	
57123 · Tree Trimming	45,050.00	-	-	-	
57131 · Roads & Right-of-way	7,273.50	20,235.00	-	25,000.00	
57140 · Street Signs (New & Repairs)	3,658.44	-	-	5,000.00	
57150 · Road Maintenance Reserves	-	-	-	-	
57160 · Public Works - General	-	15,000.00	14,450.00	15,000.00	
<b>Total 57000 · Public Works</b>	<b>78,116.94</b>	<b>40,000.00</b>	<b>19,335.47</b>	<b>54,000.00</b>	<b>-</b>
<b>64000 · Outside Services</b>					
64011 · Audit	6,000.00	6,000.00	-	6,000.00	
64012 · Tax Collection	1,207.34	1,500.00	709.80	950.00	
64014 · Special Consultants	1.95	13,500.00	3,000.00	13,500.00	
64018 · Bookkeeping Service	4,802.80	4,800.00	2,089.95	2,750.00	
64020 · Records Management	-	2,000.00	2,127.00	2,127.00	
<b>64100 · Development Costs</b>					
64101 · Inspections	-	50.00	50.00	250.00	
64102 · Plan Review (Engineering/Inspection)	-	795.44	795.44	800.00	
64106 · Public Notices/Notification	(944.94)	(627.02)	(627.02)	(630.00)	
64110 · Development Costs to be invoiced	(376.00)	375.00	375.00	375.00	
64115 · Markup	(1,822.27)	-	27.82	2,782.00	
64199 · Engineering/Inspection - Non Reimb	24,616.71	14,200.00	7,708.75	14,200.00	
<b>Total 64100 · Development Costs</b>	<b>21,473.50</b>	<b>14,200.00</b>	<b>8,329.99</b>	<b>16,727.00</b>	<b>-</b>
<b>64400 · Legal Services</b>					
64410 · City Attorney - General	18,475.06	23,000.00	12,184.06	23,000.00	
64470 · Legal Fees - City Projects	-	7,900.00	-	7,900.00	
64471 · Codification	-	-	-	-	

**VILLAGE of VOLLENTE**  
**Fiscal Year 2016-2017 Budget**

	Actual FY 2015	Amended Budget FY 2016	FY to June 30, 2016	Projected Actual FY 2016	Budget FY 2017
64474 · Govt. Committee - BCRUA	80.20				
<b>Total 64400 · Legal Services</b>	<b>18,555.26</b>	<b>30,900.00</b>	<b>12,184.06</b>	<b>30,900.00</b>	-
<b>Total 64000 · Outside Services</b>	<b>52,040.85</b>	<b>72,900.00</b>	<b>28,440.80</b>	<b>72,954.00</b>	-
<b>65000 · Contract Labor</b>					
65020 · Contract Labor - Other	470.00				
<b>65100 · Enforcement Costs</b>					
65110 · Contract Police	4,100.00	5,000.00	1,280.00	6,400.00	
65120 · Code Compliance	14,645.00	2,500.00			
<b>Total 65100 · Enforcement Costs</b>	<b>18,745.00</b>	<b>7,500.00</b>	<b>1,280.00</b>	<b>6,400.00</b>	-
<b>Total 65000 · Contract Labor</b>	<b>19,215.00</b>	<b>7,500.00</b>	<b>1,280.00</b>	<b>6,400.00</b>	-
<b>66000 · Compensation and Benefits</b>					
66100 · Salaries and Wages	77,902.20	49,980.00	34,626.64	44,876.00	
66110 · Employee wages	2,828.33				
66120 · Paid Time Off - Salaried	21,666.64				
66130 · Severance Pay	69.13		56.40	63.00	
66140 · Payroll Service Fees	102,466.30	49,980.00	34,683.04	44,939.00	
<b>Total 66100 · Salaries and Wages</b>					
66500 · Employee Related	9,953.79	6,203.49	5,177.49	6,745.00	
66510 · Employer Paid Health Ins	(547.67)		(55.44)	(74.00)	
66515 · Employee Paid Health Ins	3,866.01				
66520 · TMRS ER	181.74	344.54	215.79	216.00	
66530 · Texas Unemployment Tax	2.87		(1.57)	(2.00)	
66535 · Federal Unemployment Tax	6,348.64	2,912.76	2,146.84	2,800.00	
66540 · Social Security ER	1,484.77	681.21	502.07	555.00	
66550 · Medicare ER	1,822.74	3,000.00	1,529.48		
66560 · Training & Ed - Staff	23,112.89	13,142.00	9,514.66	10,240.00	
<b>Total 66500 · Employee Related</b>	<b>125,579.19</b>	<b>63,122.00</b>	<b>44,197.70</b>	<b>55,179.00</b>	-
<b>Total 66000 · Compensation and Benefits</b>					
<b>Subtotal - Expenditures excl Reserves and Capital Outlay</b>	<b>339,048.03</b>	<b>251,389.00</b>	<b>135,609.43</b>	<b>243,704.00</b>	-
<b>70000 · Capital Outlay</b>					
70100 · Road Works Capital Outlay					

	Actual FY 2015	Amended Budget FY 2016	FY to June 30, 2016	Projected Actual FY 2016	Budget FY 2017
<b>VILLAGE of VOLENTE</b>					
<i>Fiscal Year 2016-2017 Budget</i>					
70200 · Other - Capital Outlays	1,430.95	-	-	-	-
Total 70000 · Capital Outlay	1,430.95	-	-	-	-
80050 · Penalties and Interest	5.50	-	-	-	-
<b>82000 · Appropriation of General Funds</b>					
82100 · Public Works Reserve	-	65,992.00	-	-	-
Total 82000 · Appropriation of General Funds	-	65,992.00	-	-	-
<b>TOTAL EXPENDITURES</b>	<b>340,484.48</b>	<b>317,381.00</b>	<b>135,609.43</b>	<b>243,704.00</b>	<b>-</b>
49000 · Other Income					
49150 · Open Records Requests	-	-	187.44	200.00	-
49160 · Returned Check Charges	-	-	35.00	35.00	-
Total 49000 · Other Income	-	-	222.44	235.00	-
<b>Net change in Fund Balance</b>	<b>31,467.57</b>	<b>(7,000.00)</b>	<b>117,714.48</b>	<b>55,776.00</b>	<b>-</b>
<b>BEGINNING FUND BALANCE:</b>	<b>667,392.00</b>	<b>698,802.00</b>	<b>698,802.00</b>	<b>698,802.00</b>	<b>754,578.00</b>
<b>ENDING FUND BALANCE:</b>	<b>698,859.57</b>	<b>691,802.00</b>	<b>816,516.48</b>	<b>754,578.00</b>	<b>754,578.00</b>

## Capital Improvements Programming

It is a financial fact of life in every city that the demand for new streets, water lines, and other public works will always exceed the supply of current funds. Capital improvements programming is the primary method used by most cities to cope with the perpetual imbalance between capital demands and limited financial resources.

A capital improvements program (CIP) is a long-term plan, usually spanning five to six years, for financing major cost items that have a long useful life, such as buildings, land, streets, utility lines, and expensive equipment. The CIP document lists all the capital items scheduled for construction or acquisition during the next five or six years, the time when construction or acquisition is to occur, the amount expected to be spent during each year of the CIP, and the source of funding for each expenditure.

### **Preparation of a CIP involves five major steps.**

**First**, a list of proposed capital improvements is prepared on the basis of recommendations from the city council, staff, and citizen groups. The city's comprehensive plan will be the source of many CIP items, but whatever the source, each item included in the list should be supportive of the community goals expressed in the plan.

**Second**, cost estimates are developed for all proposed CIP items. In addition to stating the up-front cost of each item, these calculations usually include a description of savings that will result from its acquisition or construction, as well as the impact the item would have on future revenues or operating costs.

**Third**, a determination is made of the city's ability to pay for the items included in the draft CIP, together with a description of the method by which each will be financed. Ability to pay will be determined by a financial analysis of past, current, and future revenue, expenditure, and debt patterns.

Options for financing particular items include special assessments, state or federal grants, additional fees or taxes, current revenues (pay-as-you-go), reserve or surplus funds, general obligation or revenue bonds, and certificates of obligation. The objective of this step is to determine, for each year, the minimum costs the city will incur before any new capital expenditures can be financed.

**Fourth**, all proposed CIP items are organized by the staff for orderly presentation to the city council. Each is ranked in recommended priority order. Items that overlap or duplicate previously approved projects or that are inconsistent with the city's comprehensive plan are identified and perhaps downgraded.

**Finally**, the tentative CIP is discussed at public hearings, thoroughly reviewed by the council, and then finally approved by formal council action. Based on information contained in the CIP, a capital budget is prepared to show all capital expenditures in priority order, together with summaries of the financial activities planned for each year, including the amounts of bonds to be issued, amounts of operating funds required, and so forth.

The capital budgeting process normally takes place on a cyclical basis. Under a six-year CIP, year one is the current capital budget adopted by the city council at the same time it approves the operating budget. Many times, the capital budget is included as a component of the operating budget. Years two through six, having been approved by the council when it adopted the CIP, remain in the record as expressing the council's intent to carry forward with the balance of the CIP.

At the conclusion of year one, the council approves another one year capital budget and extends the CIP, with revisions, for another year. Thus, year two of the previous CIP becomes year one of the new six-year program, and the cycle begins anew.

Capital improvement programming offers several advantages. By scheduling ample time for construction or acquisitions, costly mistakes can be avoided, as is the case when streets have to be dug up repeatedly because they are not planned in relation to other facilities. Also, by working with a list of planned projects, sites can be purchased at lower cost than on a "crash" basis, and by spacing out projects over several years, the city's tax and debt load can be stabilized, and balance can be maintained between debt service and current expenditures.

## Capital Outlay Budget Request

	Item description	Justification	New or replacement	Estimate Cost	Approx purchase date	Estimated useful life (months or years)	Previously approved by Council (yes/No)
<b>Projected Fiscal year 2015/16:</b>							
1	Drainage Maintenance – Lime Creek Rd, Jackson, pond near road base storage			5,000.00			
2	Signage – replace damaged or downed signs on Jackson & Bernard, speed sign on 2769, and three signs for direction to our four marinas in the Village. (separate as necessary to answer questions)			5,000.00			
3	Crack Seal – on 2769, Debbie and Jackson to extend the life of these roads. (separate by road)			20,000.00			
4	Complete mowing and herbicide of all village streets. (herbicide is accounted for separate from mowing)			5,000.00			
				35,000.00			

The above is not enough detail. Budget should also be detailed enough to answer all the questions.

**Budget Request Fiscal year 2016/17:**

- 1
- 2
- 3
- 4
- ...

## 2013 Texas Municipal Procurement Laws Made Easy

### Excerpt

#### V. Bids for the Construction or Repair of Public Structures or Roads

##### **38. Is there a special bidding procedure for contracts in excess of \$50,000 for the construction or repair of a structure, road or other improvement to real property?**

Texas law does not single out cities or dictate special bidding procedures for procurement contracts exceeding \$50,000. In the past, Chapter 271, subchapter B, of the Local Government Code dictated a special bidding procedure for cities. However, the legislature exempted cities from that procedure in 1997.

Currently, on expenditures greater than \$50,000, cities may follow one of three basic procurement methods: (1) competitive sealed bidding or competitive sealed proposals, (2) the reverse auction procedure, or (3) an alternative procurement method.<sup>65</sup> While each of these procurement methods is authorized for general use by cities, the legislature has precluded the application of some of these methods for specific types of construction projects. These preclusions, as well as other procurement issues, are discussed further in this handbook.

##### **41. Must a bidder execute a performance or payment bond if the contract is for the construction of a public work?**

The Government Code mandates that a city contracting for public work in excess of \$50,000 shall require its contractor to execute a payment bond solely for the protection of beneficiaries who supply materials or labor to the public works project and have a direct contractual relationship with the contractor.<sup>70</sup> A payment bond is required because material suppliers and laborers do not enjoy the same lien rights on public projects as they do on private projects. Without the benefit of lien rights to secure payments that are not timely received, those suppliers and laborers would lose much of their legal protection regarding payment. The payment bond requirements for public work essentially replace the protections afforded by lien rights with protections guaranteed by a surety.

The Government Code also mandates that a city contracting for public work in excess of \$100,000 shall require its contractor to execute a performance bond solely for the protection of the city. The performance bond protects the city in the event of a contractor default and/or termination.

Both the payment and performance bonds must be written for the total contract value and should be executed by a corporate surety in accordance with the Insurance Code prior to commencement of the work.

For more information on payment and performance bonds, a city should review Chapter 2253 of the Government Code and consult legal counsel.

<sup>70</sup> TEX. GOV'T CODE § 2253.021.

#### **42. May a city require a performance or payment bond from a bidder even when state law does not require such bonds?**

Yes. Nothing in state law appears to prohibit a city from requiring a performance bond, a payment bond, or both, from anyone contracting to do work for the city regardless of the amount of the contracts in question. If a city wishes to impose such a requirement, it is advisable that the city make the requirement part of the bid specifications so all potential bidders are informed of the requirement before bidding.

#### **43. Is the city required to hire an engineer for the construction of a public work?**

If public health, safety, or welfare and professional engineering issues are involved, the engineering plans, specifications, and estimates for the construction of a public work generally must be prepared by a licensed professional engineer.<sup>71</sup> Further, the engineering for construction usually must be executed under the direct supervision of a licensed professional engineer.

<sup>71</sup> TEX. OCC. CODE § 1001.407.

There are two circumstances in which the above requirements do not apply to the construction of a public work by a city. First, they do not apply to a public work that involves a total expenditure of \$8,000 or less, even if the work involves structural, electrical or mechanical engineering. If the expenditure for such a public work will amount to or exceed \$8,000, the use of an engineer is required as noted above. Second, if the work does not involve structural, electrical or mechanical engineering, then the use of an engineer is not required as long as the total contemplated expenditure on the project will not exceed \$20,000.<sup>72</sup> <sup>72</sup> *Id.* § 1001.053.

#### **44. Is the city required to hire an architect if the contract is for the construction of a public work?**

A registered architect must prepare the architectural plans and specifications for constructing a new city building if:

- the building will be used for education, assembly or office occupancy; and
- the construction costs exceed \$100,000.<sup>73</sup>

Also, for any alteration or addition to an existing city building, a registered architect must prepare the architectural plans and specifications if all three of the following circumstances are present:

- the building is used or will be used for education, assembly or office occupancy;
- the construction costs for the alteration or addition exceed \$50,000; and
- the alteration or addition requires the removal, relocation, or addition of any walls or partitions or requires the alteration or addition of an exit.<sup>74</sup>

<sup>73</sup> *Id.* § 1051.703(a)(2). <sup>74</sup> *Id.* § 1051.73(a)(3).

#### **45. If a contract is for the construction of a public work, is the city required to ensure that all contractors provide workers' compensation coverage?**

Any city "building or construction" contract must require the general contractor to certify in writing that the contractor provides workers' compensation insurance to all of the contractor's employees involved in the project.<sup>75</sup> Additionally, each subcontractor must certify in writing to the general

contractor that the subcontractor's employees are covered by workers' compensation insurance. The general contractor, in turn, must provide each subcontractor's written certification to the city.

The phrase "building or construction" is defined to include any of the following:

- Erecting or preparing to erect a structure, including a building, bridge, road, public utility facility or related structure;
- remodeling, extending, repairing or demolishing a structure; or
- otherwise improving real property or a structure related to real property through similar activities

Thus, a city must require contractors and subcontractors to provide workers' compensation insurance in any contract involving one or more of these activities. However, the contractor may provide this coverage through a group plan or through another method that is satisfactory to the city council. State law specifies that the employment of a maintenance worker does not generally constitute engaging in "building or construction." State statutes do not appear to provide any other clear exceptions to the requirement that public works contractors provide workers' compensation insurance. <sup>75</sup> TEX. LAB. CODE § 406.096.

