

**CITY COMMISSION
AGENDA
REGULAR MEETING
JULY 3, 2024
@ 5:30 PM
CITY HALL, TOWN HALL MEETING ROOM
2ND FLOOR, 118 E. TYLER AVENUE
HARLINGEN, TEXAS**

Notice is hereby given that the City Commission of the City of Harlingen, Texas will hold a Regular Meeting on **WEDNESDAY, JULY 3, 2024, at 5:30 P.M.** at City Hall, Town Hall Meeting Room, 118 E. Tyler Avenue, Harlingen, Texas and provide the public the ability to view the meeting via internet live-streaming at www.harlingentx.gov and the City of Harlingen YouTube Page.

The public will be permitted to offer citizen communication or participate in items listed as public hearings as provided by the agenda and as permitted by the presiding officer during the meeting.

To offer citizen communication or participate in scheduled public hearings, go to www.harlingentx.gov and click on "PUBLIC HEARING AND CITIZEN COMMUNICATION FORM." Fill out the form and indicate the item you wish to address, and submit the form.

Please indicate (1) the agenda item on which you wish to speak, (2) whether you prefer to speak on the item during citizen communication or at the time the agenda item is brought for consideration before the City Commission.

To submit written comments requesting an item on the agenda for City Secretary, go to www.harlingentx.gov and click on "PUBLIC HEARING AND CITIZEN COMMUNICATION FORM" write your comments (limited to 400 words or less) and submit the form.

PLEASE SUBMIT WRITTEN COMMENTS BEFORE 3:00 P.M. THE DAY OF THE MEETING.

A recording of the meeting will be made and will be available to the public in accordance with the Texas Open Meetings Act.

City of Harlingen meetings are available to all persons regardless of disability. If you require special assistance, please contact the City Secretary's Office at (956) 216-5001 or write Post Office Box 2207, Harlingen, Texas 78550 at least 48 hours in advance of the meeting.

The Harlingen City Commission reserves the right, pursuant to the Texas Government Code Chapter 551, Subchapter D, to enter into closed executive session on any item posted on the agenda if a matter is raised that is appropriate for closed discussion.

- 1) **Call Meeting to Order**
 - a) Invocation - Commissioner Michael Mezmar
 - b) Pledge of Allegiance
 - c) Welcome Citizens
- 2) **Conflict of Interest**

"Under State Law, a conflict of interest exists if a commission member, or certain members of that person's family, has a qualifying financial interest in an agenda item. Members with a conflict of interest cannot participate in the discussion nor vote on the agenda item. Are there any known conflicts of interest to disclose at the time?" **(City Attorney)**
- 3) **Announcements:** *With respect to items not listed elsewhere on this agenda, the City Commission may report on items of community interest, including announcing community events, announcing employee or community recognitions.*
 - a) Mayor's Announcements
 - b) City Manager's Announcements
 - c) City Commission Member Announcements
- 4) **Proclamation/Presentation of Awards:**
 - a) Harlingen Animal Shelter-"Pet of the Week"
 - b) Proclamation - The Heart Gallery of South Texas
 - c) Proclamation - Maggie's House "25-Year Celebration"
- 5) **Citizen Communication:** *At this time, the public is invited to address the City Commission and speak on any matter not specifically listed for public hearing elsewhere in this agenda. Please note that the City Commission members may not respond to comments or deliberate on topics addressed.*
- 6) **Approval of Minutes:**
 - a) Special Meeting of June 17, 2024
- 7) **Consent Agenda:** *No discussion is anticipated on any of the items in this section because they are routine business, were included in the budget adoption process, or have been previously discussed as a staff report or discussion item. These items will be considered collectively by a single vote, unless a commission member requests an item be removed from the consent agenda.*
 - a) Consideration and possible action to adopt an ordinance on second and final reading for a Special Use Permit (SUP) to allow an adult business (microblading/tattoo makeup studio) in a General Retail ("GR") District located at 421 S. 77 Sunshine Strip, Suite C, bearing a legal description of Lots 22, 23, and the East 10 feet of Lot 24, Block 3, Windsor Place Subdivision. Applicant: Tania Cantu Salinas. Attachment **(Planning & Development)**
 - b) Consideration and possible action to adopt a resolution accepting bids for Bid No. 2024-10 Sale of Real Property. Attachment **(Special Projects Department)**.
 - c) Consideration and possible action approving a resolution authorizing the submission of a grant application for the Arroyo East Hike and Bike Trail Extension to USDOT's Fiscal Year 2023 Active Transportation Infrastructure Investment Program (ATIIP). Attachment **(Special Projects Department)**.

- d) Consideration and possible action to approve a request from the Downtown District Board, to close the following streets for the National Downtown Prayer Walk, Saturday, October 19, 2024, from 8:00 a.m. to 11:00 a.m. Attachment (**Police**)

The West, North and South side Intersections of Jackson Ave. and First St.
The North and South side Intersection of Jackson Ave., 2nd and 3rd Streets
The West side Intersection of Jackson Ave. and 4th St.

- e) Consideration and possible action to approve a request from the Downtown District Board, to close the following streets for the Southern Valley Fest Event, Saturday, August 31, 2024, from 9:00 a.m. to 12 midnight: Attachment (**Police**)

East side Intersection of Jackson Ave. and "F" St.
North side Intersection of Jackson Ave., "C", "D", and "E" Streets
West side Alleyway in the 100 Block of South "E" St.
North side Intersection of Van Buren Ave., "C", "D", and "E" Streets
East side Alleyway in the 100 Block of South "C" St.
West side Intersection of Jackson Ave. and West St.

- f) Consideration and possible action to designate a School Zone Sign on East Bowie Avenue from 13th Street to East dead end. Attachment (**Engineering Dept.**)

- 8) **Staff Reports and Other Discussion Items:** *Items in this section are not expected to require action by the City Commission and are generally for information only. However, any item listed in this section may become an action item with the request of the Mayor, or after the request of any two Commission members, or the City Manager.*

- a) City Manager's Report
b) Staff Reports

- 9) **Public Hearings:** *At this time, the Mayor will invite members of the public who have filled out the Public Hearing and the Citizen Communication Form to address each item listed in this section. Please limit your comments to the topic of that public hearing. If more than one public hearing is being held, you will be allowed to speak during each topic, provided you have filled out the Public Hearing and Citizen Communication Form for the appropriate topic. If you are signed up for two (2) or more Public Hearings, you will be limited to 5 minutes for all topics.*

- a) Public hearing for a Special Use Permit ("SUP") to allow an adult business (smoke shop) in a General Retail ("GR") District located at 218 W. Tyler Avenue, Suite A, bearing a legal description of Lots 14 and 15, Block 82, Harlingen Original Townsite Subdivision. Applicant: David Maya. Attachment (**Planning & Development**)
- b) Public hearing to adopt an ordinance on first reading for the voluntary annexation of a 7.9-acre tract of land out of Lot 16, Cunningham's Subdivision, located along the south side of Primera Road approximately 1,100 feet west of I-69E (US Expressway 77). Applicant: Harlingen EDC. Attachment (**Planning & Development**)

- 10) **Action Items:** *City Commission will discuss, consider, and take any action deemed necessary on items listed in this section, including the adoption of a resolution or an ordinance.*

Ordinances

- a) Consideration and possible action to adopt an ordinance on first reading for a Special Use Permit ("SUP") to allow an adult business (smoke shop) in a General Retail ("GR") District located at 218 W. Tyler Avenue, Suite A, bearing a legal description of Lots 14 and 15, Block 82, Harlingen Original Townsite Subdivision. Applicant: David Maya. Attachment (**Planning & Development**)

- b) Consideration and possible action to adopt an ordinance on first reading for the voluntary annexation of a 7.9-acre tract of land out of Lot 16, Cunningham's Subdivision, located along the south side of Primera Road approximately 1,100 feet west of I-69E (US Expressway 77). Applicant: Harlingen EDC. Attachment (**Planning & Development**)
- c) Consideration and possible action to adopt an ordinance on second and final reading amending the City of Harlingen Code of Ordinances Chapter 111, Zoning, Article VI, Section 111-140 Off-Street Parking; by amending the dimensions of the Off-Street Parking Spaces; Article XXI, Section 111-582 Appendix B Parking Aisle Width Chart, by amending the length and maneuvering space of the parking spaces; Article X, Sign Regulations, Section 111-277(c) Lighting, and Section 111-277(d) Additional Sign Regulations for Billboards, by removing any reference to sign permits for animated signs only being issued for the conversation of existing signs to the said animated sign. Applicant: City of Harlingen. Attachment (**Planning & Development**)

- d) Consideration and possible action to approve the One-Year Action Plan (Budget) for Fiscal Year 2024-2025 (Year 50) of the Community Development Block Grant (CDBG) and the Home Investment Partnership (HOME) Programs as recommended by the Community Development Advisory Board. Attachment (**CDBG**)
- e) Consideration and possible action to amend Purchase Order 84083 for an increase of \$48,229 and authorize the City Manager to purchase one (1) Roll-Off truck through Vanguard Truck Center from the Sanitation Enterprise Fund. Attachment (**Public Works**)
- f) Consideration and possible action to approve amendments to the Purchasing Manual for the City of Harlingen. Attachment (**Finance Dept.**)
- g) Consideration and possible action to approve the proposed by-laws for the Keep Harlingen Beautiful Board and to authorize the City Attorney to make any corresponding changes to Articles of Incorporation. Attachment (**City Attorney**)
- h) Consideration and possible action to approve a resolution suspending the July 12, 2024, effective date of the proposal by Texas Gas Service Company, a division of One Gas, Inc.-Rio Grande Valley Service Area, to implement interim grip rate adjustments for gas utility investment in 2023 and requiring delivery of this resolution to the company and legal counsel. Attachment (**City Manager**)
- i) Consideration and possible action to approve an ordinance on first reading amending Chapter 36 of the Harlingen Code of Ordinances establishing prohibited activities in the City Parks. Attachment (**Parks & Recreation**)
- j) Consideration and possible action to authorize the City Manager to approve a lease agreement with Yamaha Carts and Vantage Tag Systems to lease 74 golf carts and a utility range cart to be used at the Tony Butler Golf Course FY 2024-2025. Attachment (**Golf**)

11) **Board Appointments:**

Specifically, appointment or discussion and possible action to include appointment and/or removal of any position subject to appointment or removal by statute, ordinance, or bylaws.

Airport
Animal Shelter Advisory Committee (1)
Audit Committee (Terms expire in June)
Charter Review Committee (Ad Hoc)
Civil Service Commission
Community Development Advisory Board (2)
Construction Board of Adjustments (4)

Convention & Visitors Bureau
Development Corporation of Harlingen, Inc.
Downtown Improvement Board
Golf Course Advisory Board
Harlingen Community Improvement Board (1)
Harlingen Housing Authority Board
Harlingen Finance Corporation (6)
Harlingen Teen and Young Adult Advisory Board (2)
Healthy Harlingen Advisory Board
Keep Harlingen Beautiful Board
Library Advisory Board
Mayor Wellness Council
Museum Advisory Board
Parks Advisory Board
Planning & Zoning Advisory Board
Senior Citizens Advisory Board (1)
Small Business Committee
Tax Increment Finance Board
Utility Board of Trustees
Veterans Advisory Board (1)
Zoning Board of Adjustment (2)

- 12) **Executive Session:** *All items listed in this section will be deliberated in a closed session. Members of the public are not generally permitted to attend a closed session. Executive Session items may be considered as an action item at the discretion of the Mayor. However, City Commission will not take any action in closed session.*
- a) Pursuant to Government Code Section 551.071 - attorney consultation and contemplated litigation; Section 551.072 - deliberation regarding real estate; and Section 551.087 - economic development relating to the following projects: **(HEDC)**
1. Project Breeze
2) Project Scale
- 13) **Action on Executive Session Items:** *The City Commission will reconvene in open session and may take action on any item listed in the Executive Session Section of this agenda.*
- a) Consideration and possible action to approve Items 12a (1) and (2) as discussed in executive session
- 14) **Adjournment:**

I, the undersigned authority, do hereby certify that the above Notice of the Regular Meeting of the Harlingen City Commission is a true and correct copy of said notice posted on the bulletin board at City Hall of said City of Harlingen, Texas in a place convenient and readily accessible to the general public at all times and on the City's Internet Website and said Notice was posted on **FRIDAY, JUNE 28, 2024**, at or before 4:35 a.m./p.m. and remained so posted for at least 72 hours preceding the time of said meeting.

Dated this 28th day of JUNE 2024


Amanda C. Elizondo, City Secretary

SPECIAL MEETING

CITY COMMISSION

HARLINGEN, TEXAS

June 17, 2024

A Special Meeting of the Harlingen City Commission was held June 17, 2024, at 5:30 p.m., at City Hall, Town Hall Meeting Room, 2nd Floor, Harlingen, Texas, and providing the public the ability to view the meeting via the internet, live streaming, and permitting the public to offer citizen communication or participate in items listed on the agenda via videoconferencing or telephonically via www.myharlingen.us Those in attendance were:

Mayor and Commissioners

Mayor Norma Sepulveda
Mayor Pro-Tem Rene Perez
Ford Kinsley Commissioner District 1
Daniel N. Lopez, Commissioner District 2
Michael Mezmar, Commissioner District 3
Frank Morales, Commissioner District 4

City Staff

Gabriel Gonzalez, City Manager
Amanda C. Elizondo, City Secretary
Mark Sossi, City Attorney

Call Meeting to Order – Mayor Norma Sepulveda

Invocation - Ford Kinsley

Pledge of Allegiance/Welcome – Mayor Norma Sepulveda

Conflict of Interest

“Under State Law, a conflict of interest exists if a council member, or certain members of that person’s family, has a qualifying financial interest in an agenda item. Members with a conflict of interest cannot participate in the discussion nor vote on the agenda item. Are there any known conflicts of interest to disclose at this time?”

Mayor Norma Sepulveda – None
Mayor Pro-Tem Perez – None
Commissioner Ford Kinsley – None
Commissioner Daniel N. Lopez - None
Commissioner Michael Mezmar – None
Commissioner Frank Morales – None

Citizen Communication/Input

- Tony Rodriguez – 2018 S. Parkwood Drive, Harlingen, TX – Against extending the Hike and Bike trail.

- Yvonne Payton – 2010 S. Parkwood Drive, Harlingen, TX – Does not want the Hike and Bike Trail in their backyards.

Agenda Items:

1) Presentation by the Parks & Recreation Department Staff on parks and projects.

Javier Mendez, Parks & Recreation Director, stated that the information submitted to the City Commission was from a 2015 Master Plan with parks listed and possible projects for consideration. Staff submitted ten park projects for the City Commission's consideration to define the park(s) that had the highest priority and prepare all the necessary data to apply for grants that may be available for a particular park(s).

Mr. Mendez stated staff had discussed the park behind Bonham Elementary School with the Harlingen Consolidated Independent School District about adding a canopy to two (2) basketball courts, lighting, and a monument sign to identify the park.

Mayor Sepulveda asked how many residents are served per park.

Mr. Mendez responded that he had no information pertaining to how many residents were serviced per park. There was no data available. It was suggested that an outreach be done to get input from the public or an updated comprehensive feasibility study to present to the community.

Commissioner Lopez stated that a park is very much needed in District 5. Ana Hernandez, Special Projects Director, could focus on the top 10 most expensive projects and research which grants to apply for. We could also have a list of the lowest-cost projects that the city staff can do in-house.

Commissioner Mezmar suggested that the city clean the plan on McKelvey Park to Hugh Ramsey. This could be done from Hugh Ramsey Park eastward without affecting any houses. The trail can be done on the north side of the Arroyo.

Commissioner Morales stated the city could contact the HCISD to ask if the students could help with small park projects, such as designing and constructing concession stands and restrooms to save some money. They could consider building the (golf cart) storage sheds.

Ana Hernandez stated that most grant funds are focused on recreation or transportation.

Mayor Sepulveda stated staff must provide information on the area being serviced, the work done, and what is needed for the city commission's review. Such information is required if grant applications will be aimed at an indoor facility and for which city park area best serves the community.

1 Mr. Mendez stated Pendleton Park is being considered for the indoor facility, but a
2 feasibility study could be done to determine the cost. Pendleton Park is the best location
3 to serve the entire city; it is easily accessible.
4

5 Mayor Sepulveda stated that Gutierrez Park could use more lighting to allow the
6 community to use it as well, impacting the businesses in the area. We need creative ideas
7 on what amenities to offer to interest families to come to the park and enjoy the activities
8 such as a designated area for movie night.
9

10 Commissioner Lopez stated a prioritized project list is needed so Ana Hernandez,
11 Special Projects Director, can focus on the grants we will apply for to conclude which park
12 best fits the awarded funds. There could also be criteria to determine which park services
13 the most significant number of people.
14

15 It was recommended that a meeting be scheduled on Friday, June 28, 2024, to review
16 the information on which projects have been completed from the 2015 Master Plan, what
17 improvements are pending and how many people are served within the parks.
18

19 **2) Consideration and possible action to approve selected park projects.**
20

21 Ms. Hernandez stated that when considering projects, we must differentiate
22 maintenance from actual amenities, whether bringing new amenities into a park or
23 replacing existing ones. There is the question of time with Victor Park; the Texas Parks
24 and Wildlife grants will take about a year to 18 months before the city can break ground.
25 If you want something fixed fast, there will be better funding mechanisms than grants.
26

27 Motion was made by Commissioner Lopez and seconded by Commissioner Kinsley
28 to give Ana Hernandez the top ten most expensive projects as well as those parks that
29 will serve the community best and those that best qualify for the available grants.
30

31 **3) Adjournment**

32 There being no other business to discuss, Mayor Sepulveda adjourned the meeting.
33

34 **City of Harlingen**
35

36
37
38 **ATTEST:**

39 **Norma Sepulveda, Mayor**
40

41 **Amanda C. Elizondo, City Secretary**

7a

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **July 3, 2024**

Agenda Item:

Consideration and possible action to adopt an ordinance on second and final reading for a Special Use Permit (SUP) to allow an adult business (microblading/tattoo makeup studio) in a General Retail ("GR") District located at 421 S. 77 Sunshine Strip, Suite C, bearing a legal description of Lots 22, 23, and the East 10 feet of Lot 24, Block 3, Windsor Place Subdivision. Applicant: Tania Cantu Salinas. Attachment (**Planning & Development**)

Prepared By: Xavier Cervantes, AICP, CPM

Title: Planning and Development Director

Signature: *Xavier Cervantes*

Funding (if applicable):

Are funds specifically designated in the current budget for the full ☐ Yes ☐ No*

*If no, specify source of funding and amount requested:

Finance Director's approval: ☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval of the special use permit subject to complying with the following conditions:

1. Must obtain and maintain the proper State and City permits;
2. Must maintain the required parking in accordance with city regulations;
3. Complying with the requirements administered by the Planning and Zoning, Building Inspections, Fire Prevention, Health and Police Departments;
4. Hours of operation for the business shall be Monday thru Saturday from 6 a.m. to 8 p.m.