#### **46. If a contract is for the construction of a public work, must a city ensure that the contractors pay their workers according to the local prevailing wage rate for the work that is performed?**

Texas law requires that any worker employed on a public work contract be paid at least the general prevailing daily wage rate for work of a similar character performed in the same locality.<sup>76</sup> If a worker works overtime or on legal holidays, the worker must be paid at least the general daily wage rate for overtime or legal holiday work. The city council must determine the general prevailing daily wage rate for each craft or type of worker needed to execute a public works contract and the prevailing rate for legal holiday and overtime worked.<sup>77</sup> This determination must be based on either a survey conducted by the city or on the prevailing wage rate in the city as determined by the U.S. Department of Labor (if that department's figures are considered to be current). Further, both the call for bids and the contract itself must specify the applicable wage rates as determined by the city. The prevailing wage rate requirement applies to any public work that is paid for in whole or in part from public funds, without regard to whether the work is done under public supervision or direction.<sup>78</sup> However, the requirement does not apply to work done directly by a public utility company under an order of a public authority. The prevailing wage requirement also does not apply to maintenance work.<sup>79</sup>

For more information on the prevailing wage rate requirements, a city should review Chapter 2258 of the Government Code and consult legal counsel.

#### **47. Is there express statutory authority for cities to enter into public/private partnerships?**

Yes. In 2011, Chapters 2267 and 2268 of the Government Code were passed by the Texas Legislature to encourage the use of public/private partnerships to develop "qualifying projects," which include various infrastructure projects as defined by the new law (essentially any improvements necessary or desirable to unimproved real estate owned by a governmental entity). The new law requires an opt-in by resolution of the governing body of a political subdivision, including a city, to elect to operate under its terms. It provides detailed procedures for the procurement and implementation of a qualifying project.<sup>80</sup>

<sup>76</sup> TEX. GOV'T CODE ANN. § 2258.021.

<sup>77</sup> *Id.* § 2258.022.

<sup>78</sup> *Id.* § 2258.002.

<sup>79</sup> *Id.* § 2258.021(b).

<sup>80</sup> Subtitle F, Title 10, TEX. GOV'T CODE Chapters 2267 and 2268. The 82<sup>nd</sup> Legislature created two chapters of Chapter 2267 of the Government Code. Public and Private Facilities and Infrastructure was added by Senate Bill 1048. Question 47 concerns this version of Chapter 2267. Contracting and Delivery Procedures for construction projects was added by House Bill 628. Section VI of this handbook concerns this version of Chapter 2267, which was re-designated as Chapter 2269 in 2013 by S.B. 1093.

## **VI. Alternative Delivery Methods for the Construction of Structures** **Background and Authority**

### **48. What are alternative delivery methods for city construction projects?**

The alternatives to the basic competitive bidding model of construction procurement are best-value competitive bidding, competitive sealed proposals, design-build, construction management-agent, construction management at-risk, and job order contracting.

### **49. What benefits can alternative delivery methods provide cities?**

Alternative delivery methods have some advantages over traditional competitive bidding. In the traditional competitive bidding process, a contract must be awarded to the lowest responsible bidder. Subjective considerations such as the contractor's track record on a particular type of project, anticipated use of minority and local contractors, and other factors generally cannot be taken into account. When subjective criteria are used in the selection process, cities have greater flexibility to choose contractors that can provide maximum quality on every project.

Further, alternative delivery systems are particularly advantageous on projects where time, flexibility and/or innovation is critical. Using alternative delivery methods such as design-build, the design and construction phases can overlap, allowing portions of work to begin before other final design decisions are made by the owner. The time savings are clear. For example, land can be cleared before the foundation is fully designed, and pier holes can be drilled before the interior colors are picked. Increased flexibility throughout the process allows the number of offices or rooms in a building to be changed relatively easily during the construction. Instead of following the old method of having an engineer design a project in the traditional way, alternative delivery systems can and do encourage innovation. A city can present a request for proposals with an end in mind and allow a firm to develop a plan whereby the most efficient and innovative materials and procedures are used.

### **50. Where is the statutory authority for cities to use alternative delivery systems?**

In 2011, the Texas Legislature consolidated statutes in various codes and created chapter 2267 of the Government Code. In 2013, the chapter was re-designated as Chapter 2269. All authorizations and requisite procedures for the use of alternative delivery systems can be found in Chapter 2269 of the Government Code. (Prior to 2011, cities found their authority for these methods in chapter 271, subchapter H, of the Local Government Code.)

### **51. What alternative methods are cities currently authorized to use and for what types of projects?**

Under current law, cities may use the best-value competitive bidding process, competitive sealed proposal method, construction manager-agent method, construction manager-at-risk method, design-

build method, and the job order contract method for public procurement in place of the standard competitive bidding method that is also allowed under Chapter 2269 of the Government Code or Chapters 252 and 271 of the Local Government Code.

With a limited exception, cities may use any of the alternative delivery methods for any project involving an improvement to real property. The exception involves the design-build method. Under Chapter 2269, the design-build method has been separated into two sections—one for vertical structures and a second one for certain types of civil projects. After the passage of H.B. 1050 in 2013, the use of design-build for civil projects is limited in availability to cities whose population is between 100,000 and 500,000 (limited to four projects per fiscal year up) and greater than 500,000 (limited to six projects per fiscal year).<sup>81</sup>

## **52. What are some preliminary matters in selecting which method to use?**

A city must choose which, if any, of the alternative methods will produce the best value for the city.<sup>82</sup> In many circumstances, traditional competitive bidding may remain the most appropriate choice.

<sup>81</sup> TEX. GOV'T CODE ANN. § 2269.354(1) (West Supp. 2011).

<sup>82</sup> *Id.* § 2269.056(a).

## **VII. The Alternative Methods**

### **53. What is the “best value” competitive bidding method?**

Under Chapter 2269, the competitive bidding method is a procurement method by which the city contracts with a contractor for the construction, alteration, rehabilitation, or repair of a facility by awarding the contract to the lowest responsible bidder.<sup>83</sup> However, because Chapter 2269 gives certain criteria that the city can consider that applies to all procurement methods in Chapter 2269, the city may consider more factors than just price in awarding a contract based on competitive bids that the city would by using competitive bidding under Section 252.043 of the Local Government Code.<sup>84</sup> The criteria that the city may consider are:

1. the price;
2. the offeror's experience and reputation;
3. the quality of the offeror's goods or services;
4. the impact on the ability of the city to comply with rules relating to historically underutilized businesses;
5. the offeror's safety record;
6. the offeror's proposed personnel;
7. whether the offeror's financial capability is appropriate to the size and scope of the project; and
8. any other relevant factor specifically listed in the request for bids, proposals, or qualifications

Also, the city shall apply any existing laws and criteria related to historically underutilized business and the use of woman, minority, small, or disadvantaged business.<sup>85</sup> Even though this competitive bidding method employs more flexibility for the city to determine the lowest responsible bidder, the city can still elect to use the competitive bidding procedure in Section 252.043 of the Local Government Code.

### **54. What is the competitive sealed proposals method?**

<sup>85</sup> *Id.* § h2269.055(b).

The competitive sealed proposal method is a procurement method by which a city requests proposals, ranks the offerors, negotiates as prescribed, and then contracts with a general contractor for the construction, rehabilitation, alterations, or repairing of facility.<sup>86</sup> In the competitive sealed proposal method, the city must first hire an architect or engineer to prepare construction documents.<sup>87</sup>

Selection of an architect or engineer must be in accordance with the process required by section 2254.004 of the Government Code if the city does not employ, as a full time employee, its own architect or engineer to perform this service.<sup>88</sup> Once the construction documents have been completed, the city prepares a Request for Competitive Sealed Proposals (RFCSP).<sup>89</sup> The RFCSP should include construction documents, estimated budget, project scope, schedule and other information contractors may require in order to respond to the RFCSP. The city must also state the selection criteria and the relative weighting of the criteria that the city will employ in selecting the successful offeror. Unlike an RFQ under the design-build method, price information may be requested in the RFCSP and may be a selection criterion.

The city must publicly open and read aloud the proposals, including price information if such was required.<sup>90</sup> The city must also evaluate and rank the proposals in relation to the published selection criteria within 45 days after the opening. The city then selects the proposal that offers the best value based on the published selection criteria and its ranking evaluation.<sup>91</sup>

Following the selection, the contract negotiation process begins. The city negotiates first with the highest ranked offeror.<sup>92</sup> At this stage, the city and its architect or engineer may discuss modifications to the proposed scope, time and price. Modifications are not required, and if they are discussed but not agreed to by the city and the offeror, a final contract may still be negotiated and agreed upon based on the original response to the RFCSP. If the two parties are unable to reach a final agreement, the city must inform that offeror in writing that negotiations are ended.<sup>93</sup>

The city may then negotiate with the next ranked offeror. This continues in the order of the selection ranking until a contract is reached or all proposals are rejected. In this form of contract procurement, the city is not restricted to considering price alone in its selection, but may consider any other factor from among the established selection criteria to determine which offeror offers the city the best value.<sup>94</sup>

<sup>85</sup> *Id.* § h2269.055(b).

<sup>86</sup> *Id.* § 2269.151.

<sup>87</sup> *Id.* § 2269.152.

<sup>88</sup> *Id.* § 2269.057(b).

<sup>89</sup> *Id.* § 2269.153.

<sup>90</sup> *Id.* § 2269.154.

<sup>91</sup> *Id.* § 2269.155(a).

<sup>92</sup> *Id.* § 2269.155(b).

## **55. What is the construction manager-agent method?**

The construction manager-agent method allows cities which may not have the in-house expertise and/or sufficient staff to effectively oversee a construction project to employ an agent to oversee a project on their behalf. The party hired by the city to act on its behalf in overseeing the project is known as a Construction Manager-Agent (CMA).<sup>95</sup>

A CMA is defined as a legal entity that provides consultation to the city regarding construction, during and after the design or repair of a facility.<sup>96</sup> Practically speaking, the CMA will almost always be a general contractor or architect or engineer with experience constructing the type of project the

city is building. The CMA manages the project for the city both during the procurement process and after a contract has been executed. A CMA represents the city in a fiduciary capacity.<sup>97</sup> Therefore, the CMA may not perform any portion of the actual design or construction of the project, with the exception of the general field conditions as provided by the contract.<sup>98</sup> General field conditions, when used in the context of a facilities construction contract, customarily include on-site management, administrative personnel, insurance, bonds, equipment, utilities and incidental work, including minor field labor and materials.<sup>99</sup>

Prior to or concurrent with the selection of a CMA, the city must hire an architect or engineer according to the requirements of section 2254.004 of the Government Code, to design the project if the city does not utilize for the design an architect or engineer which it employs on a full-time basis.<sup>100</sup> The architect or engineer may not serve, alone or in combination with any other person, as the CMA, unless hired as the CMA in a separate or concurrent CMA procurement process.<sup>101</sup> This does not prevent the architect or engineer from providing customary construction phase services under the original professional services agreement and applicable licensing laws.

Either after or concurrent with the selection of an architect or engineer, the city selects a CMA based on the same professional services procurement rules provided for the selection of an architect or engineer under section 2254.004 of the Government Code.

<sup>102</sup> Under the CMA method, the city may engage a single prime contractor or multiple trade contractors to serve as prime contractors for their respective portions of the work in any manner authorized by the statutes governing the particular city.<sup>103</sup>

## **56. What is the construction manager at-risk method?**

A construction manager-at-risk (CMAR) assumes the risk for construction, rehabilitation, alteration or repair of a facility at the contracted price in the same manner as a general contractor, but also provides consultation to the city regarding construction during and after the design of the facility.<sup>104</sup> A CMAR may be hired by the city in either case by a one-step or two-step process that is outlined below.<sup>105</sup>

Prior to or concurrently with selecting a CMAR, the city must select or designate an architect or engineer who will be responsible for preparing the design and construction documents for the project.<sup>106</sup> This architect or engineer, if not a full-time employee of the city, must be selected according to section 2254.004 of the Government Code.<sup>107</sup> The city's architect or engineer, or an entity related to the city's architect or engineer, may not serve, either alone or in combination with another, as the CMAR.<sup>108</sup>

In the one-step selection process, the city issues a request for proposals (RFP). This RFP should include general information on the project site, scope, schedule, selection criteria, the weighted value of selection criteria, estimated budget, time/place for receipt of the proposal, whether a one or two-step selection process will be used, and any other information that would assist the city in its selection of a CMAR. In the one-step process, the city may request, as part of the requested proposals, information regarding proposed fees and prices for the fulfillment of the general field conditions. In other words, both qualifications and pricing are evaluated in one process.<sup>109</sup>

In the two-step selection process the city first produces a Request for Qualifications (RFQ), which is identical to the RFP as described above, except that no cost or price information may be requested of offerors in the initial RFQ. In the second step, the city selects a maximum of five offerors who responded to the RFQ to provide additional information. That information may include proposed fees and prices for the completion of the CMAR's general field conditions. The two-step CMAR process is similar to the two-step method for selecting a design-build firm discussed later in this paper.<sup>110</sup>

In both the one and two-step processes all proposals must be publicly opened and read aloud in their entirety, including pricing information included in the proposal at the appropriate step.

111 The city must evaluate and rank the offers according to its published selection criteria within 45 days of the responses having been opened.112 The city then selects the proposal that offers the best value for the city according to the published selection criteria and the ranking evaluation.113

Following the selection of the offeror that offers the best value for the city, the contract negotiation process begins. The city negotiates first with the selected offeror. If the two parties cannot reach an agreement, the city must give formal written notice to that offeror that negotiations are ended. The city may then negotiate with the next ranked offeror. This process continues until the city and an offeror reach an agreement on a contract or negotiations with all ranked offerors end.114

The CMAR is required to properly advertise for bids or proposals from trade contractors or subcontractors for all work, except minor work that may be included in the general field conditions. The CMAR administers this process and selects the contract procurement method determined to provide the best value from among the various methods available to the city. The CMAR may seek to perform any part of the work on the project as long as the CMAR presents its bid or proposal in the same manner as any trade contractor or subcontractor and the CMAR's bid or proposal is determined by the city to provide the best value.115

The CMAR, city and its representative architect or engineer review the bid and proposals and select the various trade contractors or subcontractors in a manner so as not to disclose the price of the bids or proposals to the public. Ultimately, however, all bids or proposals shall be made public once the related contract has been awarded or seven days after the final selection of bids, whichever is later.116

The CMAR may recommend the acceptance of a particular bid or proposal, but the city has the right to require another bid or proposal be accepted. If the city overrides the CMAR's recommendation in selection of any trade contractor or subcontractor, it must compensate the CMAR for any changes in price, time, guaranteed maximum cost, or any additional cost or risk associated with the city's choice that differs from that recommended by the CMAR.117

The CMAR contracts directly with the selected trade contractors and subcontractors. If any trade contractor or subcontractor defaults, the CMAR may complete the work, without advertising for completion bids, or may select a replacement trade contractor or subcontractor.118

If no fixed contract amount or guaranteed maximum price has been determined when the CMAR's contract is executed, the performance and payment bonds shall be in the amount of the estimated budget of the project as set out in the RFQ or RFP. The CMAR must deliver the required bonds not later than the tenth day after the CMAR executes the contract unless the CMAR furnishes a bid bond or other financial security acceptable to the city to ensure that the CMAR will provide the performance and payment bonds once the price is fixed.119

## **57. What is the design-build method?**

The design-build method differs from traditional design-bid-build models in that the city contracts with one firm to perform both pre-construction design and post-design construction activities.120 This method can save time and money if employed correctly. This method can facilitate multi-phased projects without the time consuming process of putting each phase out to bid separately. Also, it may allow work to begin before all decisions regarding the design or finish-out are made by the owner. The design-build method may alleviate the problems that cities often encounter related to project inefficiencies when dealing with items such as change orders or requests for information.