City Manager's approval: *66* ☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval: *[Signature]* ☒ Yes ☐ No ☐ N/A

ORDINANCE NO. 24-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: A SPECIAL USE PERMIT ISSUED TO TANIA CANTU SALINAS TO ALLOW AN ADULT BUSINESS (MICROBLADING/TATTOO MAKEUP STUDIO) IN A GENERAL RETAIL ("GR") DISTRICT LOCATED AT 421 S. 77 SUNSHINE STRIP, SUITE C, BEARING A LEGAL DESCRIPTION OF LOTS 22, 23, AND THE EAST 10 FEET OF LOT 24, BLOCK 3, WINDSOR PLACE SUBDIVISION.

WHEREAS, the Planning and Zoning Commission of the City of Harlingen pursuant to Harlingen's Zoning Ordinance procedure, has recommended a change in the zoning classification for certain described real property in the City of Harlingen; and it is deemed to be in the best interest of the City of Harlingen in accordance with said recommendation of the Planning and Zoning Commission of the City, being the recommendation as hereinafter set forth; and public notice of such proposed rezoning having been fully made and complied with as required by said Zoning Ordinance and applicable laws of the State of Texas; and the City Commission of the City of Harlingen having held public hearings with reference thereto, being duly and thoroughly heard; and after consideration of the evidence presented, said City Commission is of the opinion that it is in the best interest of the City of Harlingen that said Code of Ordinances be amended as indicated, now, therefore,

BE IT ORDAINED BY THE CITY OF HARLINGEN

That the Code of Ordinances of the City of Harlingen (Ordinance 16-8) be and the same is herewith amended by the following described property being changed for permissive zone use as indicated in Exhibit "A":

Special Use Permit (SUP) issued to Tania Cantu Salinas to allow an adult business (microblading/tattoo makeup studio) in a General Retail ("GR") District located at 421 S. 77 Sunshine Strip, Suite C, bearing a legal description of Lots 22, 23, and the east 10 feet of Lot 24, Block 3, Windsor Place Subdivision.

A copy of the Zoning Map constituting a part and parcel of the Code of Ordinances, as filed with the Chief Building Official and for the joint use and information of the Planning and Zoning Commission shall, upon final enactment hereof, be and the same is herewith amended and revised to reflect that the above described property is zoned for land use purposes as above indicated by the boundaries thereof being outlined in pronounced heavy line markings and such heavy line marking boundary enclosure being indicated within the appropriate initials for that portion herewith zoned for particular land uses; with the Planning and Development Director being herewith instructed and authorized to document such Zoning Map changes and revisions.

The Special Use Permit is made contingent upon construction being complied in accordance with the site plan, a true and correct copy of which is attached hereto and incorporated herein by reference as Exhibit "A" and shall comply with the conditions as listed below:

1. Must obtain and maintain the proper State and City permits;
2. Must maintain the required parking in accordance with city regulations;
3. Complying with the requirements administered by the Planning and Zoning, Building Inspections, Fire Prevention, Health and Police Departments;
4. Hours of operation for the business shall be Monday thru Saturday from 6 a.m. to 8 p.m.

The provisions of this ordinance shall become effective from and after the final and lawful passage hereof and publication of the caption hereof as provided for and required in the Code of Ordinances and applicable state statutes.

FINALLY ENACTED this 3rd day of July, 2024 at a regular meeting of the Elective Commission of the City of Harlingen, Texas at which a quorum was present, and which was held in accordance with TEXAS GOVERNMENT CODE, CHAPTER 551.

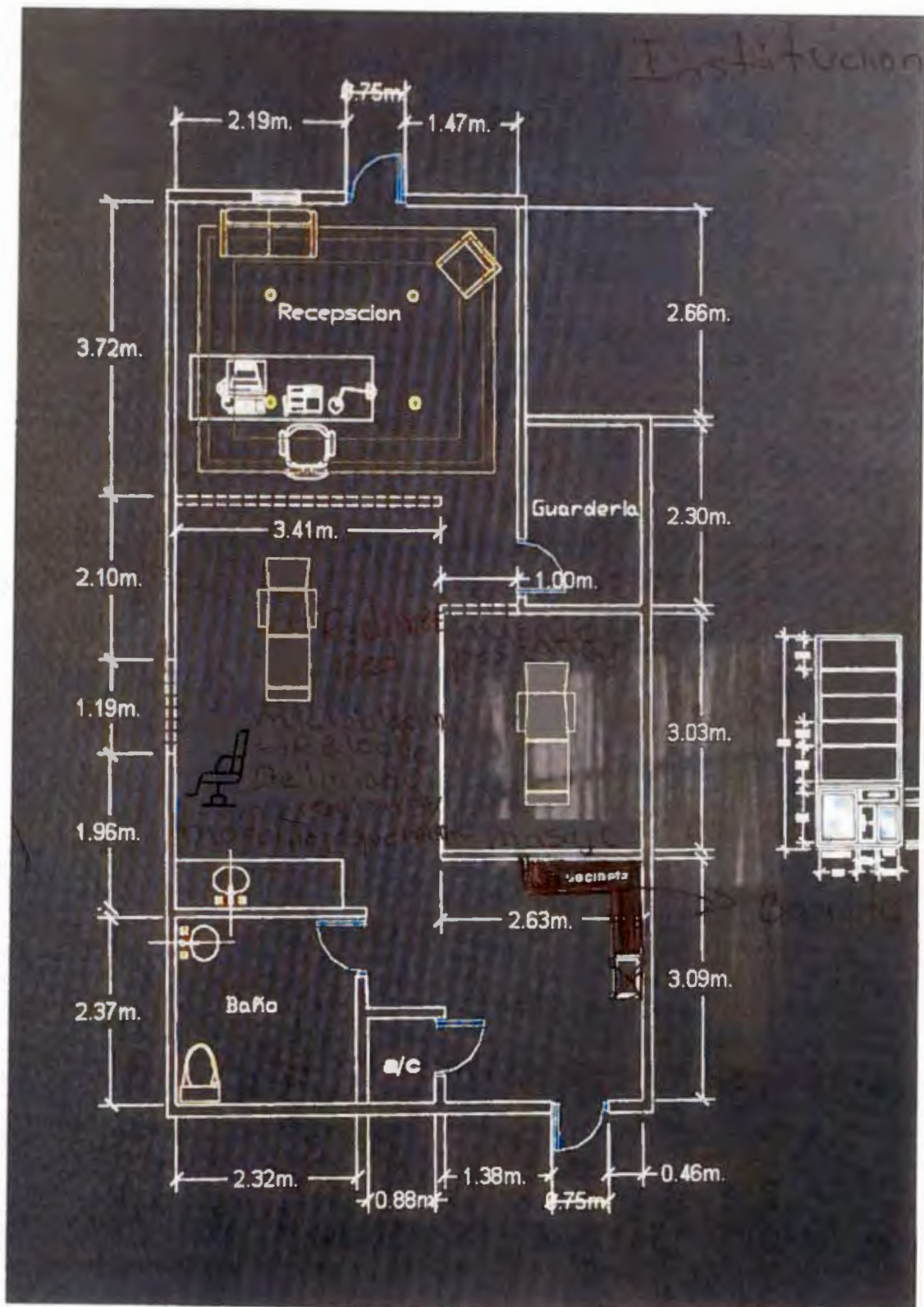
CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

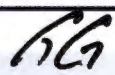
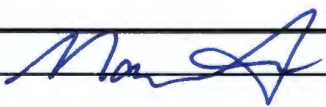
Amanda C. Elizondo, City Secretary

Exhibit "A"



**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **July 3, 2024**

Agenda Item:
Consideration and possible action to adopt a resolution accepting bids received for Bid No. 2024-10 Sale of Real Property. Attachment (<i>Special Projects Department</i>).
Prepared By: Ana Hernandez, Mobility & Special Projects Director
Brief Summary:
The City of Harlingen issued Bid No. 2024-10 Sale of Surplus Property to make available for sale a surplus property located at 807 E. Washington Avenue. The subject property is an irregular lot, approximately 2,577 SF in size, and is not considered a buildable lot as per Harlingen's Zoning Ordinance.
Bids were advertised on two separate dates (May 25 and June 1) as required by Section 272.001 of the Texas Local Government Code (TLGC) for newspaper notices. The notices were published in the Valley Morning Star. As per the TLGC, the Harlingen City Commission is not required to accept any bid or offer or to complete a sale or exchange.
Only one sealed bid was received. The sealed bid was opened and read aloud in person on June 18, 2024, at 2:30 pm. The bid tabulation table is included for reference.
This property was one of 10+ city-owned properties previously declared surplus and approved for sale by the Harlingen City Commission on November 20, 2019. Staff completed a survey and appraisal report as required by TLGC before advertising the property.
Funding (if applicable):
Are funds specifically designated in the current budget for the full amount (Yes/No):
*If no, specify source of funding and amount requested:
Finance Director's approval (Yes/No/NA):
Staff Recommendation:
Staff recommends acceptance of the bid received.
City Manager approval: 
Comments:
City Attorney's approval: 

RESOLUTION NO. - _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HARLINGEN, TEXAS, ACCEPTING CERTAIN BIDS RECEIVED FOR BID NO. 2024-10 SALE OF REAL PROPERTY; MAKING FINDINGS REGARDING THE PUBLIC INTERESTS PERTAINING TO SAME; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Harlingen provided notice for and solicited sealed bids pursuant to Texas Local Government Code Chapter 272.001 for one city-owned real properties via Bid No. 2024-10, for which one was received on or before June 18, 2024;

WHEREAS, accepting the bid provided for Bid No. 2024-10 will result in the properties generating revenue for the City through the collection of building permit fees, development fees, and the collection of ad valorem taxes;

WHEREAS, the City finds that the bids received for Bid No. 2024-10 conform to the bid procedures and specifications as set forth in the published notices dated May 25 and June 1, 2024; and

WHEREAS, the City finds that accepting the bid received provides the best benefit for the taxpayers of the City as it aligns with the objectives of putting properties back on the tax rolls;

NOW, THEREFORE, IT IS RESOLVED, DETERMINED AND ORDERED by the City Commission of the City of Harlingen, Texas, as follows:

Section 1. The foregoing recitals are hereby adopted as true by the City Commission and incorporated into the body of the resolution by reference hereto.

Section 2. The City Commission hereby accepts the bid received in response to the solicitation for Bids pursuant to 2024-10.

Section 3. This resolution shall take effect immediately upon its adoption.

PASSED AND DULY ADOPTED at a regular meeting of the City Commission of the City of Harlingen, Texas on this _____ day of _____, 2024.

Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary



Bid No. 2024-10 Sale of Real Property - 807 E. Washington Avenue

Deadline: 2:00 p.m.

Bid Opening at 2:30 pm at City Hall	Responded (Y/N)	Property ID	Bid Amount
Daniel Hanson (210) 380-2226 Email: DanHan101@yahoo.com	NO	807 E. Washington Avenue. Property ID #: 76870, Legal Description: Harlingen - Nicholson Place-4, Lot 1, Block 1	
Sam Lawhorn Email: sjlawhorn@gmail.com	NO	808 E. Washington Avenue. Property ID #: 76870, Legal Description: Harlingen - Nicholson Place-4, Lot 1, Block 1	
Beto Pena Email: dc_pena1@yahoo.com	NO	809 E. Washington Avenue. Property ID #: 76870, Legal Description: Harlingen - Nicholson Place-4, Lot 1, Block 1	
 Aurelio Torres, Jr. 811 E. Washington Email: aureliotorresjr@yahoo.com	YES	810 E. Washington Avenue. Property ID #: 76870, Legal Description: Harlingen - Nicholson Place-4, Lot 1, Block 1	\$1,500.00

BID FORM

Bid No. 2024-10 Sale of Real Property - 807 E. Washington Avenue

Interested bidders may submit a bid for the purchase of one (1) property, 807 E. Washington Avenue, being sold by the City of Harlingen. **To submit your bid, please write in the bid amount for the property below.**

I, Aurelio Torres the undersigned, submit a bid for the following property:

Property ID / Address	Legal Description	Lot Size	Bid Amount
ID# 76870 807 E. Washington Ave	HARLINGEN- NICHOLSON PLACE-4, LOT 1, BLK 1	2,577 Sq. Ft.	\$ <u>1,500⁰⁰</u>

BID SUBMITTAL: Bids must be delivered or mailed to the **City of Harlingen Purchasing Office, 404 S. 54th St., Harlingen, TX 78550** in a sealed envelope on or before the bid opening date and time.

PAYMENT REQUIREMENT: The successful bidder must pay in full, in the form of a cashier's check or bank draft, within fifteen (15) days of being notified of being the successful bidder.

Sealed bids must be marked clearly on the exterior of the envelope:

Bid No. 2024-10 Sale of Real Property - 807 E. Washington Avenue

Bid Date & Time: Tuesday, June 18, 2024, before 2:00 p.m.

Bid Opening Date & Time: Tuesday, June 18, 2024, at 2:30 p.m.

TOTAL BID (s): \$ 1,500⁰⁰

In Writing one thousand five hundred dollars and no cent

The undersigned, as bidder, declares that the person or parties interested in this bid as principals are those named herein; that this bid is made without collusion with any other person, firm, or corporation; that he has carefully examined the Notice to Bidders and Specifications of the real estate property therein referred to, and the undersigned certifies that the bid price contained in the Bid Form have been carefully checked and are submitted as correct and final.

DATE: June 13, 2024

NAME OF BIDDER: Aurelio Torres

NAME OF FIRM: _____

MAILING ADDRESS: 108 E. ARROYO Dr. Hgn TX 78550

PHONE NUMBER: 956-367-0825

EMAIL ADDRESS: aurelio.torresjr@gmail.com



SPECIFICATIONS FOR:

BID NO. 2024-10 Sale of Real Property

BID DEADLINE: Tuesday, June 18, 2024 @ 2:00 P.M.

BID OPENING: Tuesday, June 18, 2024 @ 2:30 P.M.

CITY OF HARLINGEN
SPECIAL PROJECTS DEPARTMENT

BID NOTICE

Notice is hereby given that the City of Harlingen, Texas will receive sealed bids for:

Bid No. 2024-10 Sale of Real Property - 807 E. Washington Avenue

Property ID	Legal Description	Approximate Address
76870	HARLINGEN- NICHOLSON PLACE-4, LOT 1, BLK 1	807 E. Washington Avenue, Harlingen, Texas

Property information and bid documents may be obtained at the Purchasing Office located at 404 South 54th Street, Harlingen, TX 78550 or may be emailed upon request to purchasing@harlingentx.gov.

Bids must be submitted no later than **2:00 p.m., on Tuesday, June 18, 2024**, at the Purchasing Office located at 404 S. 54th Street, Harlingen, Texas 78550. All bids will be publicly opened and read aloud at **2:30 p.m., on Tuesday, June 18, 2024, at 2:30 p.m.** at Town Hall (2nd Floor) located at 118 E. Tyler Ave., Harlingen TX 78550. For more information, contact the Purchasing office at (956) 216-5316.

The City of Harlingen reserves the right to reject any or all bids and to sell the property/properties to the bidder which it considers has submitted the best and most advantageous bid to the city.

Sincerely,

City of Harlingen,
Purchasing Department
404 S. 54th St.
Harlingen, TX 78550

INSTRUCTIONS TO BIDDERS

1.0 THE BID:

Sealed bids will be received for:

Bid No. 2024-10 Sale of Real Property - 807 E. Washington Avenue

In the City of Harlingen, Purchasing Office located at 404 S. 54th St., Harlingen, Texas 78550, on or before: **Tuesday, June 18, 2024 @ 2:00 P.M.** All bids will be publicly opened and read aloud at **2:30 p.m. on Tuesday, June 18, 2024,** at Town Hall (2nd Floor) located at 118 E. Tyler Ave., Harlingen TX 78550.

2.0 BIDDERS RESPONSIBILITIES:

All bids must be submitted on the attached "Bid Form". All the requested information blanks must be filled in clearly and completely to avoid possible disqualification of the bid submitted. The bid price must remain firm until payment.

FAILURE TO COMPLY WITH THESE BID REQUIREMENTS MAY DISQUALIFY BIDDER.

3.0 EXCEPTIONS OR CHANGES:

No bid may be changed after the bid date, although any bid may be withdrawn and resubmitted before that date. Any bids received after the bid date and time specified in the bid packet will be returned unopened.

4.0 THE CITY'S RESERVATIONS:

The City of Harlingen reserves the right to reject any or all bids and to sell the property/properties to the bidder which it considers has submitted the best and most advantageous bid to the city.

5.0 SUBMITTING OF BID:

Respondents shall submit one bid, hand delivered or mailed to the **City of Harlingen Purchasing Office, 404 S. 54th St., Harlingen, Texas 78550** in a sealed envelope **on or before the bid opening date and time.**

Sealed bids must be marked clearly:

SEALED BID:

Bid No. 2024-10 Sale of Real Property - 807 E. Washington Avenue

Due Date & Time: **Tuesday, June 18, 2024 @ 2:00 P.M.**

Opening Date & Time: **Tuesday, June 18, 2024 @ 2:30 P.M.**

6.0 MINIMUM REQUIREMENTS:

These are the minimum requirements that will be acceptable to the City of Harlingen. Any bid that does not meet the minimum requirements specified may be rejected.

NOTICE TO BIDDERS

1. Property Information

Interested bidders may submit a bid for the one (1) property being sold by the City of Harlingen, as listed below:

Property ID	Legal Description	Approximate Address	Approximate Lot Size
76870	HARLINGEN- NICHOLSON PLACE-4, LOT 1, BLK 1	807 E. Washington Ave.	2,577 Sq.Ft.

2. Property sold "As is" and "Where is"

Each bidder should visit the site and fully acquaint themselves with the existing conditions of the property prior to bidding on the property. It is the responsibility of each bidder to fully inform themselves about the condition and characteristics of the real estate property being sold. This property is being sold "as is" and "where is" with no express or implied warranties as to its characteristics or condition. **All bidders are advised that the property is not a "buildable lot" as per the City of Harlingen Code of Ordinances.**

The City does not warrant or makes any representations about the property's title, condition, habitability, merchantability, or fitness for a particular purpose. The City has made no investigation of any title matters whatsoever; the properties are being sold 'as is' and these matters are the responsibility of those submitting bids. Bidders assume all risks. The selected bidder shall in no way be relieved of any obligation under it due to their failure to examine or visit the site or acquaint themselves with the conditions there existing. The City will be justified in rejecting any claim based on lack of inspection of the site prior to the bid.

3. Interpretations

No oral interpretations will be made to any bidder. Each request for an interpretation shall be made in writing to the Purchasing Department by no later than 5:00 p.m. on Tuesday, June 11, 2024. Questions must be submitted in written form via e-mail: Purchasing@harlingentx.gov. Each interpretation made will be in the form of an Addendum to the contract documents and will be distributed to all parties holding contract documents no less than five (5) days prior to the bid opening. It is, however, the bidder's responsibility to make inquiry as to any addenda issued. All such addenda shall become part of the contract documents and all bidders shall be bound by such addenda, whether or not received by the bidders.

4. Bid Price

The bid(s) price must remain firm until payment.

5. Corrections

Erasures or other corrections in the bid must be noted over the signature of the bidder.

6. Time for Receiving Bids

Bids received prior to the advertised hour of opening shall be securely sealed. The officer appointed to open the bids shall decide when the specified time has arrived and no bid received thereafter will be considered; except that when a bid arrives by mail after the time fixed for opening, but before the reading of all other bids is completed, and it is shown to the satisfaction of the locality that the late arrival of the bid was solely due to delay in the mail for which the bidder was not responsible, such bid will be received and considered.

7. Opening of Bids

The City shall, at the time and place fixed for the opening of bids, open each bid and publicly read it aloud, irrespective of any irregularities therein. Bidders and other interested individuals may be present.

8. Withdrawal of Bids

Bids may be withdrawn by written request dispatched for delivery in the normal course of business prior to the bid opening.

9. Real Estate Appraisals

The City of Harlingen conducted appraisals for the property in question. The Land Appraisal Summary Report was performed by Scroggin Appraisal Services on April 10, 2024. The appraised value for the property in question is listed in the property description and appraisal, which are included in this bid packet.

10. Property Titles

The City has made no investigation of any title matters whatsoever; the properties are being sold 'as is' and these matters are the responsibility of those submitting bids.

11. Payment Requirement

The successful bidder must pay in full, in the form of a cashier's check, or bank draft, within fifteen (15) days of being notified of being the successful bidder.

BID FORM

Bid No. 2024-10 Sale of Real Property - 807 E. Washington Avenue

Interested bidders may submit a bid for the purchase of one (1) property, 807 E. Washington Avenue, being sold by the City of Harlingen. **To submit your bid, please write in the bid amount for the property below.**

I, _____ the undersigned, submit a bid for the following property:

Property ID / Address	Legal Description	Lot Size	Bid Amount
ID# 76870 807 E. Washington Ave	HARLINGEN- NICHOLSON PLACE-4, LOT 1, BLK 1	2,577 Sq. Ft.	\$

BID SUBMITTAL: Bids must be delivered or mailed to the **City of Harlingen Purchasing Office, 404 S. 54th St., Harlingen, TX 78550** in a sealed envelope on or before the bid opening date and time.

PAYMENT REQUIREMENT: The successful bidder must pay in full, in the form of a cashier's check or bank draft, within fifteen (15) days of being notified of being the successful bidder.

Sealed bids must be marked clearly on the exterior of the envelope:

Bid No. 2024-10 Sale of Real Property - 807 E. Washington Avenue

Bid Date & Time: Tuesday, June 18, 2024, before 2:00 p.m.

Bid Opening Date & Time: Tuesday, June 18, 2024, at 2:30 p.m.

TOTAL BID (s): \$ _____

In Writing _____

The undersigned, as bidder, declares that the person or parties interested in this bid as principals are those named herein; that this bid is made without collusion with any other person, firm, or corporation; that he has carefully examined the Notice to Bidders and Specifications of the real estate property therein referred to, and the undersigned certifies that the bid price contained in the Bid Form have been carefully checked and are submitted as correct and final.

DATE: _____

NAME OF BIDDER: _____

NAME OF FIRM: _____

MAILING ADDRESS: _____

PHONE NUMBER: _____

EMAIL ADDRESS: _____

Cameron Appraisal District Property Summary Report

Address: 807 E. Washington Ave.

PID 76870 | E WASHINGTON ST

Property Summary Report | 2024
Online Services | Cameron Appraisal District

GENERAL INFO

ACCOUNT

Property ID: 76870
Geographic ID: 21-2280-0010-0010-00
Type: R
Zoning:
Agent:
Legal Description: HARLINGEN- NICHOLSON PLACE-4
LOT 1 BLK 1

Property Use:

OWNER

Name: CITY OF HARLINGEN
Secondary Name:
Mailing Address: 118 E Tyler Ave Harlingen TX US 78550-9116
Owner ID: 62810
% Ownership: 100.00
Exemptions: EX-XV - Other Exemptions (including

LOCATION

Address: E WASHINGTON ST, HARLINGEN

Market Area:
Market Area CD: 212280
Map ID: 05-10-03

PROTEST

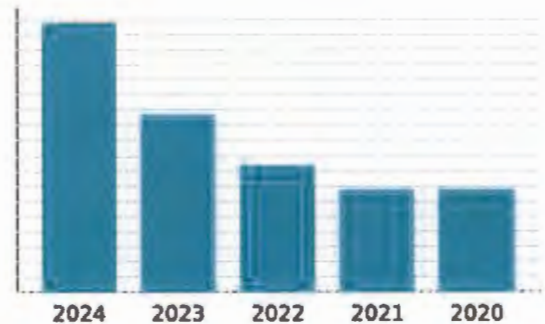
Protest Status:
Informal Date:
Formal Date:

VALUES

CURRENT VALUES

Land Homesite:	\$0
Land Non-Homesite:	\$17,781
Special Use Land Market:	\$0
Total Land:	\$17,781
Improvement Homesite:	\$0
Improvement Non-Homesite:	\$0
Total Improvement:	\$0
Market:	\$17,781
Special Use Exclusion (-):	\$0
Appraised:	\$17,781
Value Limitation Adjustment (-):	\$3,711
Net Appraised:	\$14,070

VALUE HISTORY



Values for the current year are preliminary and are subject to change.

VALUE HISTORY

Year	Land Market	Improvement	Special Use Exclusion	Appraised	Value Limitation Adj (-)	Net Appraised
2024	\$17,781	\$0	\$0	\$17,781	\$3,711	\$14,070
2023	\$11,725	\$0	\$0	\$11,725	\$0	\$11,725
2022	\$8,375	\$0	\$0	\$8,375	\$0	\$8,375
2021	\$6,700	\$0	\$0	\$6,700	\$0	\$6,700
2020	\$6,700	\$0	\$0	\$6,700	\$0	\$6,700

TAXING UNITS

Unit	Description	Tax Rate	Net Appraised	Taxable Value
GCC	CAMERON COUNTY	0.436893	\$14,070	\$0
SAN	PORT OF HARLINGEN	0.026013	\$14,070	\$0
SST	SOUTH TEXAS I.S.D	0.049200	\$14,070	\$0
CHG	CITY OF HARLINGEN	0.606357	\$14,070	\$0
IHG	HARLINGEN C.I.S.D	1.156200	\$14,070	\$0

DO NOT PAY FROM THIS ESTIMATE. This is only an estimate provided for informational purposes and may not include any special assessments that may also be collected. Please contact the tax office for actual amounts.

IMPROVEMENT

LAND

Land	Description	Acres	SQFT	Cost per SQFT	Market Value	Special Use Value
RES	RESIDENTIAL	0.0000	2,577	\$6.90	\$17,781	\$0

DEED HISTORY

Deed Date	Type	Description	Grantor/Seller	Grantee/Buyer	Book ID	Volume	Page	Instrument
1/1/00	UNK	UNKNOWN		CITY OF HARLINGEN				

Land Appraisal Summary Report

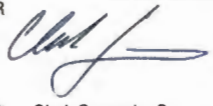
Address: 807 E. Washington Ave.

APPRAISAL REPORT FOLLOWS

GP LAND

LAND APPRAISAL SUMMARY REPORT

File No.:

TRANSFER HISTORY	My research ☐ did ☒ did not reveal any prior sales or transfers of the subject property for the three years prior to the effective date of this appraisal.									
	Data Source(s): CCAD		Analysis of sale/transfer history and/or any current agreement of sale/listing: Per CCAD, no sales have occurred of the subject property within the past three years, nor the comparable sales within one year of utilized sale. No active listing of the subject is found on RGV MLS.							
	1st Prior Subject Sale/Transfer									
	Date:									
SALES COMPARISON APPROACH	2nd Prior Subject Sale/Transfer									
	Date:									
	Price:									
	Source(s):									
RECONCILIATION	FEATURE		SUBJECT PROPERTY		COMPARABLE NO. 1		COMPARABLE NO. 2		COMPARABLE NO. 3	
	Address 807 E Washington Ave Harlingen, TX 78550		1101 Beaumont St Harlingen, TX 78550		722 Mendez St Harlingen, TX 78550		1113 W Jefferson Ave Harlingen, TX 78550			
	Proximity to Subject		1.35 miles W		1.17 miles NW		1.21 miles W			
	Sale Price		\$ 19,000		\$ 25,000		\$ 29,000			
	Price/ Sq.Ft.		\$ 6.91		\$ 3.57		\$ 4.32			
	Data Source(s)		RGV/MLS #L29741516S DOM:73		RGV/MLS #A29732193S DOM:456		RGV/MLS #L29739536S DOM:140			
	Verification Source(s)		CCAD		CCAD		CCAD			
	VALUE ADJUSTMENT		DESCRIPTION		DESCRIPTION		DESCRIPTION		DESCRIPTION	
	Sales or Financing		Cash		Cash		Cash		Cash	
	Concessions		\$0		\$0		\$0		\$0	
	Date of Sale/Time		08/25/2023		05/11/2023		07/12/2023			
	Rights Appraised		Fee Simple		Fee Simple		Fee Simple		Fee Simple	
	Location		Urban		Urban		Urban		Urban	
	Site Area (in Sq.Ft.)		2,577		2,750		7,000		6,720	
	Flood Zone		X		X		X		X	
Shape		Irregular		Rectangular		Rectangular		Rectangular		
Available Utilities		Water/Elec/Sewer		Water/Elec/Sewer		Water/Elec/Sewer		Water/Elec/Sewer		
Highest & Best Use		Residential		Residential		Residential		Residential		
Net Adjustment (Total, in \$)		+ X - \$ -3,801		X + - \$ 1,250		X + - \$ 1,452				
Net Adjustment (Total, in % of \$ / Sq.Ft.)		(-20 % of \$/Sq.Ft.)		(5 % of \$/Sq.Ft.)		(5 % of \$/Sq.Ft.)				
Adjusted Sale Price (in \$ / Sq.Ft.)		\$ 5.53		\$ 3.75		\$ 4.54				
Summary of Sales Comparison Approach The appraiser has utilized the best and most suitable comparable sale data available through a search performed on MLS within the described neighborhood. Site Area adjustments applied to comparable sales 2 and 3. Shape adjustments applied to all comparable sales. Comparable sale 1 is the most similar to the subject. Greatest consideration is given to comparable sale 1. Secondary consideration is given to comparable sales 2 and 3.										
PUD	PROJECT INFORMATION FOR PUDs (if applicable) ☐ The Subject is part of a Planned Unit Development.									
	Legal Name of Project:									
Describe common elements and recreational facilities:										
ATTACH.	Indicated Value by: Sales Comparison Approach \$ 12,000 or \$ 4.75 per Sq.Ft.									
	Final Reconciliation The sales comparison approach is the sole approach employed, utilizing comparable land sales. Final value concluded at \$4.75/SF (rounded).									
	This appraisal is made ☒ "as is", or ☐ subject to the following conditions: The value rendered in this report is based on exposure time of 3-6 months.									
	☐ This report is also subject to other Hypothetical Conditions and/or Extraordinary Assumptions as specified in the attached addenda.									
SIGNATURES	Based upon an inspection of the subject property, defined Scope of Work, Statement of Assumptions and Limiting Conditions, and Appraiser's Certifications, my (our) Opinion of the Market Value (or other specified value type), as defined herein, of the real property that is the subject of this report is:									
	\$ 12,000 , as of: 03/21/2024 , which is the effective date of this appraisal.									
	If indicated above, this Opinion of Value is subject to Hypothetical Conditions and/or Extraordinary Assumptions included in this report. See attached addenda.									
	A true and complete copy of this report contains 12 pages, including exhibits which are considered an integral part of the report. This appraisal report may not be properly understood without reference to the information contained in the complete report, which contains the following attached exhibits: ☒ Scope of Work									
SIGNATURES	☒ Limiting cond./Certifications ☒ Narrative Addendum ☒ Location Map(s) ☐ Flood Addendum ☐ Additional Sales									
	☒ Photo Addenda ☐ Parcel Map ☐ Hypothetical Conditions ☐ Extraordinary Assumptions ☐ Aerial Map									
	Client Contact: N/A					Client Name: City of Harlingen				
	E-Mail: N/A					Address: 118 E Tyler Ave, Harlingen, TX 78550				
SIGNATURES	APPRaiser					SUPERVISORY APPRAISER (If required) or CO-APPRAISER (If applicable)				
										
	Appraiser Name: Clark Scroggin, Sr.					Supervisory or Co-Appraiser Name:				
	Company: Scroggin Appraisal Services					Company:				
SIGNATURES	Phone: (956) 668-7478 Fax:					Phone: Fax:				
	E-Mail: scroggintx@sbcglobal.net					E-Mail:				
	Date of Report (Signature): 04/10/2024					Date of Report (Signature):				
	License or Certification #: 1327321 State: TX					License or Certification #: State:				
SIGNATURES	Designation:					Designation:				
	Expiration Date of License or Certification: 04/30/2025					Expiration Date of License or Certification:				
	Inspection of Subject: ☒ Did Inspect ☐ Did Not Inspect (Desktop)					Inspection of Subject: ☐ Did Inspect ☐ Did Not Inspect				
	Date of Inspection: 03/21/2024					Date of Inspection:				

DEFINITION OF MARKET VALUE: The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what they consider their own best interests; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions* granted by anyone associated with the sale. (Source: FDIC Interagency Appraisal and Evaluation Guidelines, 2010.)

* Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgment.

STATEMENT OF LIMITING CONDITIONS AND CERTIFICATION

CONTINGENT AND LIMITING CONDITIONS: The appraiser's certification that appears in the appraisal report is subject to the following conditions:

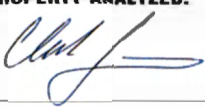
1. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it. The appraiser assumes that the title is good and marketable and, therefore, will not render any opinions about the title. The property is valued on the basis of it being under responsible ownership.
2. Any sketch provided in the appraisal report may show approximate dimensions of the improvements and is included only to assist the reader of the report in visualizing the property. The appraiser has made no survey of the property.
3. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand, or as otherwise required by law.
4. Any distribution of valuation between land and improvements in the report applies only under the existing program of utilization. These separate valuations of the land and improvements must not be used in conjunction with any other appraisal and are invalid if they are so used.
5. The appraiser has no knowledge of any hidden or unapparent conditions of the property or adverse environmental conditions (including the presence of hazardous waste, toxic substances, etc.) that would make the property more or less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied, regarding the condition of the property. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. This appraisal report must not be considered an environmental assessment of the subject property.
6. The appraiser obtained the information, estimates, and opinions that were expressed in the appraisal report from sources that he or she considers to be reliable and believes them to be true and correct. The appraiser does not assume responsibility for the accuracy of such items that were furnished by other parties.
7. The appraiser will not disclose the contents of the appraisal report except as provided for in the Uniform Standards of Professional Appraisal Practice, and any applicable federal, state or local laws.
8. The appraiser has based his or her appraisal report and valuation conclusion for an appraisal that is subject to satisfactory completion, repairs, or alterations on the assumption that completion of the improvements will be performed in a workmanlike manner.
9. The appraiser must provide his or her prior written consent before the lender/client specified in the appraisal report can distribute the appraisal report (including conclusions about the property value, the appraiser's identity and professional designations, and references to any professional appraisal organizations or the firm with which the appraiser is associated) to anyone other than the borrower; the mortgagee or its successors and assigns; the mortgage insurer; consultants; professional appraisal organizations; any state or federally approved financial institution; or any department, agency, or instrumentality of the United States or any state or the District of Columbia; except that the lender/client may distribute the property description section of the report only to data collection or reporting service(s) without having to obtain the appraiser's prior written consent. The appraiser's written consent and approval must also be obtained before the appraisal can be conveyed by anyone to the public through advertising, public relations, news, sales, or other media.
10. The appraiser is not an employee of the company or individual(s) ordering this report and compensation is not contingent upon the reporting of a predetermined value or direction of value or upon an action or event resulting from the analysis, opinions, conclusions, or the use of this report. This assignment is not based on a required minimum, specific valuation, or the approval of a loan.

CERTIFICATION: The appraiser certifies and agrees that:

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
3. Unless otherwise indicated, I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
4. Unless otherwise indicated, I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
5. I have no bias with respect to the property that is the subject of this report or the parties involved with this assignment.
6. My engagement in this assignment was not contingent upon developing or reporting predetermined results.
7. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
8. My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice that were in effect at the time this report was prepared.
9. Unless otherwise indicated, I have made a personal inspection of the interior and exterior areas of the property that is the subject of this report, and the exteriors of all properties listed as comparables.
10. Unless otherwise indicated, no one provided significant real property appraisal assistance to the person(s) signing this certification (if there are exceptions, the name of each individual providing significant real property appraisal assistance is stated elsewhere in this report).

ADDRESS OF PROPERTY ANALYZED:

807 E Washington Ave, Harlingen, TX 78550

APPRAISER:Signature: Name: Clerk Scroggin, Sr.

Title: _____

State Certification #: 1327321

or State License #: _____

State: TX Expiration Date of Certification or License: 04/30/2025Date Signed: 04/10/2024**SUPERVISORY or CO-APPRAISER (If applicable):**

Signature: _____

Name: _____

Title: _____

State Certification #: _____

or State License #: _____

State: _____ Expiration Date of Certification or License: _____

Date Signed: _____

☐ Did ☐ Did Not Inspect Property

Borrower	N/A					
Property Address	807 E Washington Ave					
City	Harlingen	County	Cameron	State	TX	Zip Code 78550
Lender/Client	N/A					

Scope of Work-

For each appraisal -an appraiser must

- A. Identify the problem to be solved
- B. Determine and perform the scope of work necessary to develop credible assignment results.
- C. Disclose the scope of work in the report.

Problem Identification

The client (and any other intended users) engaged the appraiser to provide an opinion of market value for the subject of this report. The intended use/users of this appraisal report is the client for internal evaluation

Definition of Market Value

The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale; the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby.