Under the design-build method of construction contract procurement, the city awards a single contract to a firm who both designs and constructs the facility.121 A design-build firm, as that term is commonly defined, consists of a team that includes an architect or engineer and a builder qualified to

engage in building construction in Texas.<sup>122</sup> However, the city must designate an independent architect or engineer to act as its representative for the duration of the project.<sup>123</sup> The design-build team may construct the work itself or it may subcontract out all or portions of the work. In so doing, the designer-builder contracts directly with its subcontractors and assumes complete responsibility for both the design and construction of the project.

## **58. What types of projects can be constructed using the design-build method?**

The design-build method can be used for both buildings and associated structures,<sup>124</sup> as well as, in limited circumstances and by certain cities, some civil projects such as roads, bridges, water supply projects and water plants.<sup>125</sup> When using the design-build method, cities must follow Subchapter G of Chapter 2269 of the Government Code for vertical structures or buildings and Subchapter H of Chapter 2269 for horizontal or civil projects.

## **59. How does a city solicit design-builders for a building project?**

If a city determines that the design-build method will provide the best value, it must prepare a request for qualifications (RFQ) that includes general information about a project, including the project site, project scope, budget, selection criteria, weighted value of selection criteria and other helpful information for bidders.<sup>126</sup> In addition to the RFQ, the city must publish a Design Criteria Package that includes more detailed information about the project.<sup>127</sup> The Design Criteria Package must specify both the criteria for selecting the design-build firm and the aspects or qualities the city considers necessary to design the project. The criteria may include the following information:

- a legal description of the project site,
- survey information,
- interior space requirements,
- special material requirements,
- material quality standards,
- conceptual criteria,
- special equipment requirements,
- cost and budget estimates,
- schedules,
- quality assurance and control requirements,
- site development requirements,
- applicable codes and ordinances,
- utility provisions,
- parking requirements, and
- other requirements as applicable.<sup>128</sup>

However, the city may not require offerors to submit architectural or engineering designs as part of a proposal or a response to a RFQ.<sup>129</sup>

## **60. How does a city select a design-builder after publishing an RFQ?**

After preparing its RFQ and Design Criteria Package and advertising for proposals, the city evaluates statements of qualifications submitted by the potential offerors. The city may evaluate qualifications according to the following criteria: offeror's experience, technical competence, capability to perform,

and past performance of offeror's team and members thereof.<sup>130</sup> The city may also consider other appropriate factors submitted by the offeror in response to the RFQ. However, the city may not consider cost-related or price-related evaluation factors. In their responses, the design-build offerors must certify that each architect or engineer that is a member of its team was selected on the basis of demonstrated competence and qualifications in the manner provided by section 2254.004 of the Government Code.<sup>131</sup>

After initially reviewing the responses to the Design Criteria Package and the RFQ, the city must select up to five responders to submit additional information. If the city chooses, it may interview these responders.<sup>132</sup>

The city evaluates the additional information from the selected offerors based on the criteria in the RFQ and the results of any interviews that occurred.<sup>133</sup> Additionally, the city may request information on the offeror's demonstrated competence, safety and durability considerations, the feasibility of the project as proposed, the offeror's ability to meet scheduling requirements, cost methodology and other appropriate factors.

<sup>134</sup>

After evaluations, the city ranks the offerors according to the RFQ and selects the design-build firm that offers the best value for the city based on the published selection criteria and its ranking evaluations.<sup>135</sup>

## **61. How does a city negotiate a contract with the selected design-builder?**

After selecting the design-build firm that offers the best value for the city, the contract negotiation process begins. The city first negotiates with the selected offeror. If the parties cannot reach an agreement, the city must formally, and in writing, inform the offeror that it is ending the negotiations. The city may then negotiate with the next offeror in the order of the selection ranking process. The same negotiation process will continue until an agreement is reached that culminates in an executed contract or negotiations with all ranked offerors ends.<sup>136</sup>

Following selection and contract award, the chosen design-build firm completes the design and submits all design elements to the city or its architect or engineer representative for review and determination of scope compliance. The city's review may be done prior to or during construction.<sup>137</sup>

The design-build firm has the responsibility to provide the city with a signed and sealed set of construction documents (as-built drawings) at the project's conclusion.<sup>138</sup>

The design-build firm's payment and performance bonds are not required to provide, and may not provide, coverage for that portion of the design-build contract that includes design services only. If no guaranteed maximum price or fixed price has been established when the contract is awarded, the performance and payment bonds are required to be in the penal sum of the estimated budget for the project as specified in the Design Criteria Package. The design-build firm must deliver the performance and payment bonds not later than the 10th day after the firm executes the contract. However, if the design-build firm provides a bid bond or other financial security acceptable to the city to ensure it will provide the performance and payment bonds, the delivery of those bonds can be postponed until construction begins.<sup>139</sup>

## **62. How does the design-build method differ for civil projects?**

For civil projects, cities do not have the same requirements to weigh and select up to five offerors prior to selection and negotiation of a contract for civil works.<sup>140</sup> However, at the outset of a decision to use the design-build method, the city must determine that the design-build method is appropriate for a civil project.

<sup>141</sup>

### **63. Is there a limit on the number of civil projects a city can build using the design-build method?**

After the passage of H.B. 1050 in 2013, for cities with a population of 500,000 or more, the limit on civil design-build projects is six per fiscal year.<sup>142</sup> For cities with a population of 100,000 or more but less than 500,000, the limit is four per fiscal year.<sup>143 144</sup>

Cities with a population of less than 100,000 may not use the design build method for civil projects.<sup>145</sup>

### **64. Must a city select an independent engineer for civil projects?**

Yes. An engineer that is independent of the design-build firm must be selected to serve as the city's representative.<sup>146</sup>

### **65. What is the process for selecting a design-build firm for civil projects?**

The first step is to issue a request for qualifications that includes information about the project scope, budget, schedule, criteria for selection, weighting of the criteria and other information that may assist potential design firms in submitting proposals.<sup>147</sup> Also, the city must prepare a Design Criteria

Package that may include:

- additional budget or cost estimating;
- information on the site;
- performance criteria;
- special material requirements;
- critical design calculations;
- known utilities;
- capacity requirements;
- quality assurance and quality control requirements;
- type, size, and location of start-ups, and
- notice of any ordinance, rules, or goals adopted by the governmental entity relating to awarding contracts to historically underutilized business.<sup>148</sup>

The primary difference in selection criteria for civil projects and facilities is that the technical data required by the statute in the initial submission phase is higher for civil projects. Like other projects, price cannot be considered at the initial phase.<sup>149</sup> In the second step of the process, the pricing can be considered and then negotiations occur in much the same way as other projects.<sup>150</sup>

### **66. What is the job order contracting method?**

The job order method for procurement may be used for the maintenance, repair, alteration, renovation, remediation or minor construction of a facility when the work is recurring in nature and the time or quantities required are indefinite.<sup>151</sup> Examples of the type of work that would qualify for job order procurement would be ceiling tile replacement, door hanging, sidewalk construction and repainting.

The city must properly advertise for and publicly open competitive sealed proposals for job order contracts.<sup>152</sup> The base term of the job order contract may not exceed two years. The city may renew the contract annually for not more than three additional years.<sup>153</sup>

The city may award job order contracts to one or more of the offerors in the same solicitation. The city is not required to award a contract to whoever submits the lowest rates.<sup>154</sup>

Under a job order contract, specific work projects are authorized by the execution of a job order by the city and the contractor. The order may be a fixed price, lump sum order contract based on contractual unit pricing applied to estimated quantities, or a unit price order based on the quantities and line items delivered.<sup>155</sup>

If the amount or estimated amount of the job order is in excess of \$25,000, then the contractor must post a payment bond on the job order. If the job order is \$100,000 or more, a performance bond is also required.<sup>156</sup> However, note that the bonds are provided on each specific job order and not on the overall job order contract. Given the nature of job order work, it is possible that many job orders may not be of a size that would require performance bonds. However, it also means that a contractor may be required to post multiple bonds for multiple job orders during the same time period.

GOVERNMENT CODE

TITLE 10. GENERAL GOVERNMENT

SUBTITLE F. STATE AND LOCAL CONTRACTS AND FUND MANAGEMENT

CHAPTER 2269. CONTRACTING AND DELIVERY PROCEDURES FOR CONSTRUCTION PROJECTS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 2269.001. DEFINITIONS. In this chapter:

(1) "Architect" means an individual registered as an architect under Chapter 1051, Occupations Code.

(2) "Engineer" means an individual licensed as an engineer under Chapter 1001, Occupations Code.

(3) "Facility" means, unless otherwise specifically provided, an improvement to real property.

(4) "General conditions" in the context of a contract for the construction, rehabilitation, alteration, or repair of a facility means on-site management, administrative personnel, insurance, bonds, equipment, utilities, and incidental work, including minor field labor and materials.

(5) "General contractor" means a sole proprietorship, partnership, corporation, or other legal entity that assumes the risk for constructing, rehabilitating, altering, or repairing all or part of a facility at the contracted price.

(6) "Public work contract" means a contract for constructing, altering, or repairing a public building or carrying out or completing any public work.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.002. APPLICABILITY OF CHAPTER TO GOVERNMENTAL ENTITIES ENGAGED IN PUBLIC WORKS. This chapter applies to a public work contract made by a governmental entity authorized by state law to make a public work contract, including:

(1) a state agency as defined by Section 2151.002, including the Texas Facilities Commission;

(2) a local government, including:

(A) a county;

(B) a municipality;

(C) a school district;

(D) any other special district or authority, including a hospital district, a defense base development authority established under Chapter 379B, Local Government Code, and a conservation and reclamation district, including a river authority or any other type of water district; and

(E) any other political subdivision of this state;

(3) a public junior college as defined by Section 61.003, Education Code; and

(4) a board of trustees governed by Chapter 54, Transportation Code.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.003. CONFLICT OF LAWS; REQUIREMENT TO FOLLOW PROCEDURES OF THIS CHAPTER. (a) Except as provided by this section, this chapter prevails over any other law relating to a public work contract.

(b) This chapter does not prevail over a conflicting provision in a law relating to contracting with a historically underutilized business.

(c) This chapter does not prevail over a conflicting provision in an ordinance or resolution passed by the governing body of a municipally owned electric utility in a procedure described by Section 252.022(c), Local Government Code, that:

(1) requires the use of competitive bidding or competitive sealed proposals; or

(2) prescribes a design-build procurement procedure that conflicts with this chapter.

(d) This chapter does not prevail over any law, rule, or regulation relating to competitive bidding or competitive sealed proposals for construction services, or to procurement of construction services pursuant to Section 49.273, Water Code, that applies to a river authority or to a conservation and reclamation district created under Section 59, Article XVI, Texas Constitution, unless the governing body of the river authority or conservation and reclamation district elects to permit this chapter to supersede the law, rule, or regulation.

(e) This chapter does not prevail over a conflicting provision in a regulation that prescribes procurement procedures for construction services that is adopted by the governing board of a river authority or of a conservation and reclamation district created pursuant to Section 59, Article XVI, Texas

GOVERNMENT CODE CHAPTER 2269. CONTRACTING AND DELIVERY PROCEDURES FOR CONSTRUCTION PROJECTS

Constitution, that owns electric generation capacity in excess of 2,500 megawatts, except with respect to Subchapter H.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.004. EXEMPTION: TEXAS DEPARTMENT OF TRANSPORTATION; HIGHWAY PROJECTS. This chapter does not apply to:

- (1) a contract entered into by the Texas Department of Transportation; or
- (2) a project that receives money from a state or federal highway fund.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.005. APPLICABILITY: INSTITUTIONS OF HIGHER EDUCATION. (a) In this section, "institution of higher education," "public junior college," and "university system" have the meanings assigned by Section 61.003, Education Code.

(b) This chapter applies to a public junior college but does not apply to:

- (1) any other institution of higher education; or
- (2) a university system.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.006. EXEMPTION: REGIONAL TOLLWAY AUTHORITIES. This chapter does not apply to a regional tollway authority under Chapter 366, Transportation Code.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.007. EXEMPTION: CERTAIN LOCAL GOVERNMENT CORPORATION IMPROVEMENT PROJECTS. This chapter does not apply to an improvement project undertaken by or through a local government corporation exempt from competitive bidding requirements or restrictions under Section 431.110, Transportation Code.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.008. EXEMPTION: REGIONAL MOBILITY AUTHORITIES. This chapter does not apply to a regional mobility authority under Chapter 370, Transportation Code.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.009. EXEMPTION: COUNTY TOLL AUTHORITIES. This chapter does not apply to a project of a county under Chapter 284, Transportation Code, unless the county adopts an order electing to be governed by this chapter for a project to be developed by the county under Chapter 284.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.010. EXEMPTION: COORDINATED COUNTY TRANSPORTATION AUTHORITY. This chapter does not apply to a coordinated county transportation authority under Chapter 460, Transportation Code.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

#### SUBCHAPTER B. GENERAL POWERS AND DUTIES

Sec. 2269.051. RULES. A governmental entity may adopt rules as necessary to implement this chapter.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.052. NOTICE REQUIREMENTS. (a) A governmental entity shall advertise or publish notice of requests for bids, proposals, or qualifications in a manner prescribed by law.

(b) For a contract entered into by a governmental entity under a method provided by this chapter, the governmental entity shall publish notice of the time and place the bid or proposal or request for qualifications will be received and opened in a manner prescribed by law.

(c) For a contract entered into by a municipality, river authority, conservation and reclamation district created pursuant to Section 59, Article XVI, Texas Constitution, and located in a county with a population of more than 250,000, or defense base development authority under any of the methods provided by this chapter, the municipality, river authority, conservation and reclamation district created pursuant to Section 59, Article XVI, Texas Constitution, and located in a county with a population of more than 250,000, or defense base development authority shall publish notice of the time and place the bids or proposals, or the responses to a request for qualifications, will be received and opened. The notice must be published in a newspaper of general circulation in the county in which the defense base development authority's or municipality's central administrative office is located or the county in which the greatest amount of the river authority's or such conservation and reclamation district's territory is located once each week for at least two weeks before the deadline for receiving bids, proposals, or responses. If there is not a newspaper of general circulation in that county, the notice shall be published in a newspaper of general circulation in the county nearest the county seat of the county in which the defense base development authority's or municipality's central administrative office is located or the county in which the greatest amount of the river authority's or such conservation and reclamation district's territory is located. In a two-step procurement process, the time and place the second step bids, proposals, or responses will be received are not required to be published separately.

(d) For a contract entered into by a county under any of the methods provided by this chapter, the county shall publish notice of the time and place the bids or proposals, or the responses to a request for qualifications, will be received and opened. The notice must be published in a newspaper of general circulation in the county once each week for at least two weeks before the

deadline for receiving bids, proposals, or responses. If there is not a newspaper of general circulation in the county, the notice shall be:

- (1) posted at the courthouse door of the county; and
- (2) published in a newspaper of general circulation in the nearest county.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.053. DELEGATION OF AUTHORITY. (a) The governing body of a governmental entity may delegate its authority under this chapter regarding an action authorized or required by this chapter to a designated representative, committee, or other person.