- A. Buyer and seller are typically motivated
- B. Both parties are well informed or well advised, and each acting in what he considers his best interest
- C. A reasonable time is allowed for exposure in the open market
- D. Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto
- E. The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

The definition of market value used in this appraisal report is consistent with such definition appearing in a previous version of USPAP, and more precisely, the actual source is from regulations published by federal regulatory agencies pursuant to Title XI of the Financial Institution Reform, Recovery, and Enforcement Act (FIRREA) of 1989 between July 5, 1990 and August 24, 1990, by the Federal Reserve System (FRS), National Credit Union Administration (NCUA), Federal Deposit Insurance Corporation (FDIC), the Office of Thrift Supervision (OTS), and the Office of Comptroller of the Currency (OCC). This definition is also referenced in regulations jointly published by the OCC, OTS, FRS, and FDIC on June 7, 1994, and in the Interagency Appraisal and Evaluation Guidelines, dated October 27, 1994.

This is the same definition that appears under Regulation "Y", Section 225.62 (g) of Title XI of FIRREA

Office of the Comptroller of the Currency under 12 CFR, Part 34, Subpart C-Appraisals, 34.42, Definitions (g)

Determination of Scope of Work

The effective date of the appraiser's opinions and conclusions is stated earlier in this report. The subject of this assignment and its relevant characteristics and assignment conditions (extraordinary assumptions, hypothetical conditions, or other conditions that affect the scope of work) are expressed herein. There are no unusual property or assignment conditions which would affect the scope of work of this assignment. The subject property is a vacant tract of land. Based on the intended use of the appraisal, the non-complexity of the subject property, and the prevalence of comparable sales, a credible opinion of value can be rendered utilizing the sales comparison approach only. The cost approach and income approach are not applicable in this appraisal.

Disclosure of Scope of Work Undertaken

The appraiser has determined that a credible opinion of value can be rendered utilizing the sales comparison only. The appraiser has identified the characteristics of the subject property that are relevant to the type and definition of value and intended use of the appraisal. This has been accomplished by examining appraisal district records, the subdivision plat map, applicable zoning maps and regulations, and a search of deed records. The appraiser has also made a physical inspection of the subject property. The appraiser has researched appraisal district records as well as on-line deed records in search of any prior sales of the subject in the past 3 years, and reported such findings. The appraiser has made the necessary research to determine the highest and best use of the subject property. This research includes, but is not necessarily limited to, zoning regulations, economic trends, supply and demand analysis. In development of the sales comparison approach, the appraiser has researched comparable land sales. This research includes a thorough search of the Multiple Listing Service for current listings and closed sales within a reasonable time frame in the subject area as well as competing areas sharing the same market participants. Those sales deemed to be most appropriate are included in this report. From this research the appraiser has developed a value opinion via the sales comparison approach.

The adjustments made by the appraiser in the sales comparison approach are market derived and based upon match paired sales analysis. The quality and condition ratings for the subject and comparable sales are based upon the appraiser's physical inspection of the subject and the appraiser's interpretation of the comparable sales based on photos and data provided for comparable sales from MLS. The appraiser has not been provided nor is privy to the quality and condition ratings from the appraiser's peers for the same comparable sales utilized. Additionally, the appraiser does not have knowledge or information regarding the adjustment methods utilized by other appraiser's peers. The appraisers are not being provided Collateral Underwriting (CU) data so that an agreed consensus regarding this particular could be developed.

Subject Photo Page

Borrower	N/A					
Property Address	807 E Washington Ave					
City	Harlingen	County	Cameron	State	TX	Zip Code 78550
Lender/Client	N/A					



Subject Site
807 E Washington Ave



Subject Street



Subject Street

Comparable Photo Page

Borrower	N/A				
Property Address	807 E Washington Ave				
City	Harlingen	County	Cameron	State	TX Zip Code 78550
Lender/Client	N/A				



Comparable 1

1101 Beaumont St
 Prox. to Subject 1.35 miles W
 Sale Price 19,000
 Gross Living Area
 Total Rooms
 Total Bedrooms
 Total Bathrooms
 Location Urban
 View
 Site 2,750
 Quality
 Age



Comparable 2

722 Mendez St
 Prox. to Subject 1.17 miles NW
 Sale Price 25,000
 Gross Living Area
 Total Rooms
 Total Bedrooms
 Total Bathrooms
 Location Urban
 View
 Site 7,000
 Quality
 Age



Comparable 3

1113 W Jefferson Ave
 Prox. to Subject 1.21 miles W
 Sale Price 29,000
 Gross Living Area
 Total Rooms
 Total Bedrooms
 Total Bathrooms
 Location Urban
 View
 Site 6,720
 Quality
 Age

Comparable Sales Map

Borrower	N/A				
Property Address	807 E Washington Ave				
City	Harlingen	County	Cameron	State	TX Zip Code 78550
Lender/Client	N/A				



USPAP ADDENDUM

File No.

Borrower	N/A				
Property Address	807 E Washington Ave				
City	Harlingen	County	Cameron	State	TX Zip Code 78550
Lender	N/A				

This report was prepared under the following USPAP reporting option:

☒ Appraisal Report

This report was prepared in accordance with USPAP Standards Rule 2-2(a).

☐ Restricted Appraisal Report

This report was prepared in accordance with USPAP Standards Rule 2-2(b).

Reasonable Exposure Time

My opinion of a reasonable exposure time for the subject property at the market value stated in this report is:

3-6 Months

Additional Certifications

I certify that, to the best of my knowledge and belief:

☒ I have NOT performed services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.

☐ I HAVE performed services, as an appraiser or in another capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment. Those services are described in the comments below.

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- Unless otherwise indicated, I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- I have no bias with respect to the property that is the subject of this report or the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice that were in effect at the time this report was prepared.
- Unless otherwise indicated, I have made a personal inspection of the property that is the subject of this report.
- Unless otherwise indicated, no one provided significant real property appraisal assistance to the person(s) signing this certification (if there are exceptions, the name of each individual providing significant real property appraisal assistance is stated elsewhere in this report).

Additional Comments

Purpose of Appraisal/Intended use/user: The Intended User of this appraisal report is the Lender/Client. The Intended Use of this appraisal report is for the lender/client to evaluate the property that is the subject of this appraisal for a mortgage finance transaction, subject to the stated Scope of Work, purpose of the appraisal, reporting requirements of this appraisal report form, and the Definition of Market Value. No additional Intended Users are identified by the appraiser.

Definition of "Market Value": The most probable price which a property should bring in a competitive and open market under all condition's requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus.

The appraiser attempted to adhere fully with the requirements set forth in Certification Statement 10 and believes the sources used provided credible information but strict adherence was not possible in the normal course of business

Mr. Jackson Scroggin, TX State Licensed Real Estate Appraiser #1350567, has provided significant appraisal assistance in this assignment by: Co-Inspecting the subject property, researching, and inspecting the comparable sales, performing a market analysis, analyzing data in the applicable approaches to value and preparing this report. It has taken approximately 4 hours to provide this assistance

APPRAISER:

Signature: 
Name: Clerk Scroggin, Sr.
Date Signed: 04/10/2024
State Certification #: 1327321
or State License #:
State: TX
Expiration Date of Certification or License: 04/30/2025
Effective Date of Appraisal: 03/21/2024

SUPERVISORY APPRAISER: (only if required)

Signature: _____
Name: _____
Date Signed: _____
State Certification #: _____
or State License #: _____
State: _____
Expiration Date of Certification or License: _____
Supervisory Appraiser Inspection of Subject Property:
☐ Did Not ☐ Exterior-only from Street ☐ Interior and Exterior

Certification

CLARK C SCROGGIN
PO BOX 6087
MCALLEN, TX 78502



Certified General Real Estate Appraiser

Appraiser: **Clark C Scroggin**

License #: **TX 1327321 G**

License Expires: **04/30/2025**

Having provided satisfactory evidence of the qualifications required by the Texas Appraiser Licensing and Certification Act, Occupations Code, Chapter 1103, authorization is granted to use this title:
Certified General Real Estate Appraiser

For additional information or to file a complaint please contact TALCB at www.talcb.texas.gov.


Chelsea Bucinot
Commissioner

E & O Insurance



DECLARATIONS for REAL ESTATE PROFESSIONAL ERRORS & OMISSIONS INSURANCE POLICY

THIS IS A CLAIMS MADE INSURANCE POLICY.

THIS POLICY APPLIES ONLY TO THOSE CLAIMS THAT ARE FIRST MADE AGAINST AN INSURED DURING THE POLICY PERIOD. ALL CLAIMS MUST BE REPORTED IN WRITING TO THE COMPANY DURING THE POLICY PERIOD OR WITHIN SIXTY (60) DAYS AFTER THE END OF THE POLICY PERIOD.

Insurance is afforded by the company indicated below: (A capital stock corporation)

☒ Great American Assurance Company

Note: The Insurance Company selected above shall herein be referred to as the **Company**

Policy Number: **RAB4451355-23**

Renewal of: **RAB4451355-22**

Program Administrator: **Herbert H. Landy Insurance Agency Inc.
100 River Ridge Drive, Suite 301
Norwood, MA 02062**

Item 1. Named Insured: **Clark C Scroggin dba Scroggin Appraisal Services**

Item 2. Address: **1101 Vine Ave Suite A**

City, State, Zip Code: **McAllen, TX 78501**

Attn:

Item 3. Policy Period: From 08/25/2023 To 08/25/2024
(Month, Day, Year) (Month, Day, Year)

(Both dates at 12:01 a.m. Standard Time at the address of the Named Insured as stated in Item 2.)

Item 4. Limits of Liability: (inclusive of claim expenses):

- A. \$ 1,000,000 Limit of Liability - Each Claim
- B. \$ 1,000,000 Limit of Liability - Policy Aggregate
- C. \$ 500,000 Limit of Liability - Fair Housing Claims
- D. \$ 500,000 Limit of Liability - Fungal Claims

Item 5. Deductible: (Inclusive of Claim Expense): **\$ 10,000 Each Claim**

Item 6. Premium: \$ **3,112.00**

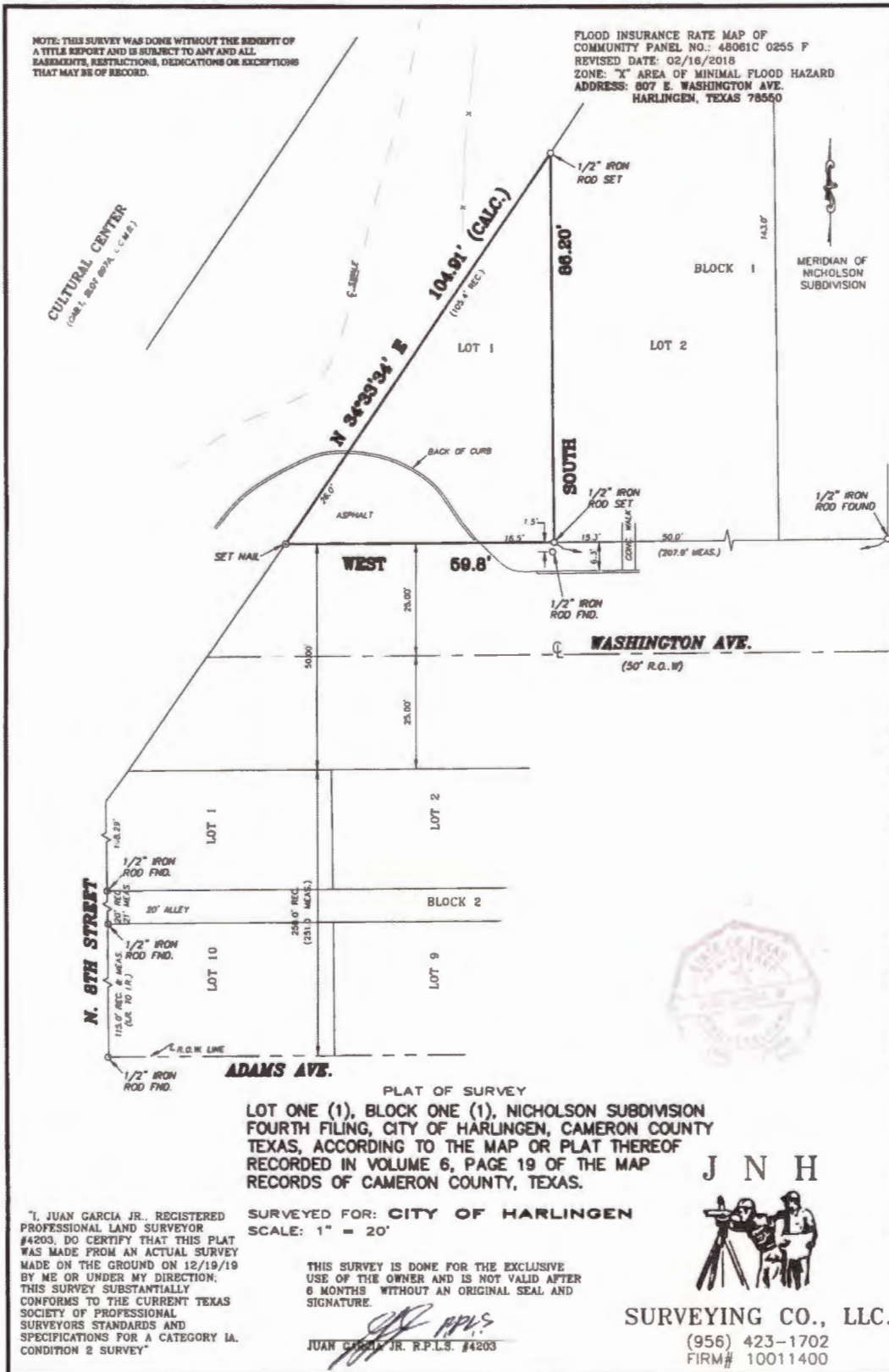
Item 7. Retroactive Date (if applicable): **08/25/2017**

Item 8. Forms, Notices and Endorsements attached:

**D43100 (08/19) D43300 TX (05/13) D43444 (03/17) D43411 (05/13)
D43442 (03/15) D43447 (06/17) D43448 (06/17) D43445 (06/17)
D43421 (03/15) D43432 (05/13) D43425 (05/13) IL7324 (07/21)**

Kate J. Thompson
Authorized Representative

Survey



**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **July 3, 2024**

Agenda Item:

Consideration and possible action approving a resolution authorizing the submission of a grant application for the Arroyo East Hike and Bike Trail Extension to USDOT's Fiscal Year 2023 Active Transportation Infrastructure Investment Program (ATIIP). Attachment (*Special Projects Department*).

Prepared By: Ana Hernandez, Mobility & Special Projects Director

Brief Summary:

The Fiscal Year 2023 Active Transportation Infrastructure Investment Program (ATIIP) is a new competitive grant program created by Section 11529 of the Bipartisan Infrastructure Law (enacted as the Infrastructure Investment and Jobs Act (Pub. L. 117-58)) to construct eligible projects that provide safe and connected active transportation facilities in active transportation networks or spines.

The City of Harlingen is applying for an ATIIP grant not exceeding \$15 million to design and construct the Arroyo East Segment of the existing Arroyo Colorado Hike and Bike Trail Corridor. The project will commence at Hugh Ramsey Nature Park and Birding Center and end at the intersection of TX-Loop 499/South Ed Carey Road and FM 106/East Harrison Road. Part of the project includes the construction of shared-used paths along FM 509/Paso Real and FM 106/East Harrison Road for a total combined project length of 5.48 miles of multi-use trail, shared-use paths, and intersection improvements.

The project will also include trail amenities such as wayfinding, solar lighting, emergency call stations, hydration stations, ped/bike counters, parking lot extension, a bus shelter, and wetland restoration, among other site improvements.

Given the project's location, no local match is required. The Special Projects Department staff will prepare the grant application with support from the Engineering and Parks and Recreation Departments.

Funding (if applicable):

Are funds specifically designated in the current budget for the full amount (Yes/No):

*If no, specify source of funding and amount requested:

Finance Director's approval (Yes/No/NA):

Staff Recommendation:

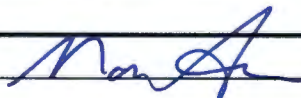
Staff recommends approval of this resolution.

City Manager approval:



Comments:

City Attorney's approval:



RESOLUTION NO. 2024 - ____

A RESOLUTION OF THE CITY OF HARLINGEN, TEXAS, AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION FOR THE ARROYO EAST HIKE AND BIKE TRAIL EXTENSION PROJECT TO THE UNITED STATES DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION'S FISCAL YEAR 2023 ACTIVE TRANSPORTATION INFRASTRUCTURE INVESTMENT PROGRAM, OR ATIIP GRANT; AND AUTHORIZING STAFF TO REQUEST INCREASE IN FEDERAL COST SHARE.

WHEREAS, the Fiscal Year 2023 Active Transportation Infrastructure Investment Program (ATIIP) is a new competitive grant program created by Section 11529 of the Bipartisan Infrastructure Law (enacted as the Infrastructure Investment and Jobs Act (Pub. L. 117-58) to construct eligible projects to provide safe and connected active transportation facilities in active transportation networks or active transportation spines; and,

WHEREAS, the City Commission finds it in the best interest of the residents of Harlingen, Texas, to seek funding to design and construct the Arroyo East Segment of the Arroyo Colorado Hike and Bike Trail Corridor, thereby completing the city's only active transportation network (10+ miles), as envisioned by the City of Harlingen Trails Master Plan, "One Vision, One Harlingen" Comprehensive Plan, and the Caracara Trails active transportation regional plan; and,

WHEREAS, this project lies entirely within a census tract with a poverty rate of 73.4 percent as per the USDOT Equitable Transportation Community (ETC) Explorer, greatly benefiting some of Harlingen's disadvantaged residents and connecting them with key destinations and amenities throughout the city; and,

WHEREAS, the City Commission would like to memorialize its support for the City's ATIIP Grant application via this Resolution.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission adopts this Resolution in support of the design and construction of the Arroyo East Segment Project.

IT IS FURTHER RESOLVED that city staff is authorized to request for the federal cost share to be increased to 100% due to the project's designation as a disadvantaged community, as defined in Section C.2.ii of the FY 2023 ATIIP Grant Notice of Funding Opportunity.

CONSIDERED AND ADOPTED this **6th** day of **July 2024** at a Regular Meeting of the Elective Commission of the City of Harlingen, Texas, at which a quorum was present and which was held in accordance with Government Code Chapter 551, as amended.

Norma Sepulveda, Mayor

Amanda C. Elizondo, City Secretary

AGENDA ITEM EXECUTIVE SUMMARY

Meeting Date: **July 3rd 2024**

Agenda Item:

Consideration and possible action to approve a request from Alexis Riojas, Downtown Director, to close the following streets for the National Downtown Prayer Walk Event, Saturday, October 19th, 2024, from 8:00 a.m. to 11:00 a.m.

- West, North and South side Intersections of Jackson Ave. and First St.
- North and South side Intersection of Jackson Ave. and 2nd and 3rd Streets
- North and South side Intersection of Jackson Ave. and 3rd St.
- West side Intersection of Jackson Ave. and 4th St.

Prepared By (Print Name): Michael E. Kester

Title: Chief of Police

Signature:



Brief Summary:

Mrs. Alexis Riojas requests that the following streets be closed on Saturday, October 19th, 2024, from 8:00 a.m. to 11:00 a.m. for the National Downtown Prayer Walk.

The closing of the streets will ensure the safety of the public and participants attending the event.

The Asst. Fire Chief has reviewed this request and provided his approval.

Funding (if applicable):

Are funds specifically designated in the current budget for the full amount ☐ Yes ☐ No* for this purpose?

*If no, specify source of funding and amount requested: N/A

Finance Director's approval:

☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval.

For Street Closures ONLY, Fire Chief's approval:

☐ Yes ☐ No ☐ N/A

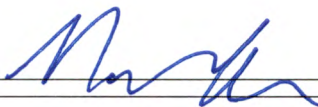
City Manager's approval:



☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:



☒ Yes ☐ No ☐ N/A



HARLINGEN POLICE DEPARTMENT
1018 FAIR PARK BLVD., HARLINGEN, TX 78550

INTER-DEPARTMENTAL COMMUNICATION
FRONT DESK: (956) 216-5401 ADMINISTRATION: (956) 216-5403

TO: Chief of Police

DATE: 6/20/24

FROM: District Representative Benito Bravo #3412

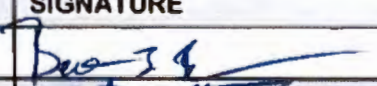
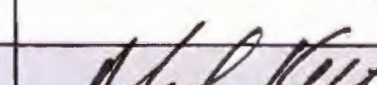
RE: Street Closure for National Downtown Prayer Walk

Requestor: Alexis Riojas / Downtown Director
Event Date: October 19, 2024
Time: 8:00 a.m. to 11:00 a.m.
Location: 200 West Jackson Avenue, Harlingen, Texas

Mrs. Riojas is requesting a street closure on behalf of the Harlingen Downtown Board for their National Downtown Prayer Walk event. The event will consist of a prayer group of about 150 participants that will walk and pray in the east side portion of downtown Harlingen. The event will be open to the public. The street closure being requested is from 8:00 a.m. to 11:00 a.m. on October 19, 2024. The closing of the streets will ensure the safety of the public attending the event.

If approved, barricades are to be delivered by the City of Harlingen Streets Department prior to 4:00 P.M. on Friday, October 18, 2024, and removed from the roadway on October 19, 2024, at 11:00 a.m. A copy of the map is attached to this IDC.

- Close the west, north and south side intersections of Jackson Ave. and First Street.
- Close the north and south side intersections of Jackson Ave. and 2nd Street.
- Close the north and south side intersections of Jackson Ave. and 3rd Street.
- Close the west side intersection of Jackson Ave. and 4th Street.

	SIGNATURE	ID#	DATE
OFFICER / EMPLOYEE		3412	06/20/2024
SERGEANT / SUPERVISOR		3464	6/20/24
COMMANDER / MANAGER			
DEPUTY CHIEF		1933	6/20/24
ASSISTANT CHIEF			
CHIEF OF POLICE		2088	6-20-24

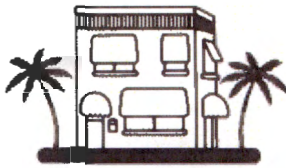
Downtown Harlingen

P.O. Box 2207, Harlingen, TX 78551-2207

(Office at 209 W. Jackson)

Phone: (956) 216-4910 Fax: (956) 216-8037

www.downtownharlingen.com



DOWNTOWN

HARLINGEN

Tina Waggoner

06/11/2023

956-412-4088

Harlingen, Texas 78550

On behalf of the Downtown Improvement District Office, our D.I.D. Board approved the following on June 4, 2023:

- **Consider and take action to approve the street closures for the event called, "National Downtown Prayer Walk" scheduled for Saturday, October 19, 2024, from 8 AM to 11AM.**

We have forwarded the street closures to the Police Department for City Commission approval at their next commission meeting.

We appreciate your patience and cooperation. Please contact the office for any additional information at 956-216-4910.

Best regards,

Alexis Riojas

Downtown Director

1



Benito Bravo - HPD

From: Angela Anderson
Sent: Tuesday, June 11, 2024 12:18 PM
To: Soraida Martinez - HPD
Cc: Mike Kester - HPD; Benito Bravo - HPD; Charles Fechner - HPD; Frances Pena - HPD; Hector Leal - HPD; Jose J. Lopez - HPD; Manuel Tovar - HPD; Orlando Gonzales - HPD; Alexis Riojas; Norma L. Gonzalez
Subject: FW: Street Closure approval-DID-06.04.24-Harlingen Consortium
Attachments: Prayer walk approval letter2.docx; National Prayer walk Map.pdf

Thank you,

Angie Anderson

Promotion & Events Manager

☎ 956 216 4910 EXT 4911

✉ aanderson@harlingentx.gov

🌐 www.harlingentx.gov

📍 209 W Jackson Ave | Harlingen TX 78550



From: Angela Anderson
Sent: Tuesday, June 11, 2024 12:16 PM
To: Soraida Martinez - HPD <soraidam@harlingentx.gov>
Subject: RE: Street Closure approval-DID-06.04.24-Harlingen Consortium

Soraida,

I am so sorry, but the date was wrong on the other approval letter that I sent you yesterday for the Prayer Walk street closures. I have attached a letter with the corrected date. Please take note that the street closures will be for October 19th and NOT November 9th. Again, I apologize for any confusion.

Please confirm that you have received this notice on the date change.

Thank you,

From: Angela Anderson

Sent: Monday, June 10, 2024 9:55 AM

To: Frances Pena - HPD <fpena@harlingentx.gov>; Martha J. Soliz - HPD <msoliz@harlingentx.gov>

Cc: Mike Kester - HPD <mkester@harlingentx.gov>; Benito Bravo - HPD <bbravo@harlingentx.gov>; Charles Fechner - HPD <cfechner@harlingentx.gov>; Frances Pena - HPD <fpena@harlingentx.gov>; Hector Leal - HPD <hleal@harlingentx.gov>; Jose J. Lopez - HPD <jjlopez@harlingentx.gov>; Manuel Tovar - HPD <mtovar@harlingentx.gov>; Orlando Gonzales - HPD <ogonzales@harlingentx.gov>; Alexis Riojas <ariojas@harlingentx.gov>; Norma L. Gonzalez <normag@harlingentx.gov>

Subject: Street Closure approval-DID-06.04.24-Harlingen Consortium

Good morning, Frances,

Please see the attached approved street closures that our D.I.D Board approved on 06.04.2024. If you have any further questions, please feel free to contact the event coordinator Ms. Gaylynn Foster for the Downtown Harlingen Consortium at 956-281-1640.

Thank you,

Angie Anderson

Promotion & Events Manager

📞 956 216 4910 EXT 4911

✉ aanderson@harlingentx.gov

🌐 www.harlingentx.gov

📍 209 W Jackson Ave | Harlingen, TX 78550



Soraida Martinez - HPD

From: Ruben Balboa - HFD
Sent: Monday, June 24, 2024 11:24 AM
To: Soraida Martinez - HPD; Eduardo Alvarez - HFD; Rafael Balderas - HFD; Donna Henderson - HFD
Cc: Mike Kester - HPD; Danny Villarreal - HPD; Charles Fechner - HPD
Subject: RE: Street Closure Prayer Walk

HFD has no issues with the street closures.

From: Soraida Martinez - HPD <soraidam@harlingentx.gov>
Sent: Monday, June 24, 2024 11:18 AM
To: Eduardo Alvarez - HFD <ealvarez@harlingentx.gov>; Rafael Balderas - HFD <rbalderas@harlingentx.gov>; Donna Henderson - HFD <dhenderson@harlingentx.gov>; Ruben Balboa - HFD <rbalboa@harlingentx.gov>
Cc: Mike Kester - HPD <mkester@harlingentx.gov>; Danny Villarreal - HPD <dvillarreal@harlingentx.gov>; Charles Fechner - HPD <cfechner@harlingentx.gov>
Subject: Street Closure Prayer Walk

Good afternoon, Fire Chief Alvarez,

I would ask if you could please review the attached street closure request for the following event:

1. National Downtown Prayer Walk October 19th, 2024, 8:00 a.m. to 11 a.m.

Please provide your recommendation so that I can include as an agenda item at the next City Commission meeting. Thank you!

IN A WORLD WHERE YOU CAN BE ANYTHING BE KIND.

Soraida Martinez

Harlingen Police Department
1018 Fair Park Blvd.
P.O. Box 1631
Harlingen, TX 78550
Soraidam@harlingentx.gov

OFFICE#: 956.216.5403

FAX#: 956.216.5481

OFFICE HOURS: 8AM-4:45PM, MON-FRI, CST.

For future requests: [https://link.edgepilot.com/s/6abe739f/U8A4mBin-](https://link.edgepilot.com/s/6abe739f/U8A4mBin-EuDMcQU5BpZjw?u=https://harlingenpdtx.govqa.us/WEBAPP/rs/(S(2i5mnkipfkncppeds0so0m1t))/support)

[EuDMcQU5BpZjw?u=https://harlingenpdtx.govqa.us/WEBAPP/rs/\(S\(2i5mnkipfkncppeds0so0m1t\)\)/support](https://link.edgepilot.com/s/6abe739f/U8A4mBin-EuDMcQU5BpZjw?u=https://harlingenpdtx.govqa.us/WEBAPP/rs/(S(2i5mnkipfkncppeds0so0m1t))/support)
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**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **July 3rd 2024**

Agenda Item:

Consideration and possible action to approve a request from Alexis Riojas, Downtown Director, to close the following streets for the Southern Valley Fest Event, Saturday, August 31st, 2024 from 9:00 a.m. to 12:00 midnight:

- East side Intersection of Jackson Ave. and "F" St.
- North side Intersection of Jackson Ave and "C", "D", and "E" Streets
- West side Alleyway in the 100 block of South "E" St.
- North side Intersection of Van Buren Ave. and "C", "D", and "E" Streets
- East side Alleyway in the 100 block of South "C" St.
- West side Intersection of Jackson Ave and West St.

Prepared By (Print Name): Michael E. Kester

Title: Chief of Police

Signature:



Brief Summary:

Mrs. Alexis Riojas requests that the following streets be closed on Saturday, August 31st, 2024, from 9:00 a.m. to 12:00 Midnight for the Southern Valley Fest.

The closing of the streets will ensure the safety of the public and participants attending the event. The Asst. Fire Chief has reviewed this request and provided his approval.

Funding (if applicable):

Are funds specifically designated in the current budget for the full amount ☐ Yes ☐ No*
for this purpose?

*If no, specify source of funding and amount requested: N/A

Finance Director's approval:

☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval.

For Street Closures ONLY, Fire Chief's approval:

☐ Yes ☐ No ☐ N/A

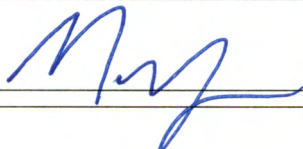
City Manager's approval:



☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:



☒ Yes ☐ No ☐ N/A



HARLINGEN POLICE DEPARTMENT
1018 FAIR PARK BLVD., HARLINGEN, TX 78550

INTER-DEPARTMENTAL COMMUNICATION
FRONT DESK: (956) 216-5401 ADMINISTRATION: (956) 216-5403

TO: Chief of Police

DATE: 6/20/24

FROM: District Representative Benito Bravo #3412

RE: Street Closure for Southern Valley Fest

Requestor: Alexis Riojas / Downtown Director
Event Date/ Time: August 31, 2024, from 9:00 a.m. to midnight
Location: 300 West Jackson Avenue, Harlingen, Texas

Mrs. Riojas is requesting a street closure on behalf of the Harlingen Downtown Board for their Southern Valley Fest event. The event will feature local musicians, a vendor market, food vendors and much more. The street closure being requested is from 9:00 A.M. to midnight on August 31, 2024. The closing of the streets will ensure the safety of the public attending the event.

If approved, barricades are to be delivered by the City of Harlingen Streets Department prior to 4:00 P.M. on Friday, August 30, 2024, and removed from the roadway on August 31, 2024, at midnight. A copy of the map is attached to this IDC.

- Close the east side intersection of Jackson Ave. and F Street.
- Close the north side intersection of Jackson Ave. and E Street.
- Close the west side alleyway in the 100 block of South E Street.
- Close the north side intersection of Van Buren Ave. and E Street.
- Close the north side intersection of Jackson Ave. and D Street.
- Close the north side intersection of Van Buren Ave. and D Street.
- Close the north side intersection of Jackson Ave. and C Street.
- Close the east side alleyway in the 100 block of South C Street.
- Close the north side intersection of Van Buren Ave. and C Street.
- Close the west side intersection of Jackson Ave. and West Street.

	SIGNATURE	ID#	DATE
OFFICER / EMPLOYEE	<i>Benito Bravo</i>	3412	06/20/2024
SERGEANT / SUPERVISOR	<i>Sgt. [Signature]</i>	3464	6/20/24
COMMANDER / MANAGER			
DEPUTY CHIEF	<i>A. [Signature]</i>	1933	6/20/24
ASSISTANT CHIEF			
CHIEF OF POLICE	<i>[Signature]</i>	2098	6-21-24

Southern Valley Fest

August 31st 9 am- Midnight





Downtown Harlingen

P.O. Box 2207, Harlingen, TX 78551-2207
(Office at 209 W. Jackson)
Phone: (956) 216-4910 Fax: (956) 216-8037
www.downtownharlingen.com

06/10/2024

Raymond Reyes
323 W. Jackson Ave.
Harlingen, Texas 78550

On behalf of the Downtown Improvement District Office, our D.I.D. Board approved the following on June 4, 2024:

CONSIDER AND TAKE ACTION TO APPROVE THE STREET CLOSURES FOR THE EVENT CALLED, "SOUTHERN VALLEY FEST", SCHEDULED FOR SATURDAY, AUGUST 31, 2024, FROM 9AM TO MIDNIGHT.

We have forwarded the street Closures to the Police Department for City Commission approval at their next commission meeting.

We appreciate your patience and cooperation. Please contact the office for any additional information at 956-216-4910.

Best regards,


Alexis Riojas

Downtown Director

Benito Bravo - HPD

From: Angela Anderson
Sent: Monday, June 10, 2024 10:33 AM
To: Frances Pena - HPD; Soraida Martinez - HPD
Cc: Mike Kester - HPD; Angela Anderson; Benito Bravo - HPD; Charles Fechner - HPD; Frances Pena - HPD; Hector Leal - HPD; Jose J. Lopez - HPD; Manuel Tovar - HPD; Orlando Gonzales - HPD
Subject: RE: Street Closure Approval-DID-06.04.24-Southern Valley Fest
Attachments: Southern Valley Fest Approval Letter.pdf; Southern valley fest map.pdf

Good Morning,

Please let me know if you are now able to open the attachments.

Thank you,

Angie Anderson

Promotion & Events Manager

📞 956 216 4910 EXT 4911

✉️ aanderson@harlingentx.gov

🌐 www.harlingentx.gov

📍 209 W Jackson Ave | Harlingen, TX 78550



From: Angela Anderson
Sent: Monday, June 10, 2024 9:39 AM
To: Frances Pena - HPD <fpena@harlingentx.gov>
Cc: Mike Kester - HPD <mkester@harlingentx.gov>; Angela Anderson <dtxgal33@gmail.com>; Benito Bravo - HPD <bbravo@harlingentx.gov>; Charles Fechner - HPD <cfechner@harlingentx.gov>; Frances Pena - HPD <fpena@harlingentx.gov>; Hector Leal - HPD <hleal@harlingentx.gov>; Jose J. Lopez - HPD <jjlopez@harlingentx.gov>; Manuel Tovar - HPD <mtovar@harlingentx.gov>; Orlando Gonzales - HPD <ogonzales@harlingentx.gov>
Subject: Street Closure Approval-DID-06.04.24-Southern Valley Fest

Good morning, Frances,

Please see the attached approved street closures that our D.I.D Board approved on 06.04.2024. If you have any further questions, please feel free to contact the event coordinator Mr. Raymond Reyes at 956-454-0917.

Thank you,

Thank you,

Soraida Martinez - HPD

From: Soraida Martinez - HPD
Sent: Friday, June 14, 2024 11:35 AM
To: Ruben Balboa - HFD; Eduardo Alvarez - HFD; Rafael Balderas - HFD; Donna Henderson - HFD
Cc: Mike Kester - HPD; Danny Villarreal - HPD; Charles Fechner - HPD
Subject: RE: Road Closure Southern Valley Fest

Received, Thank you!

From: Ruben Balboa - HFD <rbalboa@harlingentx.gov>
Sent: Friday, June 14, 2024 11:33 AM
To: Soraida Martinez - HPD <soraidam@harlingentx.gov>; Eduardo Alvarez - HFD <ealvarez@harlingentx.gov>; Rafael Balderas - HFD <rbalderas@harlingentx.gov>; Donna Henderson - HFD <dhenderson@harlingentx.gov>
Cc: Mike Kester - HPD <mkester@harlingentx.gov>; Danny Villarreal - HPD <dvillarreal@harlingentx.gov>; Charles Fechner - HPD <cfechner@harlingentx.gov>
Subject: RE: Road Closure Southern Valley Fest

Good morning,

HFD has no issues with the street closures

From: Soraida Martinez - HPD <soraidam@harlingentx.gov>
Sent: Friday, June 14, 2024 11:01 AM
To: Eduardo Alvarez - HFD <ealvarez@harlingentx.gov>; Rafael Balderas - HFD <rbalderas@harlingentx.gov>; Donna Henderson - HFD <dhenderson@harlingentx.gov>; Ruben Balboa - HFD <rbalboa@harlingentx.gov>
Cc: Mike Kester - HPD <mkester@harlingentx.gov>; Danny Villarreal - HPD <dvillarreal@harlingentx.gov>; Charles Fechner - HPD <cfechner@harlingentx.gov>
Subject: Road Closure Southern Valley Fest

Good afternoon, Fire Chief Alvarez,

I would ask if you could please review the attached street closure request for the following event:

1. Southern Valley Fest August 31, 2024 9am-12:00midnight.

Please provide your recommendation so that I can include as an agenda item at the next City Commission meeting. Thank you!

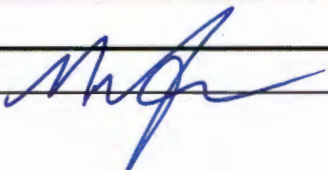
IN A WORLD WHERE YOU CAN BE ANYTHING BE KIND.