(b) The governmental entity shall provide notice of the delegation, the limits of the delegation, and the name or title of each person designated under Subsection (a) by rule or in the request for bids, proposals, or qualifications or in an addendum to the request.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.054. RIGHT TO WORK. (a) This section applies to a governmental entity when the governmental entity is engaged in:

- (1) procuring goods or services under this chapter;
- (2) awarding a contract under this chapter; or
- (3) overseeing procurement or construction for a public work or public improvement under this chapter.

(b) In engaging in an activity to which this section applies, a governmental entity:

- (1) may not consider whether a person is a member of or has another relationship with any organization; and
- (2) shall ensure that its bid specifications and any subsequent contract or other agreement do not deny or diminish the right of a person to work because of the person's membership or other relationship status with respect to an organization.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.055. CRITERIA TO CONSIDER. (a) In determining the award of a contract under this chapter, the governmental entity may consider:

- (1) the price;
- (2) the offeror's experience and reputation;
- (3) the quality of the offeror's goods or services;
- (4) the impact on the ability of the governmental entity to comply with rules relating to historically underutilized businesses;
- (5) the offeror's safety record;
- (6) the offeror's proposed personnel;
- (7) whether the offeror's financial capability is appropriate to the size and scope of the project; and
- (8) any other relevant factor specifically listed in the request for bids, proposals, or qualifications.

(b) In determining the award of a contract under this chapter, the governmental entity shall:

- (1) consider and apply any existing laws, including any criteria, related to historically underutilized businesses; and
- (2) consider and apply any existing laws, rules, or applicable municipal charters, including laws applicable to local governments, related to the use of women, minority, small, or disadvantaged businesses.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.056. USING METHOD OTHER THAN COMPETITIVE BIDDING FOR CONSTRUCTION SERVICES; EVALUATION OF PROPOSALS; CRITERIA. (a) The governing body of a governmental entity that considers a construction contract using a method authorized by this chapter other than competitive bidding must, before advertising, determine which method provides the best value for the governmental entity.

(b) The governmental entity shall base its selection among offerors on applicable criteria listed for the particular method used. The governmental entity shall publish in the request for proposals or qualifications the criteria that will be used to evaluate the offerors, and the applicable weighted value for each criterion.

(c) The governmental entity shall document the basis of its selection and

shall make the evaluations public not later than the seventh day after the date the contract is awarded.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.057. ARCHITECT OR ENGINEER SERVICES. (a) An architect or engineer required to be selected or designated under this chapter has full responsibility for complying with Chapter 1051 or 1001, Occupations Code, as applicable.

(b) If the selected or designated architect or engineer is not a full-time employee of the governmental entity, the governmental entity shall select the architect or engineer on the basis of demonstrated competence and qualifications as provided by Section 2254.004.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.058. USE OF OTHER PROFESSIONAL SERVICES. (a) Independently of the contractor, construction manager-at-risk, or design-build firm, the governmental entity shall provide or contract for the construction materials engineering, testing, and inspection services and the verification testing services necessary for acceptance of the facility by the governmental entity.

(b) The governmental entity shall select the services for which it contracts under this section in accordance with Section 2254.004.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.059. SEALED BIDS, PROPOSALS, OR QUALIFICATIONS REQUIRED. A person who submits a bid, proposal, or qualification to a governmental entity shall seal it before delivery.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S.,

Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

SUBCHAPTER C. COMPETITIVE BIDDING METHOD

Sec. 2269.101. CONTRACTS FOR FACILITIES: COMPETITIVE BIDDING. (a) In this chapter, "competitive bidding" is a procurement method by which a governmental entity contracts with a contractor for the construction, alteration, rehabilitation, or repair of a facility by awarding the contract to the lowest responsible bidder.

(b) Except as otherwise provided by this chapter or other law, a governmental entity may contract for the construction, alteration, rehabilitation, or repair of a facility only after the entity advertises for bids for the contract in a manner prescribed by law, receives competitive bids, and awards the contract to the lowest responsible bidder.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.102. USE OF ARCHITECT OR ENGINEER. The governmental entity shall select or designate an architect or engineer in accordance with Chapter 1051 or 1001, Occupations Code, as applicable, to prepare the construction documents required for a project to be awarded by competitive bidding.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.103. PREPARATION OF REQUEST. The governmental entity shall prepare a request for competitive bids that includes construction documents, estimated budget, project scope, estimated project completion date, and other information that a contractor may require to submit a bid.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.104. EVALUATION OF OFFERORS. The governmental entity shall receive, publicly open, and read aloud the names of the offerors and their bids.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.105. SELECTION OF OFFEROR. Not later than the seventh day after the date the contract is awarded, the governmental entity shall document the basis of its selection and shall make the evaluations public.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.106. APPLICABILITY OF OTHER COMPETITIVE BIDDING LAW TO CERTAIN LOCAL GOVERNMENTAL ENTITIES. Except as otherwise specifically provided by this section, Subchapter B, Chapter 271, Local Government Code, does not apply to a competitive bidding process conducted under this chapter. Sections 271.026, 271.027(a), and 271.0275, Local Government Code, apply to a competitive bidding process conducted under this chapter by a governmental entity as defined by Section 271.021, Local Government Code.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

#### SUBCHAPTER D. COMPETITIVE SEALED PROPOSAL METHOD

Sec. 2269.151. CONTRACTS FOR FACILITIES: COMPETITIVE SEALED PROPOSALS.

(a) In this chapter, "competitive sealed proposals" is a procurement method by which a governmental entity requests proposals, ranks the offerors, negotiates as prescribed, and then contracts with a general contractor for the construction, rehabilitation, alteration, or repair of a facility.

(b) In selecting a contractor through competitive sealed proposals, a governmental entity shall follow the procedures provided by this subchapter.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.152. USE OF ARCHITECT OR ENGINEER. The governmental entity shall select or designate an architect or engineer to prepare construction documents for the project.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.153. PREPARATION OF REQUEST. The governmental entity shall prepare a request for competitive sealed proposals that includes construction documents, selection criteria and the weighted value for each criterion, estimated budget, project scope, estimated project completion date, and other information that a contractor may require to respond to the request.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.154. EVALUATION OF OFFERORS. (a) The governmental entity shall receive, publicly open, and read aloud the names of the offerors and any monetary proposals made by the offerors.

(b) Not later than the 45th day after the date on which the proposals are opened, the governmental entity shall evaluate and rank each proposal submitted in relation to the published selection criteria.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.155. SELECTION OF OFFEROR. (a) The governmental entity shall select the offeror that submits the proposal that offers the best value for the governmental entity based on:

- (1) the selection criteria in the request for proposal and the weighted value for those criteria in the request for proposal; and
- (2) its ranking evaluation.

(b) The governmental entity shall first attempt to negotiate a contract with the selected offeror. The governmental entity and its architect or engineer may discuss with the selected offeror options for a scope or time modification and any price change associated with the modification.

(c) If the governmental entity is unable to negotiate a satisfactory contract with the selected offeror, the governmental entity shall, formally and in writing, end negotiations with that offeror and proceed to the next offeror in the order of the selection ranking until a contract is reached or all proposals are rejected.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

#### SUBCHAPTER E. CONSTRUCTION MANAGER-AGENT METHOD

Sec. 2269.201. CONTRACTS FOR FACILITIES: CONSTRUCTION MANAGER-AGENT. (a) In this chapter, the "construction manager-agent method" is a delivery method by which a governmental entity contracts with a construction manager-agent to provide consultation or administrative services during the design and construction phase and to manage multiple contracts with various construction prime contractors.

(b) A construction manager-agent is a sole proprietorship, partnership, corporation, or other legal entity that serves as the agent for the governmental entity by providing construction administration and management services described by Subsection (a) for the construction, rehabilitation, alteration, or repair of a facility.

(c) A governmental entity may retain a construction manager-agent for assistance in the construction, rehabilitation, alteration, or repair of a facility only as provided by this subchapter.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.202. CONTRACT PROVISIONS OF CONSTRUCTION MANAGER-AGENT. The contract between the governmental entity and the construction manager-agent may require the construction manager-agent to provide:

- (1) administrative personnel;
- (2) equipment necessary to perform duties under this subchapter;
- (3) on-site management; and
- (4) other services specified in the contract.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff.

September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.203. LIMITS ON CONSTRUCTION MANAGER-AGENT. A construction manager-agent may not:

(1) self-perform any aspect of the construction, rehabilitation, alteration, or repair of the facility;

(2) be a party to a construction subcontract for the construction, rehabilitation, alteration, or repair of the facility; or

(3) provide or be required to provide performance and payment bonds for the construction, rehabilitation, alteration, or repair of the facility.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.204. FIDUCIARY CAPACITY OF CONSTRUCTION MANAGER-AGENT. A construction manager-agent represents the governmental entity in a fiduciary capacity.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.205. USE OF ARCHITECT OR ENGINEER. (a) On or before the selection of a construction manager-agent, the governmental entity shall select or designate an architect or engineer in accordance with Chapter 1051 or 1001, Occupations Code, as applicable, to prepare the construction documents for the project.

(b) The governmental entity's architect or engineer may not serve, alone or in combination with another person, as the construction manager-agent unless the architect or engineer is hired to serve as the construction manager-agent under a separate or concurrent selection process conducted in accordance with this subchapter. This subsection does not prohibit the governmental entity's architect or engineer from providing customary construction phase services under the architect's or engineer's original professional service agreement in accordance with applicable licensing laws.

(c) To the extent that the construction manager-agent's services are

defined as part of the practice of architecture or engineering under Chapter 1051 or 1001, Occupations Code, those services must be conducted by a person licensed under the applicable chapter.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.206. SELECTION OF CONTRACTORS. A governmental entity using the construction manager-agent method shall procure, in accordance with applicable law and in any manner authorized by this chapter, a general contractor or trade contractors who will serve as the prime contractor for their specific portion of the work and provide performance and payment bonds to the governmental entity in accordance with applicable laws.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.207. SELECTION OF CONSTRUCTION MANAGER-AGENT. A governmental entity shall select a construction manager-agent on the basis of demonstrated competence and qualifications in the same manner that an architect or engineer is selected under Section 2254.004.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.208. INSURANCE. A construction manager-agent selected under this subchapter shall maintain professional liability or errors and omissions insurance in the amount of at least \$1 million for each occurrence.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

#### SUBCHAPTER F. CONSTRUCTION MANAGER-AT-RISK METHOD

Sec. 2269.251. CONTRACTS FOR FACILITIES: CONSTRUCTION MANAGER-AT-RISK.

(a) In this chapter, the "construction manager-at-risk method" is a delivery method by which a governmental entity contracts with an architect or engineer for design and construction phase services and contracts separately with a construction manager-at-risk to serve as the general contractor and to provide consultation during the design and construction, rehabilitation, alteration, or repair of a facility.

(b) A construction manager-at-risk is a sole proprietorship, partnership, corporation, or other legal entity that assumes the risk for construction, rehabilitation, alteration, or repair of a facility at the contracted price as a general contractor and provides consultation to the governmental entity regarding construction during and after the design of the facility. The contracted price may be a guaranteed maximum price.

(c) A governmental entity may use the construction manager-at-risk method in selecting a general contractor for the construction, rehabilitation, alteration, or repair of a facility only as provided by this subchapter.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.252. USE OF ARCHITECT OR ENGINEER. (a) On or before the selection of a construction manager-at-risk, the governmental entity shall select or designate an architect or engineer to prepare the construction documents for the project.

(b) The governmental entity's architect or engineer for a project, or an entity related to the governmental entity's architect or engineer, may not serve, alone or in combination with another person, as the construction manager-at-risk. This subsection does not prohibit the governmental entity's architect or engineer from providing customary construction phase services under the architect's or engineer's original professional service agreement in accordance with applicable licensing laws.

(c) For purposes of Subsection (b), an entity is related to the governmental entity's architect or engineer if the entity is a sole proprietorship, corporation, partnership, limited liability company, or other entity that is a subsidiary, parent corporation, or partner or has any other relationship in which the governmental entity's architect or engineer has an ownership interest, or is subject to common ownership or control, or is party to an agreement by which it will receive any proceeds of the construction manager-at-risk's payments from the governmental entity.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 788 (H.B. 2634), Sec. 1, eff. September 1, 2015.

Sec. 2269.253. SELECTION PROCESS. (a) The governmental entity shall select the construction manager-at-risk in a one-step or two-step process.

(b) The governmental entity shall prepare a single request for proposals, in the case of a one-step process, and an initial request for qualifications, in the case of a two-step process, that includes:

(1) a statement as to whether the selection process is a one-step or two-step process;

(2) general information on the project site, project scope, schedule, selection criteria and the weighted value for each criterion, and estimated budget and the time and place for receipt of the proposals or qualifications; and

(3) other information that may assist the governmental entity in its selection of a construction manager-at-risk.

(c) The governmental entity shall state the selection criteria in the request for proposals or qualifications.

(d) If a one-step process is used, the governmental entity may request, as part of the offeror's proposal, proposed fees and prices for fulfilling the general conditions.

(e) If a two-step process is used, the governmental entity may not request fees or prices in step one. In step two, the governmental entity may request that five or fewer offerors, selected solely on the basis of qualifications, provide additional information, including the construction manager-at-risk's proposed fee and prices for fulfilling the general conditions.

(f) At each step, the governmental entity shall receive, publicly open, and read aloud the names of the offerors. At the appropriate step, the governmental entity shall also read aloud the fees and prices, if any, stated in each proposal as the proposal is opened.

(g) Not later than the 45th day after the date on which the final proposals are opened, the governmental entity shall evaluate and rank each proposal submitted in relation to the criteria set forth in the request for proposals.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff.

September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.254. SELECTION OF OFFEROR. (a) The governmental entity shall select the offeror that submits the proposal that offers the best value for the governmental entity based on the published selection criteria and on its ranking evaluation.

(b) The governmental entity shall first attempt to negotiate a contract with the selected offeror.

(c) If the governmental entity is unable to negotiate a satisfactory contract with the selected offeror, the governmental entity shall, formally and in writing, end negotiations with that offeror and proceed to negotiate with the next offeror in the order of the selection ranking until a contract is reached or negotiations with all ranked offerors end.

(d) Not later than the seventh day after the date the contract is awarded, the governmental entity shall make the rankings determined under Section 2269.253(g) public.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.002(11), eff. September 1, 2013.

Sec. 2269.255. PERFORMANCE OF WORK. (a) A construction manager-at-risk shall publicly advertise for bids or proposals and receive bids or proposals from trade contractors or subcontractors for the performance of all major elements of the work other than the minor work that may be included in the general conditions.

(b) A construction manager-at-risk may seek to perform portions of the work itself if:

(1) the construction manager-at-risk submits its bid or proposal for those portions of the work in the same manner as all other trade contractors or subcontractors; and

(2) the governmental entity determines that the construction manager-at-risk's bid or proposal provides the best value for the governmental entity.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff.

September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.256. REVIEW OF BIDS OR PROPOSALS. (a) The construction manager-at-risk shall review all trade contractor or subcontractor bids or proposals in a manner that does not disclose the contents of the bid or proposal during the selection process to a person not employed by the construction manager-at-risk, architect, engineer, or governmental entity. All bids or proposals shall be made available to the governmental entity on request and to the public after the later of the award of the contract or the seventh day after the date of final selection of bids or proposals.

(b) If the construction manager-at-risk reviews, evaluates, and recommends to the governmental entity a bid or proposal from a trade contractor or subcontractor but the governmental entity requires another bid or proposal to be accepted, the governmental entity shall compensate the construction manager-at-risk by a change in price, time, or guaranteed maximum cost for any additional cost and risk that the construction manager-at-risk incurs because of the governmental entity's requirement that another bid or proposal be accepted.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.257. DEFAULT; PERFORMANCE OF WORK. If a selected trade contractor or subcontractor defaults in the performance of its work or fails to execute a subcontract after being selected in accordance with this subchapter, the construction manager-at-risk may itself fulfill, without advertising, the contract requirements or select a replacement trade contractor or subcontractor to fulfill the contract requirements.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.258. PERFORMANCE OR PAYMENT BOND. (a) If a fixed contract amount or guaranteed maximum price has not been determined at the time the contract is awarded, the penal sums of the performance and payment bonds delivered to the governmental entity must each be in an amount equal to the

construction budget, as specified in the request for proposals or qualifications.

(b) The construction manager-at-risk shall deliver the bonds not later than the 10th day after the date the construction manager-at-risk executes the contract unless the construction manager-at-risk furnishes a bid bond or other financial security acceptable to the governmental entity to ensure that the construction manager will furnish the required performance and payment bonds when a guaranteed maximum price is established.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

#### SUBCHAPTER G. BUILDING USING DESIGN-BUILD METHOD

Sec. 2269.301. CONTRACTS FOR FACILITIES: DESIGN-BUILD. In this chapter, "design-build" is a project delivery method by which a governmental entity contracts with a single entity to provide both design and construction services for the construction, rehabilitation, alteration, or repair of a facility.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.302. APPLICABILITY OF SUBCHAPTER TO BUILDINGS; EXCEPTIONS. This subchapter applies only to a facility that is a building or an associated structure, including an electric utility structure. This subchapter does not apply to:

(1) a highway, road, street, bridge, underground utility, water supply project, water plant, wastewater plant, water and wastewater distribution or conveyance facility, wharf, dock, airport runway or taxiway, drainage project, or related type of project associated with civil engineering construction; or

(2) a building or structure that is incidental to a project that is primarily a civil engineering construction project.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.303. CONTRACTS FOR BUILDINGS: DESIGN-BUILD. A governmental entity may use the design-build method for the construction, rehabilitation, alteration, or repair of a building or associated structure only as provided by this subchapter. In using that method, the governmental entity shall enter into a single contract with a design-build firm for the design and construction of the building or associated structure.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.304. DESIGN-BUILD FIRMS. A design-build firm under this subchapter must be a sole proprietorship, partnership, corporation, or other legal entity or team that includes an architect or engineer and a construction contractor.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.305. USE OF ARCHITECT OR ENGINEER AS INDEPENDENT REPRESENTATIVE. The governmental entity shall select or designate an architect or engineer independent of the design-build firm to act as the governmental entity's representative for the duration of the project.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.306. PREPARATION OF REQUEST. (a) The governmental entity shall prepare a request for qualifications that includes general information on the project site, project scope, budget, special systems, selection criteria and the weighted value for each criterion, and other information that may assist potential design-build firms in submitting proposals for the project.

(b) The governmental entity shall also prepare the design criteria package that includes more detailed information on the project. If the preparation of the design criteria package requires architectural or engineering services that constitute the practice of architecture within the meaning of Chapter 1051, Occupations Code, or the practice of engineering within the meaning of Chapter

1001, Occupations Code, those services shall be provided in accordance with the applicable law.

(c) The design criteria package must include a set of documents that provides sufficient information, including criteria for selection, to permit a design-build firm to prepare a response to the governmental entity's request for qualifications and to provide any additional information requested. The design criteria package must specify criteria the governmental entity considers necessary to describe the project and may include, as appropriate, the legal description of the site, survey information concerning the site, interior space requirements, special material requirements, material quality standards, conceptual criteria for the project, special equipment requirements, cost or budget estimates, time schedules, quality assurance and quality control requirements, site development requirements, applicable codes and ordinances, provisions for utilities, parking requirements, and any other requirement.

(d) The governmental entity may not require offerors to submit architectural or engineering designs as part of a proposal or a response to a request for qualifications.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.307. EVALUATION OF DESIGN-BUILD FIRMS. (a) For each design-build firm that responded to the request for qualifications, the governmental entity shall evaluate the firm's experience, technical competence, and capability to perform, the past performance of the firm and members of the firm, and other appropriate factors submitted by the firm in response to the request for qualifications, except that cost-related or price-related evaluation factors are not permitted.

(b) Each firm must certify to the governmental entity that each architect or engineer that is a member of the firm was selected based on demonstrated competence and qualifications, in the manner provided by Section 2254.004.

(c) The governmental entity shall qualify a maximum of five responders to submit proposals that contain additional information and, if the governmental entity chooses, to interview for final selection.

(d) The governmental entity shall evaluate the additional information submitted by the offerors on the basis of the selection criteria stated in the request for qualifications and the results of any interview.

(e) The governmental entity may request additional information regarding demonstrated competence and qualifications, considerations of the safety and

long-term durability of the project, the feasibility of implementing the project as proposed, the ability of the offeror to meet schedules, or costing methodology. As used in this subsection, "costing methodology" means an offeror's policies on subcontractor markup, definition of general conditions, range of cost for general conditions, policies on retainage, policies on contingencies, discount for prompt payment, and expected staffing for administrative duties. The term does not include a guaranteed maximum price or bid for overall design or construction.

(f) The governmental entity shall rank each proposal submitted on the basis of the criteria set forth in the request for qualifications.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.308. SELECTION OF DESIGN-BUILD FIRM. (a) The governmental entity shall select the design-build firm that submits the proposal offering the best value for the governmental entity on the basis of the published selection criteria and on its ranking evaluations.

(b) The governmental entity shall first attempt to negotiate a contract with the selected firm.

(c) If the governmental entity is unable to negotiate a satisfactory contract with the selected firm, the governmental entity shall, formally and in writing, end all negotiations with that firm and proceed to negotiate with the next firm in the order of the selection ranking until a contract is reached or negotiations with all ranked firms end.

(d) Not later than the seventh day after the date the contract is awarded, the governmental entity shall make the rankings determined under Section 2269.307(f) public.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.002(12), eff. September 1, 2013.

Sec. 2269.309. SUBMISSION OF DESIGN AFTER SELECTION. After selection of the design-build firm, that firm's architects or engineers shall submit all

design elements for review and determination of scope compliance to the governmental entity or the governmental entity's architect or engineer before or concurrently with construction.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.310. FINAL CONSTRUCTION DOCUMENTS. The design-build firm shall supply a set of construction documents for the completed project to the governmental entity at the conclusion of construction. The documents must note any changes made during construction.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.311. PERFORMANCE OR PAYMENT BOND. (a) A payment or performance bond is not required and may not provide coverage for the design portion of the design-build contract with the design-build firm under this subchapter.

(b) If a fixed contract amount or guaranteed maximum price has not been determined at the time the design-build contract is awarded, the penal sums of the performance and payment bonds delivered to the governmental entity must each be in an amount equal to the construction budget, as specified in the design criteria package.

(c) The design-build firm shall deliver the bonds not later than the 10th day after the date the design-build firm executes the contract unless the design-build firm furnishes a bid bond or other financial security acceptable to the governmental entity to ensure that the design-build firm will furnish the required performance and payment bonds before construction begins.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

#### SUBCHAPTER H. DESIGN-BUILD PROCEDURES FOR CERTAIN CIVIL WORKS PROJECTS

Sec. 2269.351. DEFINITIONS. In this subchapter:

- (1) "Civil works project" means:

(A) roads, streets, bridges, utilities, water supply projects, water plants, wastewater plants, water distribution and wastewater conveyance facilities, desalination projects, wharves, docks, airport runways and taxiways, storm drainage and flood control projects, or transit projects;

(B) types of projects or facilities related to those described by Paragraph (A) and associated with civil engineering construction; and

(C) buildings or structures that are incidental to projects or facilities that are described by Paragraphs (A) and (B) and that are primarily civil engineering construction projects.

(2) "Design-build firm" means a partnership, corporation, or other legal entity or team that includes an engineer and a construction contractor qualified to engage in civil works construction in Texas.

(3) "Design criteria package" means a set of documents that:

(A) provides sufficient information to convey the intent, goals, criteria, and objectives of the civil works project; and

(B) permits a design-build firm to:

(i) assess the scope of work and the risk involved; and

(ii) submit a proposal on the project.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.352. APPLICABILITY. This subchapter applies to a governmental entity that:

(1) has a population of more than 100,000 within the entity's geographic boundary or service area; or

(2) is a board of trustees governed by Chapter 54, Transportation Code.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.353. CONTRACTS FOR CIVIL WORKS PROJECTS: DESIGN-BUILD. (a) A governmental entity may use the design-build method for the construction, rehabilitation, alteration, or repair of a civil works project. In using this method and in entering into a contract for the services of a design-build firm, the contracting governmental entity and the design-build firm shall follow the

procedures provided by this subchapter.

(b) A contract for a project under this subchapter may cover only a single integrated project. A governmental entity may not enter into a contract for aggregated projects at multiple locations. For purposes of this subsection:

(1) if a metropolitan transit authority created under Chapter 451, Transportation Code, enters into a contract for a project involving a linear transit project with multiple stops along the project route for boarding passengers, created under Chapter 451, Transportation Code, the linear transit project is a single integrated project; and

(2) a water treatment plant, including a desalination plant, that includes treatment facilities, well fields, and pipelines is a single integrated project.

(c) A governmental entity shall use the following criteria as a minimum basis for determining the circumstances under which the design-build method is appropriate for a project:

(1) the extent to which the entity can adequately define the project requirements;

(2) the time constraints for the delivery of the project;

(3) the ability to ensure that a competitive procurement can be held; and

(4) the capability of the entity to manage and oversee the project, including the availability of experienced personnel or outside consultants who are familiar with the design-build method of project delivery.

(d) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 1127 (H.B. 1050), Sec. 11, eff. September 1, 2013.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.002(13), eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1127 (H.B. 1050), Sec. 3, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1127 (H.B. 1050), Sec. 11, eff. September 1, 2013.

Sec. 2269.354. LIMITATION ON NUMBER OF PROJECTS. (a) After August 31, 2013:

(1) a governmental entity with a population of 500,000 or more within

the entity's geographic boundary or service area may, under this subchapter, enter into contracts for not more than six projects in any fiscal year;

(2) a municipally owned water utility with a separate governing board appointed by the governing body of a municipality with a population of 500,000 or more may:

(A) independently enter into contracts for not more than two civil works projects in any fiscal year; and

(B) enter into contracts for additional civil works projects in any fiscal year, but not more than the number of civil works projects prescribed by the limit in Subdivision (1) for the municipality, provided that:

(i) the additional contracts for the civil works projects entered into by the utility under this paragraph are allocated to the number of contracts the municipality that appoints the utility's governing board may enter under Subdivision (1); and

(ii) the governing body of the municipality must approve the contracts; and

(3) a governmental entity that has a population of 100,000 or more but less than 500,000 or is a board of trustees governed by Chapter 54, Transportation Code, may enter into contracts under this subchapter for not more than four projects in any fiscal year.

(b) For purposes of determining the number of eligible projects under this section, a municipally owned water utility with a separate governing board appointed by the governing body of the municipality is considered part of the municipality.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1127 (H.B. 1050), Sec. 4, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1356 (S.B. 1430), Sec. 1, eff. June 14, 2013.

Sec. 2269.355. USE OF ENGINEER. (a) The governmental entity shall select or designate an engineer who is independent of the design-build firm to act as its representative for the procurement process and for the duration of the work on the civil works project. The selected or designated engineer has full responsibility for complying with Chapter 1001, Occupations Code.

(b) If the engineer is not a full-time employee of the governmental

entity, the governmental entity shall select the engineer on the basis of demonstrated competence and qualifications as provided by Section 2254.004.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.356. USE OF OTHER PROFESSIONAL SERVICES. (a) The governmental entity shall provide or contract for, independently of the design-build firm, the following services as necessary for the acceptance of the civil works project by the entity:

- (1) inspection services;
- (2) construction materials engineering and testing; and
- (3) verification testing services.

(b) The governmental entity shall select the services for which it contracts under this section in accordance with Section 2254.004.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.357. REQUEST FOR QUALIFICATIONS. (a) The governmental entity shall prepare a request for qualifications that includes:

- (1) information on the civil works project site;
- (2) project scope;
- (3) project budget;
- (4) project schedule;
- (5) criteria for selection under Section 2269.359 and the weighting of the criteria; and
- (6) other information that may assist potential design-build firms in submitting proposals for the project.

(b) The governmental entity shall also prepare a design criteria package as described by Section 2269.358.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.002(14), eff.

September 1, 2013.

Sec. 2269.358. CONTENTS OF DESIGN CRITERIA PACKAGE. A design criteria package may include, as appropriate:

- (1) budget or cost estimates;
- (2) information on the site;
- (3) performance criteria;
- (4) special material requirements;
- (5) initial design calculations;
- (6) known utilities;
- (7) capacity requirements;
- (8) quality assurance and quality control requirements;
- (9) the type, size, and location of structures; and
- (10) notice of any ordinances, rules, or goals adopted by the governmental entity relating to awarding contracts to historically underutilized businesses.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.359. EVALUATION OF DESIGN-BUILD FIRMS. (a) The governmental entity shall receive proposals and shall evaluate each offeror's experience, technical competence, and capability to perform, the past performance of the offeror's team and members of the team, and other appropriate factors submitted by the team or firm in response to the request for qualifications, except that cost-related or price-related evaluation factors are not permitted at this stage.

(b) Each offeror must:

- (1) select or designate each engineer that is a member of its team based on demonstrated competence and qualifications, in the manner provided by Section 2254.004; and
- (2) certify to the governmental entity that each selection or designation was based on demonstrated competence and qualifications, in the manner provided by Section 2254.004.

(c) The governmental entity shall qualify offerors to submit additional information and, if the entity chooses, to interview for final selection.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.360. SELECTION OF DESIGN-BUILD FIRM. The governmental entity shall select a design-build firm using a combination of technical and cost proposals as provided by Section 2269.361.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.002(15), eff. September 1, 2013.

Sec. 2269.361. PROCEDURES FOR COMBINATION OF TECHNICAL AND COST PROPOSALS.

(a) A governmental entity shall request proposals from design-build firms identified under Section 2269.359(c). A firm must submit a proposal not later than the 180th day after the date the governmental entity makes a public request for the proposals from the selected firms. The request for proposals must include:

- (1) a design criteria package;
- (2) if the project site is identified, a geotechnical baseline report or other information that provides the design-build firm minimum geotechnical design parameters to submit a proposal;
- (3) detailed instructions for preparing the technical proposal and the items to be included, including a description of the form and level of completeness of drawings expected; and
- (4) the relative weighting of the technical and price proposals and the formula by which the proposals will be evaluated and ranked.

(b) The technical proposal is a component of the proposal under this section.

(c) Each proposal must include a sealed technical proposal and a separate sealed cost proposal.

(d) The technical proposal must address:

- (1) project approach;
- (2) anticipated problems;
- (3) proposed solutions to anticipated problems;
- (4) ability to meet schedules;
- (5) conceptual engineering design; and
- (6) other information requested by the governmental entity.