Soraida Martinez

Harlingen Police Department
1018 Fair Park Blvd.
P.O. Box 1631
Harlingen, TX 78550

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **July 3, 2024**

Agenda Item:	
Consideration and possible action to designate a School Zone Sign on East Bowie Avenue from 13th Street to East dead end. Attachment (<i>Engineering Dept.</i>)	
Prepared By: Luis Vargas, City Engineer	
Brief Summary:	
Staff received citizen concerns related to speeding on East Bowie Avenue. The street is adjacent to a school and lacks a school zone. This item is to designate a school zone on East Bowie Avenue from 13th Street to the east dead end. This includes signs, flashing beacons, and pavement markings.	
Funding (if applicable):	
Are funds specifically designated in the current budget for the full amount (Yes/No): *If no, specify source of funding and amount requested:	
Finance Director's approval (Yes/No/NA): Yes	
Staff Recommendation:	
Staff recommends approval.	
City Manager approval:	 Comments:
City Attorney's approval:	

School Zone for Bowie Ave

From 13th St to dead end

Legend

Extend School Zone
Limit on High St

Proposed School
Zone West Limit

Proposed School
Zone East Limit

St. Alban's School

Google Earth

700 ft



**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **July 3, 2024**

Agenda Item:

Public Hearing for a Special Use Permit ("SUP") to allow an adult business (smoke shop) in a General Retail ("GR") District located at 218 W. Tyler Avenue, Suite A, bearing a legal description of Lots 14-15, Block 82, Harlingen Original Townsite Subdivision. Applicant: David Maya. Attachment (**Planning & Development**)

Prepared By: Xavier Cervantes, AICP, CPM
Title: Planning and Development Director

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- June 7, 2024 – Application for Special Use Permit ("SUP") submitted to the city. (**ATTACHMENT I**)
- June 15, 2024 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- June 15, 2024 – In accordance with State and local law, notice of required public hearings mailed to all property owners within 200 feet of subject tract.
- June 26, 2024 - Public hearing and consideration of requested Special use permit by the Planning and Zoning Commission (P&Z).
- July 3, 2024 – Public hearing and consideration of requested SUP via 1st ordinance reading scheduled before the City Commission.
- July 19, 2024 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- Per the Code of Ordinances, an "adult business" (smoke shop) use in a "GR" District requires the approval of a Special Use Permit (SUP) by the City Commission.
- David Maya, the applicant, is requesting a special use permit to allow a smoke shop under the name of "Healing Sensations Smoke Shop" out of an existing suite located at 218 W. Tyler Avenue. The proposed suite is approximately 600 square feet. (**ATTACHMENT II AND III**).
- Based on the site plan and information submitted by the applicant, the applicant is proposing to operate Monday through Saturday from 11am to 9pm and Sundays from 12pm to 6pm. The merchandise will consist of cigarettes, cigars, e-cigarettes, pipes, hookahs, bongs, and vape cartridges. Two parking spaces are required and provided in the common parking area (**ATTACHMENT II – IV**).
- Surrounding properties are zoned General Retail ("GR") District to the north, south, east, and west. Surrounding land uses consist of Firestone Complete Auto Care to the north, a vacant lot to the east, Queen of the South Nail Studio to the west, and a vacant restaurant to the south. (**ATTACHMENTS V-VII**).

- The City of Harlingen Building Inspections, Fire Prevention, and Police Departments reviewed the SUP application. The departments reported no objection to the proposed request subject to adhering to the Harlingen Code of Ordinances and procedures administered by each department (**ATTACHMENTS VIII-XI**).
- The applicant must obtain and maintain the proper State permits.
- At present, the Planning and Zoning Department has not received any objections to the request from the surrounding property owners. Staff mailed out twelve notices to surrounding property owners.
- In accordance with the zoning ordinance, the P&Z and City Commission may impose requirements and conditions of approval as are needed to ensure that a use requested by a SUP is compatible and complementary to adjacent properties.

Funding (if applicable):

Are funds specifically designated in the current budget for the full ☐ Yes ☐ No*

*If no, specify source of funding and amount requested:

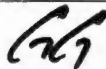
Finance Director's approval: ☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval of the request subject to compliance with the following conditions:

1. Must obtain and maintain the proper State and City permits;
2. Must maintain the required parking in accordance with city regulations;
3. Complying with the requirements administered by the Planning and Zoning, Building Inspections, Fire Prevention, Health and Police Departments
4. Providing video surveillance with a minimum 30-day retention; and,
5. Hours of operation for the smoke shop will be Monday through Saturday from 11 a.m. to 9 p.m. and Sundays from 12 p.m. to 6 p.m.

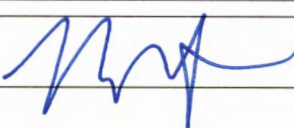
City Manager's approval:



☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:



☒ Yes ☐ No ☐ N/A

PLANNING AND ZONING COMMISSION

June 26, 2024

Public hearing and take action to consider a request to issue a Special Use Permit (SUP) to allow an adult business (smoke shop) in a General Retail (“GR”) District located 218 W. Tyler Avenue, bearing a legal description of Lots 14-15, Block 82, Harlingen Original Townsite Subdivision. Applicant: David Maya

City Planner, Soledad Núñez, presented the requested SUP before the Board, as follows:

- Ms. Núñez began with an aerial view with the subject property outlined in red. She stated that applicant David Maya is requesting a Special Use Permit to allow a smoke shop under the name of Healing Sensations Smoke Shop out of an existing suite located at 218 W Tyler Ave.
- Ms. Núñez described the proposed suite to be approximately six hundred (600) square feet based on the site plan and information provided by the applicant. She reported that he is planning to operate the business Monday through Saturday, 11:00 a.m. to 9:00 p.m., and Sundays, 12:00 p.m. to 6:00 p.m. She said the merchandise will consist of cigarettes, cigars, E cigarettes, vapes, pipes, hookahs, bongs and vape cartridges.
- Ms. Núñez explained that two (2) parking spaces are required and provided in the common parking area located behind the building.
- Ms. Núñez presented the site plan provided by the applicant and proceeded to describe that the surrounding properties are zoned General Retail to the north, southeast, and west. She said that surrounding land uses consist of the Iron Core gym, Firestone, some rental properties right next door, a vacant lot on the other side, corner office buildings, the bakery Las Reyna on the corner and right across the street, is what used to be the old Pit Stop BBQ which is currently vacant. She said that right next to him in Suite B is Queen of the South Nail Studio.
- Ms. Núñez reported that the City of Harlingen Building Inspections and Fire Prevention Bureau did review the special use permit request and that both approved the request contingent upon the applicant getting all his proper permits with the state and with the city.
- Ms. Núñez presented the floor plan that was submitted by the applicant.
- She proceeded to present Street Views of the property. In the view from West Tyler Ave., she pointed out the suite that he is occupying. In the view from Southwest St., she identified the parking spaces in the back. Chairman Consiglio asked if those were paved. Ms. Núñez responded saying they were.
- Ms. Núñez continued by reiterating that the applicant has to obtain all of his permits with the city and state to be able to operate.
- Ms. Núñez stated that to the present, Staff had not received any phone calls in opposition or in inquiry. She stated that 12 notices were mailed to surrounding property owners.
- Ms. Núñez explained that as with other special use permits, if the Planning and Zoning Commission wants to, they can add more conditions.
- Ms. Núñez stated that Staff is recommending approval of the Special Use Permit request, subject to -
 - maintaining and obtaining all proper state and city permits,
 - maintaining the proper required parking spaces,

- complying with all the requirements from Planning and Zoning, Building Inspections, Fire Prevention, Health and Police,
- providing minimum 30-day retention surveillance, and
- keeping to his hours of operation, are from 11:00 a.m. to 9:00 p.m., Monday through Saturday and Sundays, 12:00 p.m. to 6:00 p.m.

Chairman Consiglio thanked Ms. Núñez and indicated he had a question. He referred to the application and noted that some of the listed items were crossed out. Ms. Núñez said they were but said she wasn't sure why. Ms. Núñez informed the Board that the applicant was present and that he could maybe shed more light on that. The Chairman acknowledged the response and said that might be a question for the applicant.

The Chairman asked if there were any question for Staff. Upon hearing none, he proceeded to open the Public Hearing. He asked if anyone would like to speak on this item, asking them to please approach the podium. Upon seeing and hearing no one, the Public Hearing was closed.

Chairman Consiglio asked if there were any questions for the applicant or if there was a motion. Cmr. Perez made the motion to approve. Cmr. Clinton-Solis seconded the motion. The Chrm. asked if there was the need for any further discussion and upon hearing none moved the motion to a vote. The motion passed unanimously.

AGENDA ITEM EXECUTIVE SUMMARY

Meeting Date: **July 3, 2024**

Agenda Item:

Public Hearing for the voluntary annexation of a 7.9-acre tract of land out of Lot 16, Cunningham's Subdivision, located along the south side of Primera Road approximately 1,100 feet west of 1-69E (US Expressway 77). Applicant: Harlingen EDC. Attachment **(Planning & Development)**

Prepared By: Xavier Cervantes, AICP, CPM
Title: Planning and Development Director

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- June 15, 2024 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- June 26, 2024 – Public hearing to recommend the annexation by the Planning and Zoning Commission.
- July 3, 2024 – Public hearing and consideration of annexation by the City Commission via First Ordinance Reading.
- July 17, 2024 – Public hearing and consideration of annexation ordinance by the City Commission via Second and final reading.

Summary

- The property owner has requested the voluntary annexation of 7.9 acres of land **(Attachment I)**. The property has frontage along Primera Road and is contiguous to the city limits via the south side that was annexed to the city limits in the year 1978 **(Attachment V)**. The property to the east was annexed to the city limits in the year 2006.
- The property owner is proposing an industrial development at the site and finds it beneficial for the property to be within city limits. If successful, with the rezoning the developer plans to subdivide the property into multiple lots.
- Water and sewer for this subdivision will be provided by the city of Primera. The costs to connect the property to the city water and sanitary sewer system will be at the developer's expense.
- The developer will be processing an industrial rezoning of the property soon after the annexation process is completed. During the rezoning process legal notices will be mailed to all property owners within 200 feet of the subject property. The legal notices will be mailed to the property owners within the city limits only.
- The subject annexation will require three public hearings and two readings of the ordinance. The above timeline delineates the annexation process.

Funding (if applicable):

Are funds specifically designated in the current budget for the full ☐ Yes ☐ No*

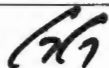
*If no, specify source of funding and amount requested:

Finance Director's approval: ☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval.

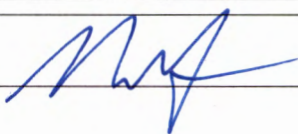
City Manager's approval:



☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:



☒ Yes ☐ No ☐ N/A

PLANNING AND ZONING COMMISSION

June 26, 2024

Public hearing and take action to consider a request for the voluntary annexation of a 7.9-acre tract of land out of Lot 16, Cunningham's Subdivision, located on the south side of Primera Road, approximately 1,100 feet west of I-69E (U.S. Expressway 77). Applicant: City of Harlingen

Director Xavier Cervantes presented the proposed ordinance before the Board.

- Mr. Cervantes stated that the City does not get voluntary annexation requests very often and that when we do, we welcome them with open arms.
- Mr. Cervantes presented an aerial view of the subject property. He said it belongs to the Harlingen EDC and is located on the south side of Primera Road, about one thousand (1,000) feet west of Expressway 77.
- Mr. Cervantes referred to an aerial view with the zoning map. He said it is Industrial Zoning to the south.
- Mr. Cervantes referred to the Annexation Services Agreement with the EDC property owner. He referred to the annexation history map and explained that the subject property is part of other properties the EDC owns and that they are in the process of developing an industrial subdivision. He said it is a part of a bigger property but his property is outside the city limits.
- He further explained that there is going to be a main entrance off the expressway and other entrances off the side roads.
- Mr. Cervantes identified that the EDC Director was present and could elaborate on the subdivision for the whole property.

Chairman Consiglio acknowledged the end of the presentation. He asked if the subject property was currently in the county or the city. Mr. Cervantes said it was in the county but within out ETJ and explained it can be annexed.

Chairman Consiglio asked if there were any questions for Staff. Cmr. Flores asked if there were any utilities in the area for this particular project. Mr. Cervantes stated there is proposed water and sewer lines for this portion of the subdivision. He said this property is in the Primera service area for water and sewer but that the engineers for the EDC are working around that. Cmr. Flores said he assumed there will be fire hydrants and everything. Mr. Cervantes said yes. He said that with the subdivision process, they have to comply with water, sewer, drainage and fire protection requirements and that they were in the middle of doing that right now.

Chairman Consiglio identified that there was a Public Hearing for this item and proceeded to open the Public Hearing. He asked if anyone would like to speak on this item. Upon seeing and hearing no one, the Public Hearing was closed.

Chairman Consiglio reiterated that the CEO of the EDC was present and asked if there were any questions for him on this project or asked is there was a motion for approval. Cmr. Sanchez made the motion to approve. Cmr. Cruz-Velázquez seconded the motion. Chairman Consiglio asked if there

was any discussion and upon hearing none moved the motion to a vote. The motion passed unanimously.

10a

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **July 3, 2024**

Agenda Item:

Consideration and possible action to adopt an ordinance on first reading for a Special Use Permit ("SUP") to allow an adult business (smoke shop) in a General Retail ("GR") District located at 218 W. Tyler Avenue, Suite A, bearing a legal description of Lots 14-15, Block 82, Harlingen Original Townsite Subdivision. Applicant: David Maya. Attachment (**Planning & Development**)

Prepared By: Xavier Cervantes, AICP, CPM
Title: Planning and Development Director

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- June 7, 2024 – Application for Special Use Permit ("SUP") submitted to the city. (**ATTACHMENT I**)
- June 15, 2024 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- June 15, 2024 – In accordance with State and local law, notice of required public hearings mailed to all property owners within 200 feet of subject tract.
- June 26, 2024 - Public hearing and consideration of requested Special use permit by the Planning and Zoning Commission (P&Z).
- July 3, 2024 – Public hearing and consideration of requested SUP via 1st ordinance reading scheduled before the City Commission.
- July 19, 2024 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- Per the Code of Ordinances, an "adult business" (smoke shop) use in a "GR" District requires the approval of a Special Use Permit (SUP) by the City Commission.
- David Maya, the applicant, is requesting a special use permit to allow a smoke shop under the name of "Healing Sensations Smoke Shop" out of an existing suite located at 218 W. Tyler Avenue. The proposed suite is approximately 600 square feet. (**ATTACHMENT II AND III**).
- Based on the site plan and information submitted by the applicant, the applicant is proposing to operate Monday through Saturday from 11am to 9pm and Sundays from 12pm to 6pm. The merchandise will consist of cigarettes, cigars, e-cigarettes, pipes, hookahs, bongs, and vape cartridges. Two parking spaces are required and provided in the common parking area (**ATTACHMENT II – IV**).
- Surrounding properties are zoned General Retail ("GR") District to the north, south, east, and west. Surrounding land uses consist of Firestone Complete Auto Care to the north, a vacant lot to the east, Queen of the South Nail Studio to the

west, and a vacant restaurant to the south. (ATTACHMENTS V-VII).

- The City of Harlingen Building Inspections, Fire Prevention, and Police Departments reviewed the SUP application. The departments reported no objection to the proposed request subject to adhering to the Harlingen Code of Ordinances and procedures administered by each department (ATTACHMENTS VIII-XI).
- The applicant must obtain and maintain the proper State permits.
- At present, the Planning and Zoning Department has not received any objections to the request from the surrounding property owners. Staff mailed out twelve notices to surrounding property owners.
- In accordance with the zoning ordinance, the P&Z and City Commission may impose requirements and conditions of approval as are needed to ensure that a use requested by a SUP is compatible and complementary to adjacent properties.

Funding (if applicable):

Are funds specifically designated in the current budget for the full ☐ Yes ☐ No*

*If no, specify source of funding and amount requested:

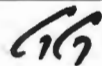
Finance Director's approval: ☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval of the request subject to compliance with the following conditions:

1. Must obtain and maintain the proper State and City permits;
2. Must maintain the required parking in accordance with city regulations;
3. Complying with the requirements administered by the Planning and Zoning, Building Inspections, Fire Prevention, Health and Police Departments
4. Providing video surveillance with a minimum 30-day retention; and,
5. Hours of operation for the smoke shop will be Monday through Saturday from 11 a.m. to 9 p.m. and Sundays from 12 p.m. to 6 p.m.

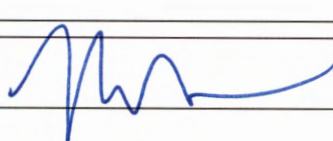
City Manager's approval:



☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:



☒ Yes ☐ No ☐ N/A

Attachment I- Application

CITY OF HARLINGEN PLANNING AND DEVELOPMENT DEPARTMENT MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 218 W. Tyler St Nearest Intersection Tyler + Commerce
(Proposed) Subdivision Name _____ Lot _____ Block _____
Existing Zoning Designation _____ Future Land Use Plan Designation _____

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent David Mays Phone 956-873-7833 FAX _____
Email Address (for project correspondence only): david.mays1052@gmail.com
Mailing Address 721 Sendero E City Harlingen State TX Zip _____
Property Owner Benita Valdez Phone 245-8040 FAX _____
Email Address (for project correspondence only): _____
Mailing Address 1922 Knox Ave City Harlingen State TX Zip 78550

Select appropriate process for which approval is sought. Attach completed checklists with this application.

- | | |
|--|---|
| ☐ Annexation Request..... <u>No Fee</u> | ☐ Preliminary Construction Plans and Final Plat..... <u>\$150.00</u> |
| ☐ Administrative Appeal (ZBA)..... <u>\$125.00</u> | ☐ Minor Plat..... <u>\$100.00</u> |
| ☐ Comp. Plan Amendment Request..... <u>\$250.00</u> | ☐ Re-Plat..... <u>\$250.00</u> |
| ☐ Re-zoning Request..... <u>\$250.00</u> | ☐ Vacating Plat..... <u>\$250.00</u> |
| ☒ SUP Request/Renewal..... <u>\$250.00</u> | ☐ Development Plat..... <u>\$50.00</u> |
| ☐ Zoning Variance Request (ZBA)..... <u>\$250.00</u> | ☐ Subdivision Variance Request..... <u>\$25.00 (each)</u> |
| ☐ PDD Request..... <u>\$250.00</u> | ☐ Right-of-Way / Utility Easement Abandonment..... <u>No Fee</u> |
| ☐ License to Encroach..... <u>\$250.00</u> | |

Please provide a basic description of the proposed project: Establish a retail shop to sell smoking and vaping products and for the consumption of smoking related products. These products include but are not limited to cigarettes, cigars, e-cigarettes, pipes, hookahs, bong, tobacco, vape cartridges and

I hereby certify that I am the owner and/or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit or approval may be revoked.