(e) The governmental entity shall first open, evaluate, and score each responsive technical proposal submitted on the basis of the criteria described in the request for proposals and assign points on the basis of the weighting specified in the request for proposals. The governmental entity may reject as nonresponsive any firm that makes a significant change to the composition of its firm as initially submitted. The governmental entity shall subsequently open, evaluate, and score the cost proposals from firms that submitted a responsive technical proposal and assign points on the basis of the weighting specified in the request for proposals. The governmental entity shall select the design-build firm in accordance with the formula provided in the request for proposals.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.002(16), eff. September 1, 2013.

Sec. 2269.3615. IDENTIFICATION OF PROJECT TEAM. (a) A governmental entity may require a design-build firm responding to a request for detailed proposals to identify companies that will:

- (1) fill key project roles, including project management, lead design firm, quality control management, and quality assurance management; and
- (2) serve as key task leaders for geotechnical, hydraulics and hydrology, structural, environmental, utility, and right-of-way issues.

(b) If a design-build firm required to identify companies under Subsection (a) is selected for a design-build agreement, the firm may not make changes to the identified companies unless an identified company:

- (1) is no longer in business, is unable to fulfill its legal, financial, or business obligations, or can no longer meet the terms of the teaming agreement with the design-build firm;
- (2) voluntarily removes itself from the team;
- (3) fails to provide a sufficient number of qualified personnel to fulfill the duties identified during the proposal stage; or
- (4) fails to negotiate in good faith in a timely manner in accordance with provisions established in the teaming agreement proposed for the project.

(c) If the design-build firm makes team changes in violation of Subsection (b), any cost savings resulting from the change accrue to the governmental entity and not to the design-build firm.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1127 (H.B. 1050), Sec. 5(b), eff. September 1, 2013.

Sec. 2269.362. NEGOTIATION. After selecting the highest-ranked design-build firm under Section 2269.361, the governmental entity shall first attempt to negotiate a contract with the selected firm. If the governmental entity is unable to negotiate a satisfactory contract with the selected firm, the entity shall, formally and in writing, end all negotiations with that firm and proceed to negotiate with the next firm in the order of the selection ranking until a contract is reached or negotiations with all ranked firms end.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.002(17), eff. September 1, 2013.

Sec. 2269.363. ASSUMPTION OF RISKS. The governmental entity shall assume:

(1) all risks and costs associated with:

- (A) scope changes and modifications, as requested by the governmental entity;
- (B) unknown or differing site conditions unless otherwise provided by the governmental entity in the request for proposals and final contract;
- (C) regulatory permitting, if the governmental entity is responsible for those risks and costs by law or contract; and
- (D) natural disasters and other force majeure events unless otherwise provided by the governmental entity in the request for proposals and final contract; and

(2) all costs associated with property acquisition, excluding costs associated with acquiring a temporary easement or work area associated with staging or construction for the project.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.364. STIPEND AMOUNT FOR UNSUCCESSFUL OFFERORS. (a) Unless a stipend is paid under Subsection (c), the design-build firm retains all rights

to the work product submitted in a proposal. The governmental entity may not release or disclose to any person, including the successful offeror, the work product contained in an unsuccessful proposal. The governmental entity shall return all copies of the proposal and other information submitted to an unsuccessful offeror. The governmental entity or its agents may not make use of any unique or nonordinary design element, technique, method, or process contained in the unsuccessful proposal that was not also contained in the successful proposal at the time of the original submittal, unless the entity acquires a license from the unsuccessful offeror.

(b) A violation of this section voids the contract for the project entered into by the governmental entity. The governmental entity is liable to any unsuccessful offeror, or any member of the design-build team or its assignee, for one-half of the cost savings associated with the unauthorized use of the work product of the unsuccessful offeror. Any interested party may bring an action for an injunction, declaratory relief, or damages for a violation of this section. A party who prevails in an action under this subsection is entitled to reasonable attorney's fees as approved by the court.

(c) The governmental entity may offer an unsuccessful design-build firm that submits a response to the entity's request for additional information under Section 2269.361 a stipend for preliminary engineering costs associated with the development of the proposal. The stipend must be one-half of one percent of the contract amount and must be specified in the initial request for proposals. If the offer is accepted and paid, the governmental entity may make use of any work product contained in the proposal, including the techniques, methods, processes, and information contained in the proposal. The use by the governmental entity of any design element contained in an unsuccessful proposal is at the sole risk and discretion of the entity and does not confer liability on the recipient of the stipend under this subsection.

(d) Notwithstanding other law, including Chapter 552, work product contained in an unsuccessful proposal submitted and rejected under this subchapter is confidential and may not be released unless a stipend offer has been accepted and paid as provided by Subsection (c).

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.002(18), eff. September 1, 2013.

Sec. 2269.365. COMPLETION OF DESIGN. (a) Following selection of a design-build firm under this subchapter, the firm's engineers shall submit all design elements for review and determination of scope compliance to the governmental entity before or concurrently with construction.

(b) An appropriately licensed design professional shall sign and seal construction documents before the documents are released for construction.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.366. FINAL CONSTRUCTION DOCUMENTS. At the conclusion of construction, the design-build firm shall supply to the governmental entity a record set of construction documents for the project prepared as provided by Chapter 1001, Occupations Code.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.367. PERFORMANCE OR PAYMENT BOND. (a) A performance or payment bond is not required for the portion of a design-build contract under this section that includes design services only.

(b) If a fixed contract amount or guaranteed maximum price has not been determined at the time a design-build contract is awarded, the penal sums of the performance and payment bonds delivered to the governmental entity must each be in an amount equal to the construction budget, if commercially available and practical, as specified in the design criteria package.

(c) If the governmental entity awards a design-build contract under Section 2269.362, the design-build firm shall deliver the bonds not later than the 10th day after the date the design-build firm executes the contract unless the design-build firm furnishes a bid bond or other financial security acceptable to the governmental entity to ensure that the design-build firm will furnish the required performance and payment bonds before the commencement of construction.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.002(19), eff. September 1, 2013.

SUBCHAPTER I. JOB ORDER CONTRACTS METHOD

Sec. 2269.401. JOB ORDER CONTRACTING. In this chapter, "job order contracting" is a procurement method used for maintenance, repair, alteration, renovation, remediation, or minor construction of a facility when the work is of a recurring nature but the delivery times, type, and quantities of work required are indefinite.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.402. APPLICABILITY OF SUBCHAPTER TO BUILDINGS; EXCEPTIONS. This subchapter applies only to a facility that is a building, the design and construction of which is governed by accepted building codes, or a structure or land, whether improved or unimproved, that is associated with a building. This subchapter does not apply to:

(1) a highway, road, street, bridge, utility, water supply project, water plant, wastewater plant, water and wastewater distribution or conveyance facility, wharf, dock, airport runway or taxiway, drainage project, or related type of project associated with civil engineering construction; or

(2) a building or structure that is incidental to a project that is primarily a civil engineering construction project.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.403. REQUIREMENTS FOR JOB ORDER CONTRACTS FOR FACILITIES. (a) A governmental entity may award job order contracts for the maintenance, repair, alteration, renovation, remediation, or minor construction of a facility if:

(1) the work is of a recurring nature but the delivery times are indefinite; and

(2) indefinite quantities and orders are awarded substantially on the basis of predescribed and prepriced tasks.

(b) The governmental entity shall establish the maximum aggregate contract

price when it advertises the proposal.

(c) The governing body of a governmental entity shall approve each job, task, or purchase order that exceeds \$500,000.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.404. CONTRACTUAL UNIT PRICES. The governmental entity may establish contractual unit prices for a job order contract by:

- (1) specifying one or more published construction unit price books and the applicable divisions or line items; or
- (2) providing a list of work items and requiring the offerors to propose one or more coefficients or multipliers to be applied to the price book or prepriced work items as the price proposal.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.405. COMPETITIVE SEALED PROPOSAL METHOD. (a) A governmental entity may use the competitive sealed proposal method under Subchapter D for job order contracts.

(b) The governmental entity shall advertise for, receive, and publicly open sealed proposals for job order contracts.

(c) The governmental entity may require offerors to submit information in addition to rates, including experience, past performance, and proposed personnel and methodology.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.406. AWARDING OF JOB ORDER CONTRACTS. The governmental entity may award job order contracts to one or more job order contractors in connection with each solicitation of proposals.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.407. USE OF JOB ORDER CONTRACT. A job order contract may be used to accomplish work only for the governmental entity that awards the contract unless:

- (1) the solicitation for the job order contract and the contract specifically provide for use by other persons; or
- (2) the governmental entity enters into an interlocal agreement that provides otherwise.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.408. USE OF ARCHITECT OR ENGINEER. (a) If a job order contract or an order issued under the contract requires architectural or engineering services that constitute the practice of architecture within the meaning of Chapter 1051, Occupations Code, or the practice of engineering within the meaning of Chapter 1001, Occupations Code, the governmental entity shall select or designate an architect or engineer to prepare the construction documents for the project.

(b) Subsection (a) does not apply to a job order contract or an order issued under the contract for industrialized housing, industrialized buildings, or relocatable educational facilities subject to and approved under Chapter 1202, Occupations Code, if the contractor employs the services of an architect or engineer who approves the documents for the project.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.409. JOB ORDER CONTRACT TERM. The base term for a job order contract may not exceed two years. The governmental entity may renew the contract annually for not more than three additional years.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.410. JOB ORDERS. (a) An order for a job or project under a job order contract must be signed by the governmental entity's representative and the contractor.

(b) The order may be:

(1) a fixed price, lump-sum contract based substantially on contractual unit pricing applied to estimated quantities; or

(2) a unit price order based on the quantities and line items delivered.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.411. PAYMENT AND PERFORMANCE BONDS. The contractor shall provide payment and performance bonds, if required by law, based on the amount or estimated amount of any order.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

#### SUBCHAPTER J. ENFORCEMENT

Sec. 2269.451. VOID CONTRACT. A contract, including a job order, entered into in violation of this chapter is voidable as against public policy.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

Sec. 2269.452. DECLARATORY OR INJUNCTIVE RELIEF. (a) This chapter may be enforced through an action for declaratory or injunctive relief filed not later than the 10th day after the date on which the contract is awarded.

(b) This section does not apply to enforcement of a contract entered into by a state agency. In this subsection, "state agency" has the meaning assigned by Section 2151.002. The term includes the Texas Facilities Commission.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 2.08, eff. September 1, 2011.

GOVERNMENT CODE CHAPTER 2269. CONTRACTING AND DELIVERY PROCEDURES FOR CONSTRUCTION PROJECTS

Redesignated from Government Code, Chapter 2267 by Acts 2013, 83rd Leg., R.S.,  
Ch. 161 (S.B. 1093), Sec. 22.001(23), eff. September 1, 2013.

**Committee Budget Request Form**

Line Item	Item description	Projected Actual FY 2016	Budget FY 2017	Justification
<b>50000 · Operations</b>				
	<b>50100 · Office Supplies &amp; Equipment</b>			
	50120 · Office Supplies - General			
	50130 · Office Supplies - Printing			
	50140 · Office Equipment Lease			
	<b>50200 · Postage and Shipping</b>			
	50210 · Shipping			
	50220 · Postage			
	<b>50300 · Communications &amp; Internet</b>			
	50360 · Community Survey			
	<b>50800 · Other Operating Expense</b>			
	50804 · Advertising/Public Notices			
	50805 · Books & Publications			
	50806 · Dues, Fees, & Subscriptions			
	50809 · Training & Ed - Council			
	50812 · Mileage Reimbursement			
	50813 · Travel - Meals			
<b>52000 · Municipal Court</b>				
	52120 · Municipal Court Expenditures			
<b>53000 · Facilities and Equipment</b>				
	53210 · Firehall Rental			
<b>55000 · Community Events</b>				
	55120 · Village Cleanup, other			
	55180 · Town Hall Meetings			
<b>57000 · Public Works</b>				
	57110 · Park Maintenance			
	57120 · ROW Herbicide			
	57121 · Mowing			
	57123 · Tree Trimming			
	57131 · Roads & Right-of-way			
	57140 · Street Signs (New & Repairs)			
	57150 · Road Maintenance Reserves			
<b>64000 · Outside Services</b>				
	64014 · Special Consultants			
	<b>64400 · Legal Services</b>			
	64470 · Legal Fees - City Projects			
	64471 · Codification			
	64474 · Govt. Committee - BCRUA			
<b>65000 · Contract Labor</b>				
	65020 · Contract Labor - Other			
	<b>65100 · Enforcement Costs</b>			
	65110 · Contract Police			
	65120 · Code Compliance			
<b>70000 · Capital Outlay</b>				
	70100 · Road Works Capital Outlay			
	70200 · Other - Capital Outlays			
<b>Total</b>		0	0	

**Relevance – Instead of requiring an amendment to all the ordinances impacted by a new or amended ordinance or delaying the effective date of a new or amended ordinance the following language could be used to allow the new regulation to be effective when the ordinance is passed. Also when the new ordinance is codified all inconsistencies will be eliminated during that process.**

**Lakeway**

Repealer: The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided however, that all prior ordinances are hereby expressly repealed to the extent that such inconsistency is apparent. This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

**Lago Vista**

**Application of Conflicting Ordinances.** All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other ordinance of the city, the terms and provisions of the ordinance shall govern.

**Competitive Bids (RFQ and RFP requirement)**

1. Effort should be made to obtain the most reasonable prices for all purchases. Budgeted mandatory expenditures do not require competitive bidding.
2. All purchasing agents will ensure competitive quotes (Request for Quotation-RFQ) are obtained for any single budgeted routine purchases of standardized or commoditized services and supplies exceeding \$500.00 or repetitive purchases totaling \$1,500.00 over a twelve month period. Purchases may not be split in order to avoid this spending limit.
3. All purchasing agents will ensure that competitive bids are obtained using a Request for Proposal (RFP) process for all budgeted discretionary purchases over \$1,500.00 or repetitive purchases totaling \$3,000.00 over a twelve month period. Three bids including cost, qualification, references and terms and conditions of contract and recommendations, if any, are to be received, reviewed and approved by City Council prior to bid acceptance and contract negotiation and execution, and
  - All purchasing agents will ensure that all discretionary purchases are presented to City Council for review and approval of a preliminary RFP including the justification, specific requirements, budget and potential suppliers prior to RFP issuance. Once approved, a final Request for Proposal can be issued unless otherwise directed by City Council.

The Village of Volente is not bound to accept the lowest price offered according to Texas Local Government Code sec 252.043. Criteria that shall influence the selection of a successful tender include: quality, warranty, financial stability of the supplier, experience, references, ability to accommodate our program and scheduling needs, and cost.

*discretionary purchases* – budgeted expenditures which Village of Volente has an option as to when, or if, to incur and, as such, require prior authorization. These include such things as:

- equipment purchases;
- outside services which are not reimbursable;
- contract services;
- travel and other reimbursable business expenses (requires an Expense Report Form see attached);
- changes in insurance coverage;
- lease agreements
- signing new contracts for goods or services;
- construction projects
- public works



VILLAGE OF  
VOLENTE

VILLAGE OF VOLENTE  
Purchasing Office  
INVITATION FOR BID (IFB)  
Offer Sheet

SOLICITATION NO.	DATE ISSUED:
COMMODITY/SERVICE DESCRIPTION:	PRE-BID CONFERENCE TIME AND DATE:
	LOCATION: CITY HALL, 16100 WHARF COVE VOLENTE, TX 78641
FOR CONTRACTUAL AND TECHNICAL ISSUES CONTACT:	BID DUE PRIOR TO:
Phone: (512)	BID OPENING TIME AND DATE:
	LOCATION: CITY HALL, 16100 WHARF COVE VOLENTE, TX 78641
<b>SUBMIT ONE (1) ORIGINAL AND ONE (1) SIGNED COPY OF RESPONSE</b>	

SOLICITATION TO:

<b>Vendor Name:</b>
<b>Vendor Address:</b>

Signature of Person Authorized to Sign Offer

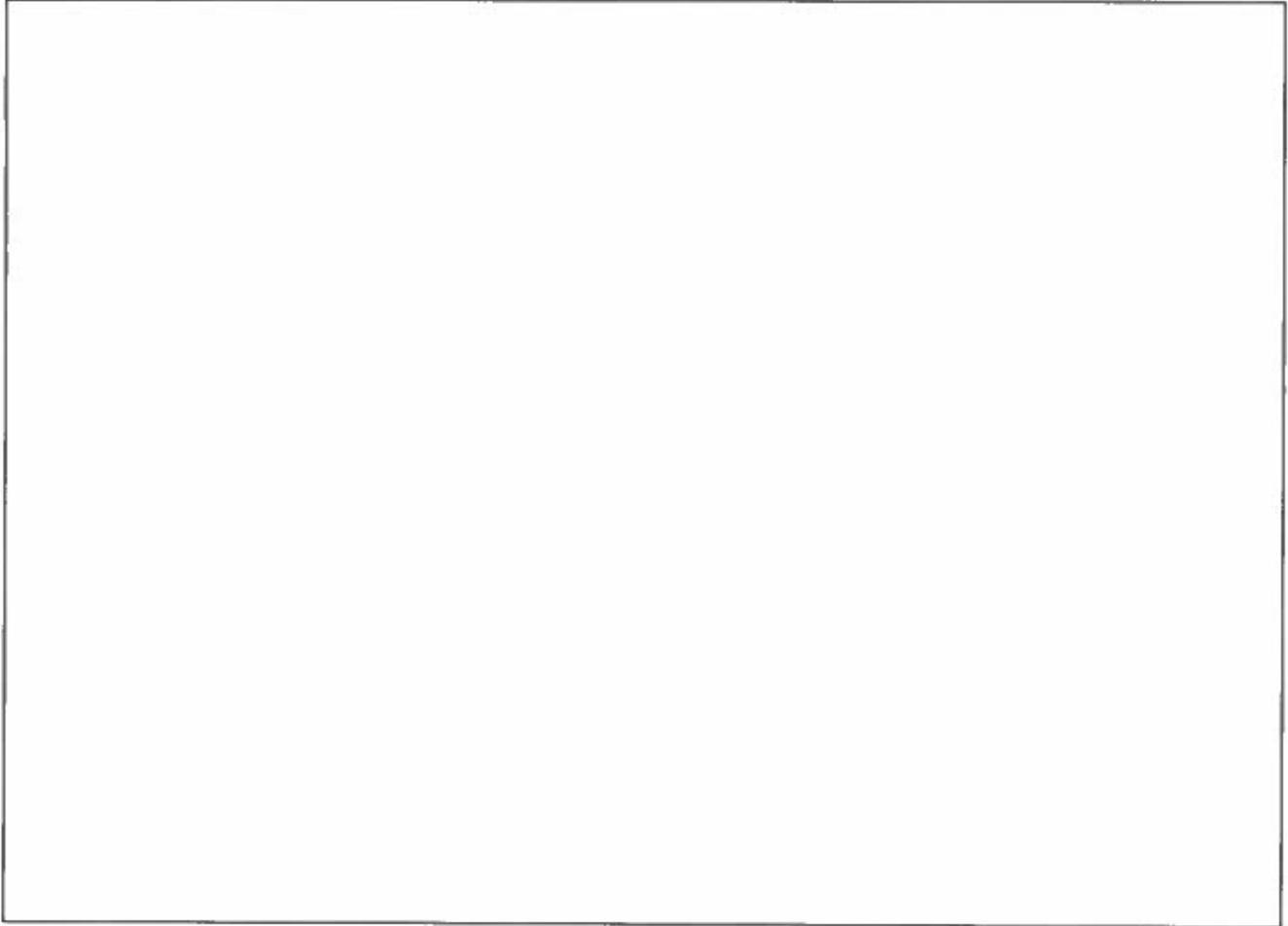
Signer's Name and Title: (please print or type)

COMPANY NAME:	FEDERAL TAX ID NO. (REQUIRED TO BE CONSIDERED)
STREET ADDRESS:	CITY, STATE, ZIP CODE
PHONE NO. ( )	FAX NO. ( )

BELOW INFO MUST MATCH THE NAME AND ADDRESS ON INVOICE AND IN COMPANY PROFILE WITH VILLAGE:

Company "Remit To" Name:
Remit to Address:
City, State, Zip Code:
Email Address:

**SCOPE OF WORK:**



**DOCUMENTS PROVIDED:**

- Invitation for bid
- Bid proposal
- Vendor data sheet
- Sample contract agreement. Agreement will be completed with successful bidder within sixty (60) days of bid opening.
- **Chapter 46. Disclosure of Interested Parties** (compliance with section 2252.908 of the Government Code)

**DOCUMENTS TO BE RETURNED WITH BID:**

- Signed invitation for Bid
- Signed Bid Proposal
- Completed Vendor Data Sheet
- Evidence of compliance with **Chapter 46. Disclosure of Interested Parties**

VILLAGE OF VOLENTE  
16100 Wharf Cove  
VOLENTE, TX 78641

PROJECT NO. \_\_\_\_\_

**BID PROPOSAL**

Date: \_\_\_\_\_

Having carefully examined the Scope of Work and Sample Contract Agreement for the above referenced Project, for the Village of Volente, as well as the premises and conditions affecting this work and all other contract documents, I propose to secure and pay for all permits, fees, and licenses, if required, and to furnish all labor, services, equipment and materials necessary to complete the work as follows:

Note: Amounts shown shall be shown in both written and figure forms. In case of discrepancy between the written amount and the figure, the written amount will govern.

**1. LUMP SUM BID**

\_\_\_\_\_ \$ \_\_\_\_\_

**2. CONTRACT COMPLETION:**

The undersigned further agrees, if awarded the contract, to complete this Contract as follows:  
\_\_\_\_\_ CALENDER DAYS

The undersigned further agrees that the Bid Bond is waived for this Project.

Bidder acknowledges receipt of the following addenda to the "Invitation For Bid":

Number \_\_\_\_\_ Number \_\_\_\_\_ Number \_\_\_\_\_

**Respectfully Submitted,**

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

By: \_\_\_\_\_ Title: \_\_\_\_\_  
Signature

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

**VILLAGE OF VOLENTE  
16100 WHARF COVE  
VOLENTE, TEXAS 78641**

**VENDOR DATA SHEET (ALL SUPPLIERS)**

<b>BUSINESS NAME:</b>			
<b>ADDRESS:</b>			
<b>CITY</b>	<b>STATE</b>	<b>ZIP</b>	<b>PHONE/FAX</b>

<b>TYPE OF OWNERSHIP</b> <input type="checkbox"/> CORPORATION <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> SOLE PROPRIETORSHIP <input type="checkbox"/> JOINT PROPRIETORSHIP
---

<b>IF MINORITY WHAT STATUS:</b> <input type="checkbox"/> BLACK <input type="checkbox"/> HISPANIC <input type="checkbox"/> AMERICAN INDIAN <input type="checkbox"/> ALASKAN NATIVE <input type="checkbox"/> WOMAN <input type="checkbox"/> ASIAN AMERICAN <input type="checkbox"/> MBE CERTIFIED
--

<b>Federal Employer ID #</b>	<b>FORM 1099 REQUIRED</b> <input type="checkbox"/> YES <input type="checkbox"/> NO	<b>FORM 1295 REQUIRED</b> <input type="checkbox"/> YES <input type="checkbox"/> NO
------------------------------	---	---

**PRINCIPALS IN THE COMPANY**

NAME	TITLE	PHONE	ADDRESS

**ACCOUNT CONTACTS**

<b>NAME</b>	<b>TITLE</b>
<b>PROJECT CONTACT</b>	<b>ORDER DELIVERY</b>
<b>INVOICING CONTACT</b>	<b>ACCOUNT REPRESENTATIVE</b>

**BUSINESS CONTACT REFERENCES**

NAME	TITLE	ADDRESS	PHONE

**REMIT TO**

<b>NAME</b>			
<b>ADDRESS</b>			
<b>CITY</b>	<b>STATE</b>	<b>ZIP</b>	<b>PHONE</b>

AUTHORIZED SIGNATURE	TITLE	DATE
----------------------	-------	------

## CONTRACT AGREEMENT

This Contract is by and between the Village of Volente (hereinafter referred to as VOV) and \_\_\_\_\_ (hereinafter referred to as Contractor).

This Contract is effective the day upon which both parties have signed the Contract.

WHEREAS, VOV requires the services of an independent contractor to furnish all labor, materials and equipment for \_\_\_\_\_.

WHEREAS, the Contractor has provided a quote for the labor and materials of said work by Contractor personnel.

WHEREAS, VOV has reviewed said quote and accepts said bid by Contractor to provide all necessary labor and materials in accordance with the terms and conditions of this Contract; and

WHEREAS, the Contractor has represented it is duly qualified and capable of fulfilling all requirements as set forth in this Contract and is willing to provide the necessary labor and materials as established herein.

NOW, THEREFORE, in consideration of the foregoing mutual promises, the parties agree to the following:

### **1. STATEMENT OF WORK:**

The Contractor shall furnish all necessary labor, materials, equipment, and services for \_\_\_\_\_.

### **2. CONTRACT DOCUMENTS:**

- a.) This Agreement
- (b.) Bid Proposal
- (c.) Notice to Proceed
- (d.) Volente Construction Ordinances
- (e.) Scope of Work

### **3. CONTRACTOR'S DUTIES:**

(a.) Supervision - At all times during the performance of this contract and until the work is completed and accepted, the Contractor shall directly supervise the work or assign and have on the work site a competent superintendent who is satisfactory to the Village and has authority to act for the contractor.

(b.) Contractor Liability- the Contractor shall be responsible for any and all damages, claims, charges, costs whether tangible or intangible to persons or property that arise out of or relate to the performance of the Contractor or any other persons/entities under the contractor control or direction.

(c.) Contractor covenant – The contractor covenants and agrees to comply with all federal, state and local statues/regulations relating to ensuring the proper safety and health precautions are taken to protect the work, the workers, the public and the property of others.

(d.) Indemnity- The Contractor shall indemnify and hold harmless VOV from any and all liability, loss, charges, fines, costs, fees or damages VOV may suffer as a result of any claims, demands, causes of actions, in equity or at law, lawsuits, administrative actions or judgments against VOV arising out of or related to : (1) the contract; (2) the performance of the contract by the Contractor; or (3) the performance of the contract by persons under the Contractor's control or direction, or (4) VOV's negligent acts or omissions. Contractor agrees to provide a defense for VOV at the Contractors expense including without limitation, any and all attorney fees, court costs or other fees or costs associated with administrative actions, litigation, mediation, arbitration or the like.

(e.) Start and Completion of Work – The Contractor shall complete all work required within the time frames specified in the Notice to Proceed, or shall pay the VOV as liquidated damages, the sum of **\$100.00 for each day of delay**. The Village reserves the right to perform construction or operations related to the Project with the Authority's own employees, and to award separate contracts in connection with other portions of the Project, and the Contractor shall fully cooperate with such other contracts and employees of the Authority and carefully fit Contractor's own work to such additional work as directed.

**4. RIGHT TO INSPECT AND ACCEPTANCE OF WORK**- The Contractor shall perform inspections to ensure that the work performed under the Contract conforms to Contract requirements. All work is subject to VOV inspection at all places and all reasonable times before acceptance to ensure strict compliance with the terms of the Contract. If any of the supplies, services, or construction does not conform with contract requirements, the VOV may require the Contractor to perform the work again in conformity with contract requirements, at no increase in the contract price. When defects cannot be corrected, the VOV may require the Contractor to reduce the contract price to reflect the reduced value of the work performed. The presence or absence of the VOV inspector does not relieve the Contractor from any contract requirement, and failure or delay of VOV to inspect is no excuse for the lack of performance.

**5. SUBCONTRACTING** – The Contractor shall not subcontract all or any portion of this contract without the written consent of the Contracting Officer of the Village or a duly authorized representative of the Village.

**6. INSURANCE** – Contractor shall require its carrier to place VOV on its insurance policy as an additional insured and provide VOV with Certificates of Insurance, from an insurance company authorized to do business in the State of Texas, certifying that Contractor, and VOV, as an additional insured, is covered by commercial general liability insurance in the minimum amount of \$500, 000 per occurrence and that Contractor is covered by automobile liability insurance in the minimum of \$500, 000 per occurrence. Proof of such insurance is necessary prior to commencement of work.

**7. WARRANTIES** – Contractor warrants and affirms that all goods and services provided in the performance of this Contract shall be free of defect and all services shall be completed in a workmanlike manner and in compliance with the contract documents referred in Part 2.

**8. EQUAL EMPLOYMENT OPPORTUNITY AND SECTION 3**: During the term of this Contract, the Contractor agrees not to discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor will take affirmative action to insure the applicants are employed and that employees are treated during employment, without regard to race, color, religion, sex or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising, layoff or termination; rates of pay or other form of compensation; and selection for training, including apprenticeship.

Furthermore, Contractor shall provide, to the greatest extent feasible, economic opportunities for low and very low-income persons, particularly recipients of government assisted housing and to businesses that provide economic opportunities for these persons.

**9. EXAMINATION AND RETENTION OF CONTRACTOR'S RECORDS** – VOV or its duly authorized representatives shall, until three (3) years after final payment under this Contract have access to and the right to examine the Contractor's books, documents, papers, or other records involving transactions related to this Contract for the purpose of making audit, examination, excerpts, copies and transcriptions.

**10. COMPENSATION** – VOV shall compensate the Contractor in the amount of \_\_\_\_\_ Dollars and 00/100's (\$ \_\_\_\_\_ .00) upon completion of all or parts of work and approval of the strict performance of the terms and conditions of this contract by the Village Council or the duly authorized VOV representative.

Contractor should allow a minimum of 30 days after submitting invoices for payment to allow quality inspection and verification of \_\_\_% completion of work submitted for payment.

#### **Payments Withheld**

The Authority may withhold or nullify the whole or part of any Progress Payment to such extent as may be appropriate on account of:

- (a) defective work not remedied or other obligation not satisfied under this Agreement and items incorporated;
- (b) third party claims filed or indicated probability of filing of claims by the Contractor against the Authority, or by third parties against the Contractor or Authority;
- (c) failure of the Contractor to make payments properly to subcontractors or for equipment, materials or labor;
- (d) damage to the Authority, it's tenants, adjoining property or another contractor's work, materials or equipment;
- (e) reasonable doubt that the work can be completed within the Scheduled Time or for the unpaid balance of the Contract amount;
- (f) reasonable doubt that the work will be functionally complete;
- (g) for additional expenses of any kind incurred by the Authority due to any of the reasons cited above; or

(h) any other causes affecting performance of the Contract.

**12. ASSIGNMENT** - Contractor agrees and covenants that neither the contract nor the proceeds under the contract may be assigned for any reason without prior written permission of VOV.

**13. CANCELLATION** - VOV reserves the right to cancel this entire Contract if the Contractor fails to perform in accordance with the terms and conditions of the Contract Documents or for any other just cause. If Contractor's services fail to meet the requirements contained in the Contract Documents, VOV shall call upon the Contractor to make immediate and satisfactory adjustments and corrections to rectify the problem; failure to do so will be cause for VOV to cancel this entire Contract or any portion thereof in addition to any other legal rights VOV may claim. VOV reserves the right to cancel without an opportunity to rectify if it is determined that the health, safety or welfare of the residents or other persons are at risk. No prior notice of cancellation is necessary.