Applicant's Signature: [Signature] Date: 5-29-24

Property Owner(s) Signature: [Signature] Date: 5-29-24

Accepted by: _____ Date: _____

**PLANNED DEVELOPMENT DISTRICT (PDD) REQUEST
SPECIFIC USE PERMIT (SUP) REQUEST
SUBMITTAL CHECKLIST**

Please submit the following items along with the completed master application and appropriate fees. The project cannot be scheduled for consideration unless all items are marked complete. Citations come from the Zoning Ordinance.

Complete

One (1) copy of a comprehensive site plan showing the proposed development of the property. The site plan shall consist of the following items, as applicable:

- o Existing/proposed building footprints and building heights (or buildable areas for single and two-family residential); and
- o Locations of proposed uses; and
- o Ingress and egress to/from property;
- o Existing/proposed streets in compliance with the City of Harlingen Long Range Thoroughfare Plan; and
- o Existing/proposed sidewalks; and
- o Existing/proposed utilities; and
- o Existing/proposed drainage; and
- o Existing/proposed parking spaces.

A written statement describing the proposed use(s) of the subject property.

Any other information (elevation drawings, pictures, etc.) in support of the subject request.

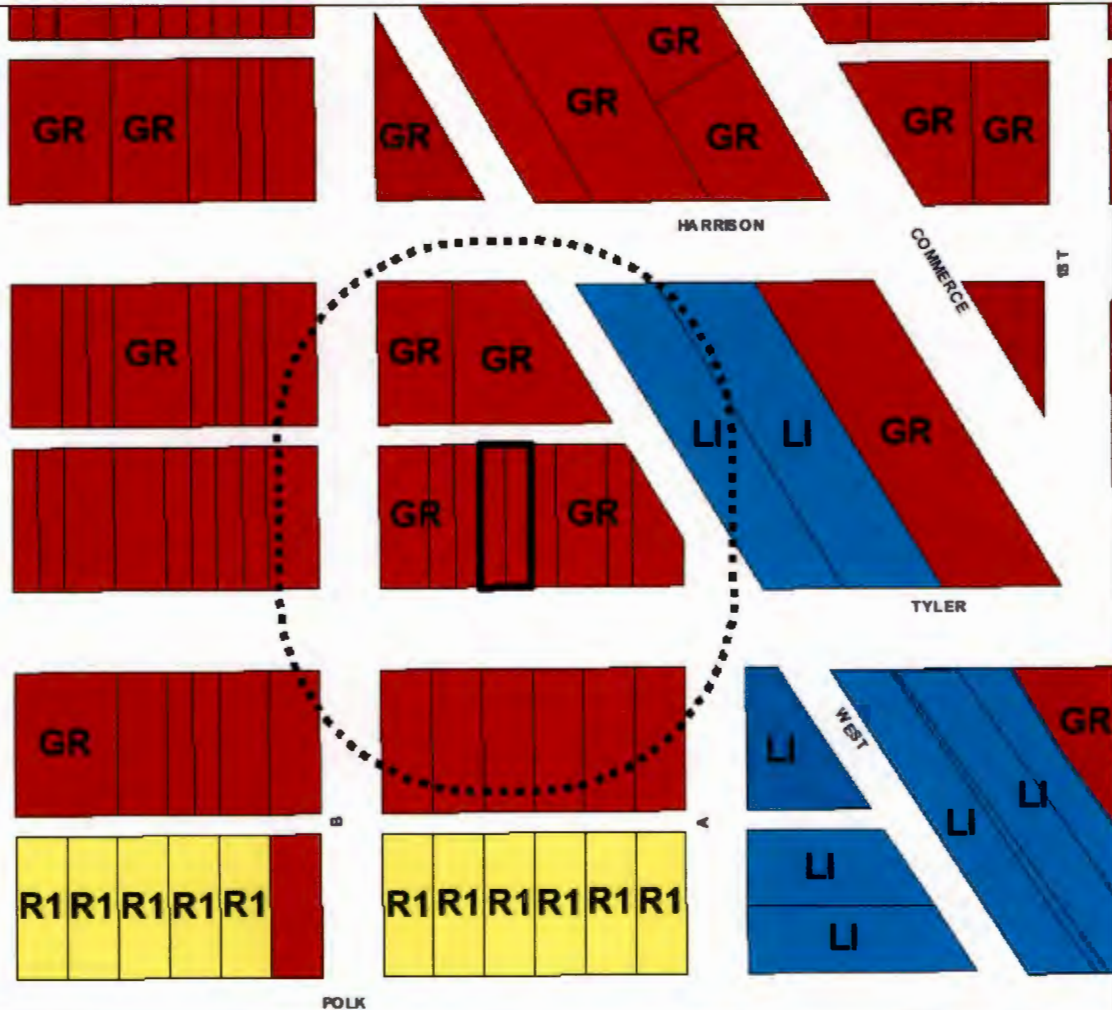
- I understand that I am requesting an amendment to the City's Zoning Ordinance and it will not be scheduled for Planning and Zoning Commission review unless all items on this list are completed.
- I understand that in accordance State law and the Zoning Ordinance, no later than ten (10) days prior to consideration by the Planning and Zoning Commission:
 - o A notice will be published in the Valley Morning Star describing the request and the date, time, and location of the public hearing; and
 - o Notices will be mailed to all property owners within 200 feet of the tract describing the request and the date, time, and location of the public hearing.
- I understand that while all requirements for the submittal of a PDD or SUP request may be complete, the City Commission is the sole authority for the consideration and approval or denial of the request.
- I understand that the purpose of a PDD or SUP is to allow for development not otherwise authorized in the Zoning Ordinance. Hence, the Planning and Zoning Commission and/or City Commission may impose development standard: important to the health, safety, welfare, and protection of the proposed development and the adjacent property and its occupants.

Owner: Benito Valdez Date 5-29-24
Owner Address: _____
Phone/Fax: _____
Signature: Benito Valdez

Attachment II



Request for a Special Use Permit ("SUP") to allow an adult business (smokeshop) in a General Retail ("GR") District located at 218 W. Tyler Avenue, bearing a legal description of Lots 14-15, Block 82 Harlingen Original Townsite Subdivision. Applicant: David Maya



Boundary lines

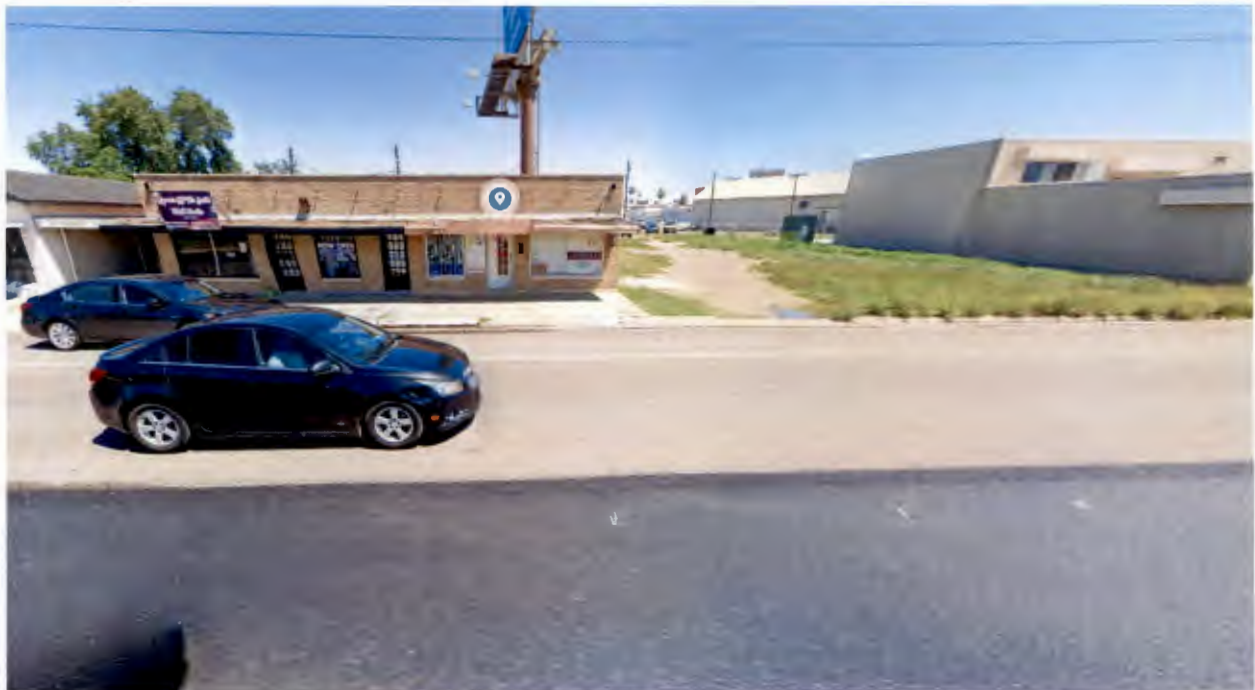
- Harlingen city limits.shp
- 200' Notification Boundary
- Subject Property

Zoning Designations

- | | | |
|---|---|--|
| General Retail (GR) | Multi Family Residential (M2) | Office (O) |
| Heavy Industry (HI) | Mobile Home Residential (MH) | Planned Development (PD) |
| Light Industry (LI) | Not-Designated (N) | Single Family Residential (R1) |
| 3/4 Plex Residential (M1) | Neighborhood Services (NS) | Duplex Residential (R2) |
| | | Residential Patio Home (RPH) |

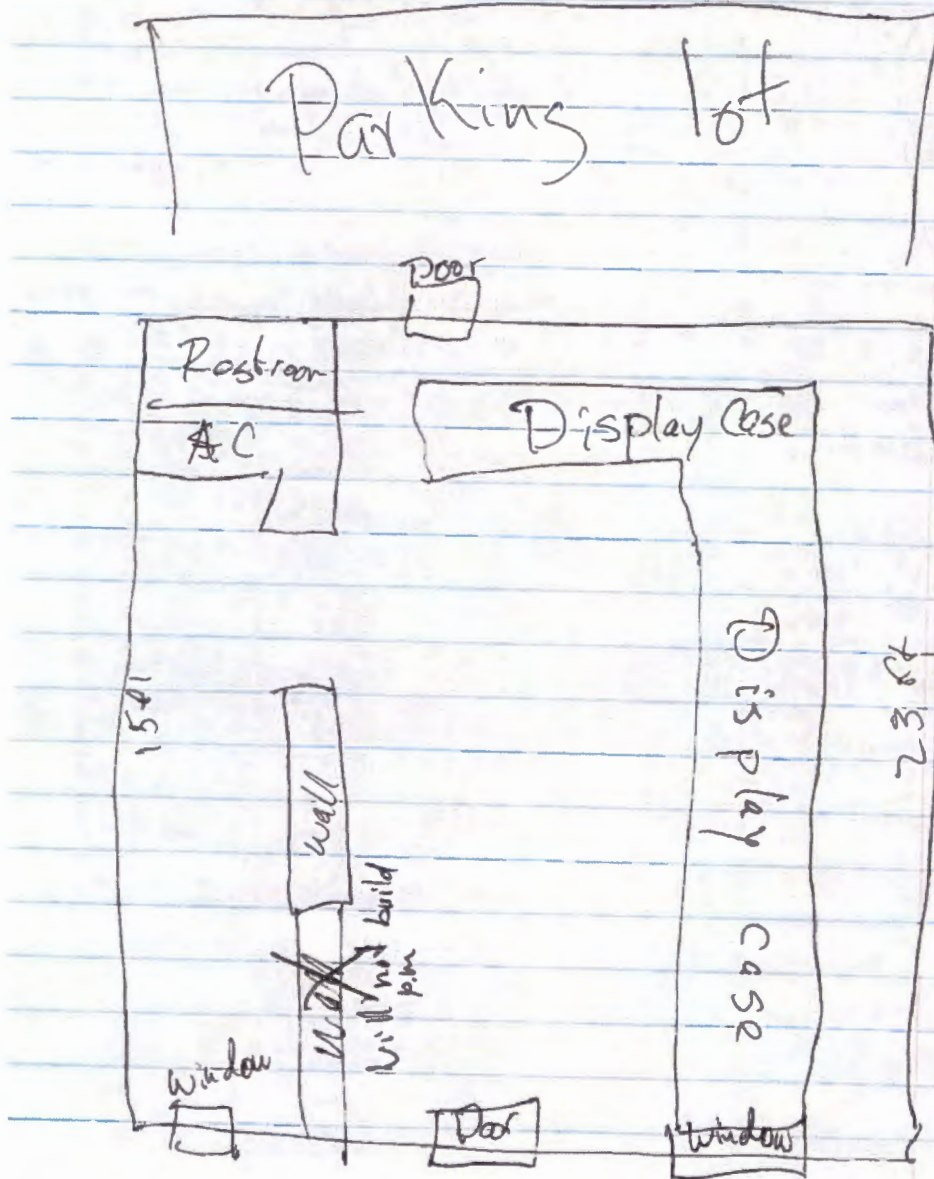
This map has been produced by the City of Harlingen for the sole purpose of locating jurisdictional boundaries and is not intended for any other. The map data is compiled from various sources including orthophoto imagery, engineer plans and plats, survey field notes, and other sources. This map is intended for graphic representation only. No warranty is made by the City regarding its accuracy or completeness. Before relying on any information on the map, check with the Planning Department. Date of map 06.10.2024

Attachment III – Aerial & Street View



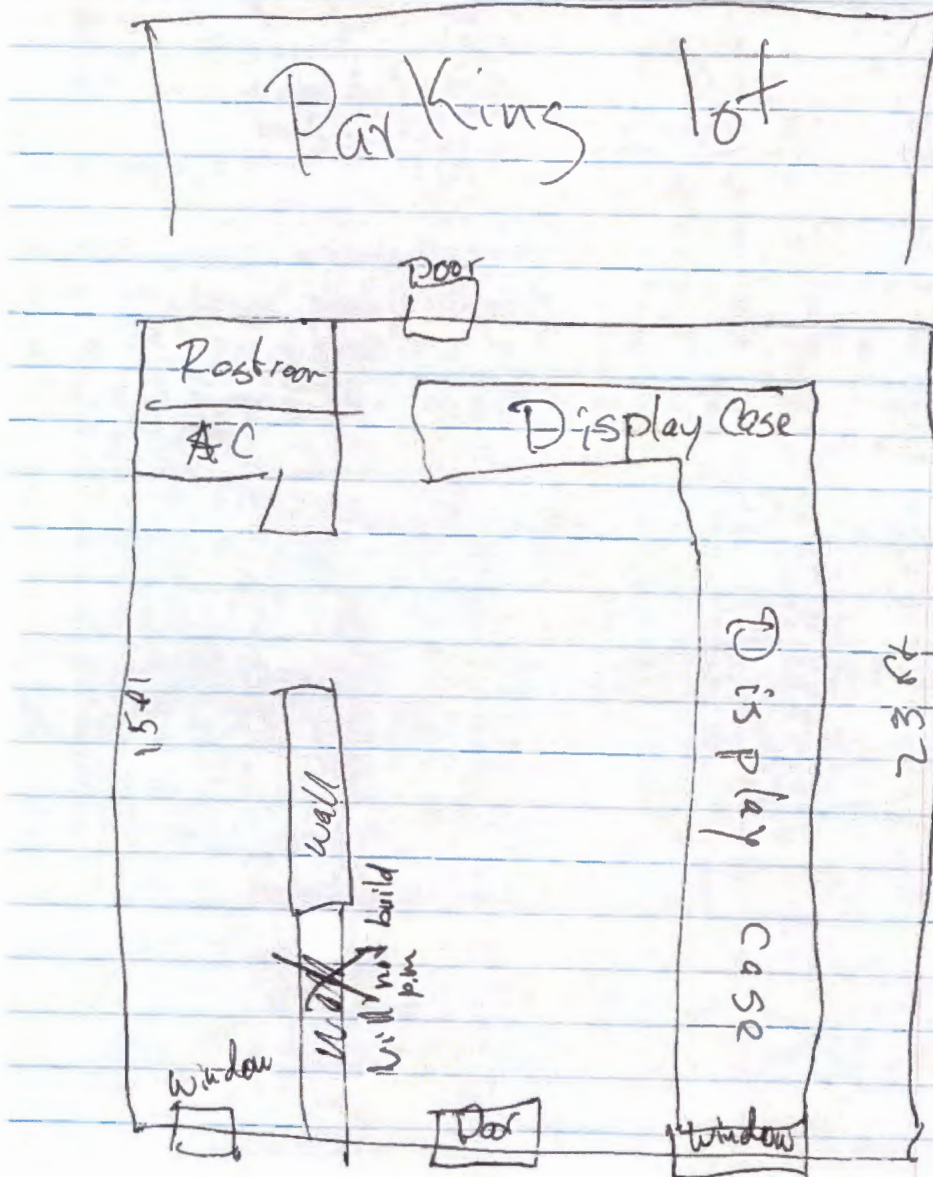
Attachment IV – Site Plan

After



Attachment IV – Floor Plan

After



Attachment V – Parking Lot



Attachment V- Fire Prevention



Specific Use Permit ("SUP") Routing Slip

Applicant: David Maya

Phone No.: (956) 873-7833

Location: 218 W Tyler Avenue

Project Description: Request for a Special Use Permit (SUP) to allow an adult business (smoke shop) in a General Retail ("GR") District located at 218 W Tyler Avenue, bearing a legal description of Lots 14 – 15, Block 82, Harlingen Original Townsite Subdivision.

Department: Fire Prevention Bureau

Approval: X YES NO

Comments: **Applicant will have to meet any code, regulation, ordinance, and standard required for the construction permit.**

Fire Marshal Juan Saucedo Jr.

Juan Saucedo Jr.

Date: June 12, 2024

Attachment VI – Building Inspections



Specific Use Permit ("SUP") Routing Slip

Applicant: David Maya

Phone No.: (956) 873-7833

Location: 218 W. Tyler Avenue

Project Description: Request for a Special Use Permit (SUP) to allow an adult business (smoke shop) in a General Retail ("GR") District located at 218 W. Tyler Avenue, bearing a legal description of Lots 14-15, Block 82, Harlingen Original Townsite Subdivision.

Department: _____

Approval: X YES NO

Comments:

A Building Permit application and complete set of plans must be submitted to the building department office for the proposed Retail Use (Sell of Product Only). To comply with the 2018 International Building Code and Family of Codes. Mechanical Ventilation shall be provided on smoke areas as per 2018 International Mechanical Code. Please provide exhaust fan specifications as part of mechanical engineer plans (If Applicable)

A handwritten signature in blue ink, appearing to read 'David Maya', is written over a horizontal line.