VOV reserves the right to cancel for convenience this Contract upon 30 – day calendar day's written notice to the Contractor. The notice shall be effective three (3) days after posting date with the U.S. Postal Service. The notice shall be sent to the last known address of the Contractor.

**IN WITNESS WHEREOF**, the parties hereto have caused this Contract to be executed by the following parties this \_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.

Village of Volente  
16100 Wharf Cove  
Volente, Texas 78641

Contractor's Address:

By: \_\_\_\_\_  
Title: \_\_\_\_\_

By: \_\_\_\_\_  
Title: \_\_\_\_\_

**Chapter 46. Disclosure of Interested Parties**  
**(effective December 24, 2015)**  
**Text of Adopted Rule**

The adopted new language is indicated by underlined text.

**Chapter 46. DISCLOSURE OF INTERESTED PARTIES**

**§46.1. Application**

(a) This chapter applies to section 2252.908 of the Government Code.

(b) Section 2252.908 of the Government Code applies only to a contract of a governmental entity or state agency entered into after December 31, 2015, that meets either of the following conditions:

(1) The contract requires an action or vote by the governing body of the entity or agency; or

(2) The value of the contract is at least \$1 million.

(c) A contract does not require an action or vote by the governing body of a governmental entity or state agency if:

(1) The governing body has legal authority to delegate to its staff the authority to execute the contract;

(2) The governing body has delegated to its staff the authority to execute the contract; and

(3) The governing body does not participate in the selection of the business entity with which the contract is entered into.

**§46.3. Definitions**

(a) "Contract" includes an amended, extended, or renewed contract.

(b) "Business entity" includes an entity through which business is conducted with a governmental entity or state agency, regardless of whether the entity is a for-profit or nonprofit entity. The term does not include a governmental entity or state agency.

(c) "Controlling interest" means: (1) an ownership interest or participating interest in a business entity by virtue of units, percentage, shares, stock, or otherwise that exceeds 10 percent; (2) membership on the board of directors or other governing body of a business entity of which the board or other governing body is composed of not more than 10 members; or (3) service as an officer of a business entity that has four or fewer officers, or service as one of the four officers most highly compensated by a business entity that has more than four officers.

(d) "Interested party" means: (1) a person who has a controlling interest in a business entity with whom a governmental entity or state agency contracts; or (2) a person who actively participates in facilitating a contract or negotiating the terms of a contract with a governmental entity or state agency, including a broker, intermediary, adviser, or attorney for the business entity.

(e) "Intermediary," for purposes of this rule, means, a person who actively participates in the facilitation of the contract or negotiating the contract, including a broker, adviser, attorney, or representative of or agent for the business entity who:

(1) receives compensation from the business entity for the person's participation;

(2) communicates directly with the governmental entity or state agency on behalf of the business entity regarding the contract; and

(3) is not an employee of the business entity.

#### §46.5. Disclosure of Interested Parties Form

(a) A disclosure of interested parties form required by section 2252.908 of the Government Code must be filed on an electronic form prescribed by the commission that contains the following:

(1) The name of the business entity filing the form and the city, state, and country of the business entity's place of business;

(2) The name of the governmental entity or state agency that is a party to the contract for which the form is being filed;

(3) The name of each interested party and the city, state, and country of the place of business of each interested party;

(4) The identification number used by the governmental entity or state agency to track or identify the contract for which the form is being filed and a short description of the goods or services used by the governmental entity or state agency provided under the contract; and

(5) An indication of whether each interested party has a controlling interest in the business entity, is an intermediary in the contract for which the disclosure is being filed, or both.

(b) The certification of filing and the completed disclosure of interested parties form generated by the commission's electronic filing application must be printed, signed by an authorized agent of the contracting business entity, and submitted to the governmental entity or state agency that is the party to the contract for which the form is being filed

(c) A governmental entity or state agency that receives a completed disclosure of interested parties form and certification of filing shall notify the commission, in an electronic format prescribed by the commission, of the receipt of those documents not later than the 30th day after the date the contract for which the form was filed binds all parties to the contract.

(d) The commission shall make each disclosure of interested parties form filed with the commission under section 2252.908(f) of the Government Code available to the public on the commission's Internet website not later than the seventh business day after the date the commission receives the notice required under subsection (c) of this section.

**CERTIFICATE OF INTERESTED PARTIES**

**FORM 1295**

Complete Nos. 1 - 4 and 6 if there are interested parties.  
 Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

**OFFICE USE ONLY**

**1** Name of business entity filing form, and the city, state and country of the business entity's place of business.

**2** Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

**3** Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

4 Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
		Controlling	Intermediary

**5** Check only if there is NO Interested Party.

**6 AFFIDAVIT** I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.

\_\_\_\_\_  
 Signature of authorized agent of contracting business entity

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said \_\_\_\_\_, this the \_\_\_\_\_ day  
 of \_\_\_\_\_, 20\_\_\_\_\_, to certify which, witness my hand and seal of office.

\_\_\_\_\_  
 Signature of officer administering oath

\_\_\_\_\_  
 Printed name of officer administering oath

\_\_\_\_\_  
 Title of officer administering oath

**ADD ADDITIONAL PAGES AS NECESSARY**



Houston	4201 Freidrich Lane, Ste. 110
Austin	Austin, TX 78744-1045
Dallas	512.447.9081 Ph
San Antonio	512.443.3442 Fax
	<a href="http://www.hvj.com">www.hvj.com</a>

June 2, 2016

Mr. Ken Beck, Mayor  
Village of Volente, Texas  
1600 Wharf Cove  
Austin, Texas 78741

# FIRST PROPOSAL, NEEDS UPDATE

Re: Proposal for Professional Engineering Services for  
Village of Volente – Zoning Ordinance Map Update  
HVJ Proposal No. AP1517583.1

Dear Mr. Beck:

HVJ Associates, Inc. (HVJ) is pleased to submit this final proposal for providing professional engineering services to the Village of Volente, Texas for updating the village's zoning map to reflect changes in the Zoning Ordinance.

## Scope of Work

The Village of Volente Zoning Map will be updated based on the following tasks:

- 1) Gather required background files to complete the map:
  - Village of Volente City Limits
  - Parcel Lines
  - Road Network
  - City limits and/or ETJ boundaries for neighboring cities
  - Lake Travis boundary
  - Existing Zoning boundaries to be updated
- 2) Define the village's new zoning areas. Coordinate with Village of Volente staff to determine the new boundaries corresponding with the updated Zoning Ordinance.
- 3) Deliver Draft map with color coded zones for review by Village of Volente staff.
- 4) Finalize map based on comments from Village of Volente staff.
- 5) Deliver Final map. Deliverable will be in PDF format. The GIS/CAD base files used to produce the map will also be included. Several hardcopies can be provided if so desired.

## Schedule

Based on the proposed scope of work, HVJ estimates the project time schedule, from a notice to

Mr. Ken Beck, Mayor  
AP1517583.1  
June 2, 2016

proceed to the anticipated completion of HVJ work, can be accomplished within 3 weeks.

**Fees**

Based on the scope of work outlined, the cost for HVJ services will be billed out at Time and Materials not to exceed \$1,500 based on the labor and expense rates listed below.

Key Personnel	Hourly Rate
Project Principal	\$ 217.90
Project Manager	\$ 171.20
Project Engineer	\$ 122.20
Staff Engineer	\$ 102.90
CAD Technician	\$ 91.00
Engineering Assistant	\$ 68.00

Direct Expenses	Unit Rate
Mileage	\$ 0.45
Large Format Color Printing (per sq-ft)	\$ 2.00

**Insurance**

Insurance certificates verifying HVJ's general liability, automobile, worker's compensation, and errors and omissions insurance coverage, listing the Village of Volente as a certificate holder, will be provided upon request.

**Invoice**

Invoices will be submitted at the end of each month based on the work accomplished. HVJ requests that payment will be within 30 days from the Village of Volente receipt of the invoice.

**Conditions**

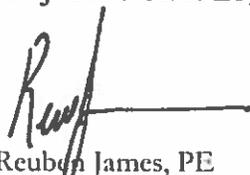
This proposal is based on the following conditions and assumptions:

- Village of Volente will provide any files they have available from the previous Zoning Map for HVJ to use to produce the updated map.

If this proposal meets with the Village of Volente approval please sign and complete the indicated spaces on the following page and forward a copy of the signed proposal to HVJ. This will serve as HVJ's notice to proceed. Thank you for this opportunity. We appreciate your business.

Sincerely,

**HVJ ASSOCIATES, INC.**

  
Reuben James, PE  
Project Manager

Mr. Ken Beck, Mayor  
AP1517583.1  
June 2, 2016

Agreed to this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Firm: \_\_\_\_\_

Phone Number: \_\_\_\_\_ 512.917.5188 \_\_\_\_\_

Date to Start Work: \_\_\_\_\_

FIRST PROPOSAL,  
NEEDS UPDATE

City Secretary

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Subject: FW: Zoning Map Update  
Attachments: Volente Zoning\_12-2009.pdf

On 5/12/16, 3:24 PM, "[fphelan@jaeco.net](mailto:fphelan@jaeco.net)" <[fphelan@jaeco.net](mailto:fphelan@jaeco.net)> wrote:

>Ken,

>

>My understanding from your email of last week is that the new ordinance  
>will determine zoning classification for the residential lots based  
>upon lot size. As such, the size of quite a few lots must be  
>calculated to some degree of reasonable accuracy. To accomplish this  
>we will need to import the most recent base map information (as the  
>existing base map is now seven years old) - which will change every  
>district boundary, and then calculate the lot sizes to confirm the size  
>relative to the ordinance requirements. This is a labor intensive process.

>

>I hope my explanation makes sense and the new cost is therefore deemed  
>appropriate for the scope of work. Feel free to call me if you have  
>any questions.

>

>Thanks,

>

>Frank

>

>Frank T. Phelan, P.E.

>Jay Engineering Company, Inc.

>Texas Registered Engineering Firm F-4780

>

>Mailing Address: P.O. Box 1220

>                  Leander, TX 78646-1220

>

>Physical Address: 1500 C.R. 269

>                  Leander, TX 78641

>

>Phone: (512) 259-3882 ex. 308

>Fax: (512) 259-8016

>Email: [fphelan@jaeco.net](mailto:fphelan@jaeco.net)

>

City Secretary

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**From:** City Secretary <city.secretary@volentetexas.gov>  
**Sent:** Wednesday, July 06, 2016 4:31 PM  
**To:** 'Ken Beck'  
**Subject:** RE: Redrawing of Zoning Map for the Village of Volente

Mayor,  
Please see my comments on Reuben's message below.

Thanks!

**Julia Vicars**  
City Secretary, Village of Volente  
(512) 250-2075  
16100 Wharf Cove,  
Volente, TX 78641  
[City.Secretary@VolenteTexas.gov](mailto:City.Secretary@VolenteTexas.gov)

Please note that any correspondence, such as e-mail or letters, sent to Village/Board staff or Officials may become a public record and made available for Public/media review. **ATTENTION PUBLIC OFFICIALS:** A "Reply to All" of this e-mail could lead to violations of the Texas Open Meetings Act. **Please reply only to the sender.**

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**From:** Ken Beck [mailto:mayor@volentetexas.gov]  
**Sent:** Wednesday, July 06, 2016 3:38 PM  
**To:** Reuben James  
**Cc:** Julia Vicars; Frank Carmichael; Linda Barlow  
**Subject:** Re: Redrawing of Zoning Map for the Village of Volente

All of this is acceptable to us. We have a draft of the new Zoning Ordinance that we can share with you while the council works on it. The actual zoning of residential and commercial is not changing at all. Just that within residential, lots of less than one acre in size will have their own category. Within Commercial, we have just clarified the details of each of the three categories and we can easily share with you where those categories are located (C1, C2, C3). Using current Travis County boundary data is perfect, and your calculation from that data will be just fine.

Ken Beck  
Mayor, Village of Volente

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**From:** Reuben James <rjames@hvj.com>  
**Date:** Wednesday, July 6, 2016 at 3:16 PM  
**To:** Ken Beck <mayor@volentetexas.gov>  
**Cc:** Julia Vicars <city.secretary@volentetexas.gov>, Frank Carmichael <FCarmichael@hvj.com>, Linda Barlow <LBarlow@hvj.com>  
**Subject:** RE: Redrawing of Zoning Map for the Village of Volente

Ken,

Thank you for selecting us to perform this work. I will answer your questions below:

- your work will involve importing the most recent base map information from appropriate sources
  - Yes, we will import the most recent base files we can find. The actual zones base file will have to be prepared with input from Volente staff based on your new zoning ordinance. We can either edit the exiting zones if they haven't changed much or we can create a new file from scratch if the zones have changed significantly with the new ordinance. A copy of the new ordinance would be helpful for us to have.

Perhaps it would be best if HVJ work with Council as a whole to create the base file instead of Staff. Because the zones have changed quite a bit, and because I should avoid guessing where clarity is needed, it seems it would be quicker to bypass myself and have Council work directly with HVJ.

- You will verify from that data the boundaries of all lots
  - Can you clarify this question? We will have to assume that the property boundaries from Travis County are generally correct.

The verification of data boundaries that was proposed by Jay Engineering is usually necessary *because* Travis County's or TCADs boundaries aren't always accurate. The Village has had a history of large gaps between updates of their maps and charts – "generally correct" would potentially result in the same type of map that we have now, after 10 years, with inaccuracies and missing property lines.

- You will calculate the sizes of all lots so as to accurately determine which lots are less than one acre in size, and which are one acre or greater in size
  - We can calculate the size of each lot with the same level of accuracy the data source contains. It will not be as accurate as a property boundary survey that a licensed land surveyor would perform on the ground but it will be accurate enough to determine if a lot is above or below one acre in size.

Because SR1's Minimum Building Square Feet is reliant upon an accurate number, lower than the 1 acre or not determination, this may be an issue. Clear and accurate rules and measurements are necessary for application by administrative staff free of opinion and interpretation.

Reuben C. James, PE  
Project Manager



512-447-9081 Main  
[rjames@hvj.com](mailto:rjames@hvj.com)

HVJ Associates, Inc. –  
Registration No. F-000646

Celebrating **30+ Years** since 1985; Recipient of the **PSMJ Circle of Excellence Award** (2014 & 2015), the **Premier Award for Client Satisfaction** (2014), and **Houston's 101 Best and Brightest Places to Work Award** (2015).

**From:** Ken Beck (<mailto:mayor@volentetexas.gov>)  
**Sent:** Tuesday, July 5, 2016 10:51 AM  
**To:** Reuben James <[RJames@hvj.com](mailto:RJames@hvj.com)>  
**Cc:** Julia Vicars <[city.secretary@volentetexas.gov](mailto:city.secretary@volentetexas.gov)>  
**Subject:** Redrawing of Zoning Map for the Village of Volente

Reuben, upon review of bids, the Village Council has made the decision to enter into an agreement with HVJ and Associates for the redrawing of our Village zoning map. The council did ask that I verify with you the following:

- your work will involve importing the most recent base map information from appropriate sources
- You will verify from that data the boundaries of all lots
- You will calculate the sizes of all lots so as to accurately determine which lots are less than one acre in size, and which are one acre or greater in size

We would like to verify that your proposal/bid included this work. If so, please confirm via an email to me. I will then authorize you to begin work.

Many thanks,

Ken