06/21/2024

Sol Nunez

From: James Padilla
Sent: Wednesday, June 19, 2024 2:02 PM
To: Sol Nunez; Soraida Martinez - HPD; Juan Martinez; Raul Rodriguez; Juan Saucedo Jr. - HFD
Cc: Mike Kester - HPD; Danny Villarreal - HPD; Hector Leal - HPD; Charles Fechner - HPD; Manuel Tovar - HPD; Raul Flores - HPD
Subject: RE: SUP Smoke Shop 218 W. Tyler Ave

Good afternoon Sol,

Due to the nature of this business, there will be no health requirements at this time. If the business decides to sell prepackaged foods or prepared foods from this location then they will need to apply for a health permit from our department. Thanks

From: Sol Nunez <soln@harlingentx.gov>
Sent: Wednesday, June 19, 2024 11:36 AM
To: Soraida Martinez - HPD <soraidam@harlingentx.gov>; Juan Martinez <juanm@harlingentx.gov>; Raul Rodriguez <raulr@harlingentx.gov>; Juan Saucedo Jr. - HFD <jsauceda@harlingentx.gov>; James Padilla <jpadilla@harlingentx.gov>
Cc: Mike Kester - HPD <mkester@harlingentx.gov>; Danny Villarreal - HPD <dvillarreal@harlingentx.gov>; Hector Leal - HPD <hleal@harlingentx.gov>; Charles Fechner - HPD <cfechner@harlingentx.gov>; Manuel Tovar - HPD <mtovar@harlingentx.gov>; Raul Flores - HPD <rflores@harlingentx.gov>
Subject: RE: SUP Smoke Shop 218 W. Tyler Ave

Thank you.

Sincerely,

Soledad A. Nunez

City Planner
Planning & Development
502 E. Tyler Avenue
O: 956-216-5101
D: 956-216-5267
sol@harlingentx.gov



From: Soraida Martinez - HPD <soraidam@harlingentx.gov>
Sent: Wednesday, June 19, 2024 11:27 AM

Attachment VIII – Harlingen Police Department



Specific Use Permit ("SUP") Routing Slip

Applicant: David Maya

Phone No.: (956) 873-7833

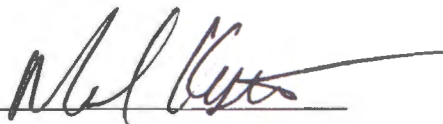
Location: 218 W. Tyler Avenue

Project Description: Request for a Special Use Permit (SUP) to allow an adult business (smoke shop) in a General Retail ("GR") District located at 218 W. Tyler Avenue, bearing a legal description of Lots 14-15, Block 82, Harlingen Original Townsite Subdivision.

Department: _____

Approval: ✓ YES NO

Comments:


Signature

6-19-24
Date

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: TO ISSUE A SPECIAL USE PERMIT (SUP) TO DAVID MAYA TO ALLOW AN ADULT BUSINESS (SMOKE SHOP) IN A GENERAL RETAIL ("GR") DISTRICT LOCATED AT 218 W. TYLER AVENUE, SUITE A, BEARING A LEGAL DESCRIPTION OF LOTS 14-15, BLOCK 82, HARLINGEN ORIGINAL TOWNSITE SUBDIVISION.

WHEREAS, the Planning and Zoning Commission of the City of Harlingen pursuant to Harlingen's Zoning Ordinance procedure, has recommended a change in the zoning classification for certain described real property in the City of Harlingen; and it is deemed to be in the best interest of the City of Harlingen in accordance with said recommendation of the Planning and Zoning Commission of the City, being the recommendation as hereinafter set forth; and public notice of such proposed rezoning having been fully made and complied with as required by said Zoning Ordinance and applicable laws of the State of Texas; and the City Commission of the City of Harlingen having held public hearings with reference thereto, being duly and thoroughly heard; and after consideration of the evidence presented, said City Commission is of the opinion that it is in the best interest of the City of Harlingen that said Code of Ordinances be amended as indicated, now, therefore,

BE IT ORDAINED BY THE CITY OF HARLINGEN

That the Code of Ordinances of the City of Harlingen (Ordinance 16-8) be and the same is herewith amended by the following described property being changed for permissive zone use as indicated in Exhibit "A":

Special Use Permit ("SUP") issued to David Maya to allow an adult business (smoke shop) in a General Retail ("GR") District located at 218 W. Tyler Avenue, Suite A, bearing a legal description of Lots 14-15, Block 82, Harlingen Original Townsite Subdivision.

A copy of the Zoning Map constituting a part and parcel of the Code of Ordinances, as filed with the Chief Building Official and for the joint use and information of the Planning and Zoning Commission shall, upon final enactment hereof, be and the same is herewith amended and revised to reflect that the above described property is zoned for land use purposes as above indicated by the boundaries thereof being outlined in pronounced heavy line markings and such heavy line marking boundary enclosure being indicated within the appropriate initials for that portion herewith zoned for particular land uses; with the Planning and Development Director being herewith instructed and authorized to document such Zoning Map changes and revisions.

The Special Use Permit is made contingent upon construction being complied in accordance with the site plan, a true and correct copy of which is attached hereto and incorporated herein by reference as Exhibit "A" and shall comply with the conditions as listed below:

1. Must obtain and maintain the proper State and City permits;
2. Must maintain the required parking in accordance with city regulations;
3. Complying with the requirements administered by the Planning and Zoning, Building Inspections, Fire Prevention, Health and Police Departments
4. Providing video surveillance with a minimum 30-day retention; and,
5. Hours of operation for the smoke shop will be Monday through Saturday from 11 a.m. to 9 p.m. and Sundays from 12 p.m. to 6 p.m.

The provisions of this ordinance shall become effective from and after the final and lawful passage hereof and publication of the caption hereof as provided for and required in the Code of Ordinances and applicable state statutes.

FINALLY ENACTED this ____ day of _____, 2024 at a regular meeting of the Elective Commission of the City of Harlingen, Texas at which a quorum was present, and which was held in accordance with TEXAS GOVERNMENT CODE, CHAPTER 551.

CITY OF HARLINGEN

Norma Sepulveda, Mayor

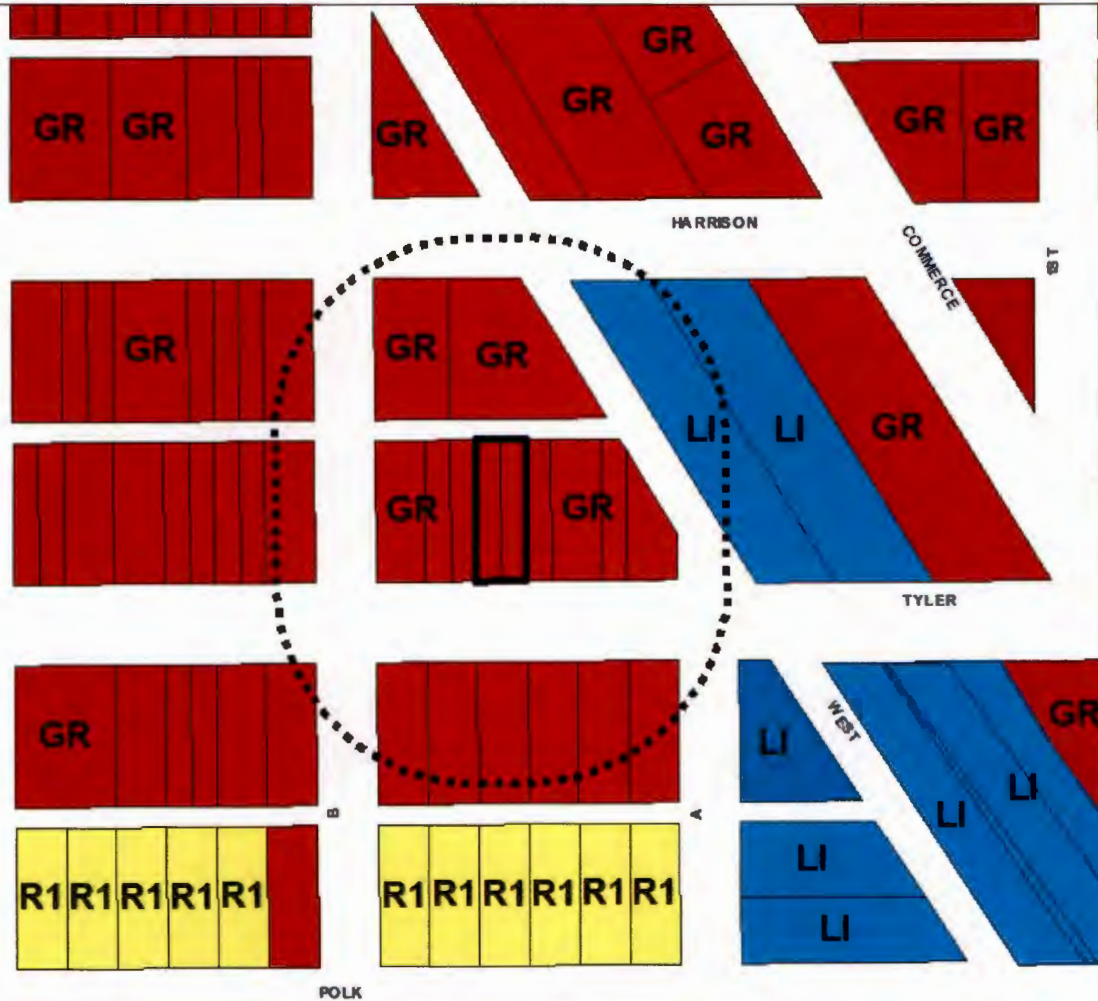
ATTEST:

Amanda C. Elizondo, City Secretary

Exhibit "A"



Request for a Special Use Permit ("SUP") to allow an adult business (smokeshop) in a General Retail ("GR") District located at 218 W. Tyler Avenue, bearing a legal description of Lots 14-15, Block 82 Harlingen Original Townsite Subdivision. Applicant: David Maya



Boundary lines

- Harlingen city limits.shp
- 200' Notification Boundary
- Subject Property

Zoning Designations

- | | | |
|---------------------------|-------------------------------|--------------------------------|
| General Retail (GR) | Multi Family Residential (M2) | Office (O) |
| Heavy Industry (HI) | Mobile Home Residential (MH) | Planned Development (PD) |
| Light Industry (LI) | Not-Designated (N) | Single Family Residential (R1) |
| 3/4 Plex Residential (M1) | Neighborhood Services (NS) | Duplex Residential (R2) |
| | | Residential Patio Home (RPH) |

This map has been produced by the City of Harlingen for the sole purpose of locating jurisdictional boundaries and is not intended for any other. The map data is compiled from various sources including orthophoto imagery, engineer plans and plats, survey field notes, and other sources. This map is intended for graphic representation only. No warranty is made by the City regarding its accuracy or completeness. Before relying on any information on the map, check with the Planning Department. Date of map 06.10.2024

106

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **July 3, 2024**

Agenda Item:

Conduct a public hearing and consideration and possible action to adopt an ordinance on first reading for the voluntary annexation of a 7.9-acre tract of land out of Lot 16, Cunningham's Subdivision, located along the south side of Primera Road approximately 1,100 feet west of I-69E (US Expressway 77). Applicant: Harlingen EDC

Prepared By: Xavier Cervantes, AICP, CPM
Title: Planning and Development Director

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- June 15, 2024 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- June 26, 2024 – Public hearing to recommend the annexation by the Planning and Zoning Commission.
- July 3, 2024 – Public hearing and consideration of annexation by the City Commission via First Ordinance Reading.
- July 17, 2024 – Public hearing and consideration of annexation ordinance by the City Commission via Second and final reading.

Summary

- The property owner has requested the voluntary annexation of 7.9 acres of land (**Attachment I**). The property has frontage along Primera Road and is contiguous to the city limits via the south side that was annexed to the city limits in the year 1978 (**Attachment V**). The property to the east was annexed to the city limits in the year 2006.
- The property owner is proposing an industrial development at the site and finds it beneficial for the property to be within city limits. If successful, with the rezoning the developer plans to subdivide the property into multiple lots.
- Water and sewer for this subdivision will be provided by the city of Primera. The costs to connect the property to the city water and sanitary sewer system will be at the developer's expense.
- The developer will be processing an industrial rezoning of the property soon after the annexation process is completed. During the rezoning process legal notices will be mailed to all property owners within 200 feet of the subject property. The legal notices will be mailed to the property owners within the city limits only.
- The subject annexation will require three public hearings and two readings of the ordinance. The above timeline delineates the annexation process.

Funding (if applicable):

Are funds specifically designated in the current budget for the full ☐ Yes ☐ No*

*If no, specify source of funding and amount requested:

Finance Director's approval: ☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval.

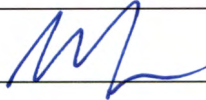
City Manager's approval:



☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:



☒ Yes ☐ No ☐ N/A



April 4, 2024

Mr. Xavier Cervantes
Director, Planning & Zoning
City of Harlingen
502 E. Tyler
Harlingen, Texas 78550

RE: Annexation Request for the Industrial Park at Roosevelt

Dear Mr. Cervantes,

The Development Corporation of Harlingen, Inc. (also known as the Harlingen Economic Development Corporation or HEDC) owns several property parcels comprising the Industrial Park at Roosevelt. One of the parcels of land, however, lies outside of the city limits of Harlingen. Through this letter we are formally requesting that this parcel owned by the HEDC known as 7.9 acres out of Lot 16 of Cunningham's Subdivision (Cameron County Appraisal District Property ID 202962) be annexed into the City of Harlingen.

The total acreage of this parcel is 7.9 gross acres. The annexation of this parcel will ensure that all the properties comprising the Industrial Park at Roosevelt lie within the city limits of Harlingen and are eligible for city services.

Please let me know if you need any additional information or if you have any questions. Thank you in advance for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Orlando Campos', written over a light blue rectangular background.

Orlando Campos
CEO

Attachment II- Property Survey

SURVEYOR CERTIFICATE
 I, JOSE D. MEDINA, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS BOUNDARY SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE MINIMUM STANDARDS OF PRACTICE PROMULGATED BY THE TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

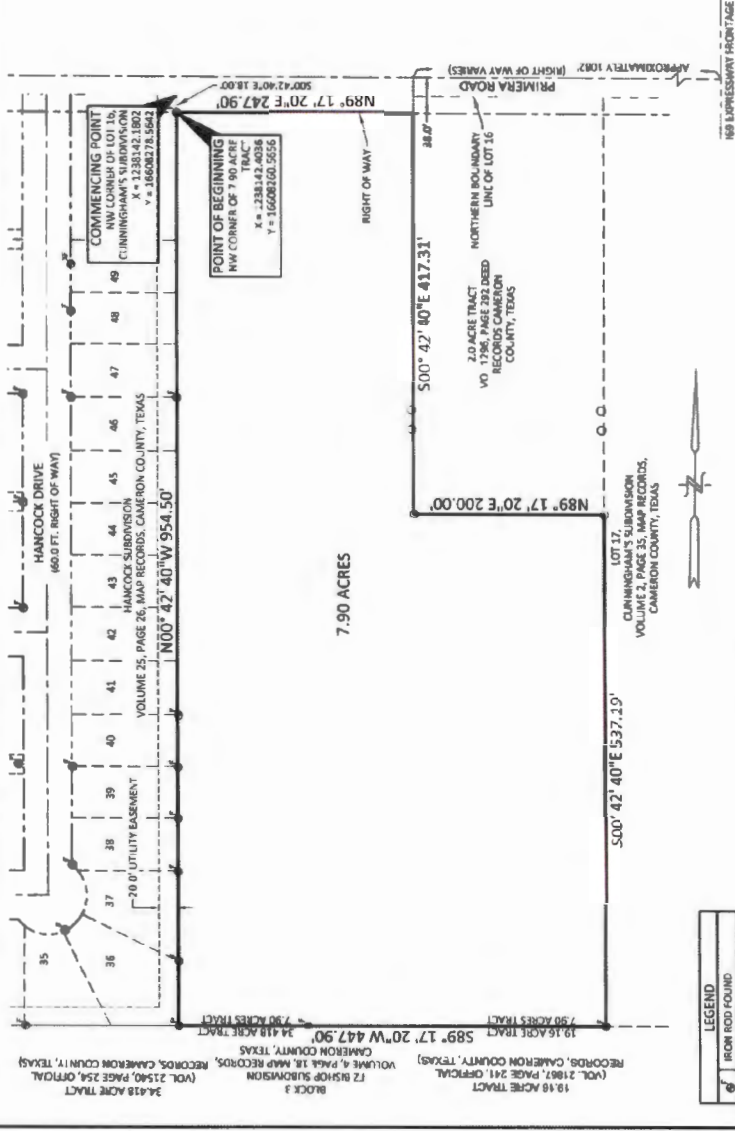


JOSE D. MEDINA, R.P.L.S.
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5719
 DATE 12 June 2024

BOUNDARY SURVEY OF:

7.90 ACRES OF LAND RECORDED AS A 7.899 ACRE TRACT OUT OF LOT SIXTEEN (16), CUNNINGHAM'S SUBDIVISION RECORDED IN VOLUME 2, PAGE 35, MAP RECORDS, CAMERON COUNTY, TEXAS, CONVEYED TO DEVELOPMENT CORPORATION OF HANLINGEN, INC. RECORDED IN VOLUME 21838, PAGE 165, OFFICIAL RECORDS, CAMERON COUNTY, TEXAS

FERRIS, FLINN & MEDINA, LLC ENGINEERS SURVEYORS 1402 N. DART PLACE ROAD FARMERSVILLE, TEXAS 75844-1142 Phone: 409.344.2200 Fax: 409.344.2201	
DATE: 12 June 2024	BY: JDM
CHECKED BY: JDM	
LATITUDE: 29° 17' 27" N	
LONGITUDE: 97° 47' 37" W	
Scale: 1" = 100'	



GENERAL NOTES

1. BASIS OF BEARINGS AS PER THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD 83, BY THE ENGINEER'S SURVEY, CAMERON COUNTY, TEXAS.
2. ADDRESS: NO ADDRESS
3. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE INSURANCE.
4. METES AND BOUNDS DESCRIPTION ACCOMPANIES THIS PLAT

FLOOD ZONE
 BY GRADING PLATTING ONLY. THE PROPERTY LIES IN ZONE "X". PER THE NATIONAL FLOOD INSURANCE PROGRAM OF COMMUNITY NO. 40661, PANEL NO. 0255, SUFFIX "A", REVISED FEBRUARY 16, 2018.

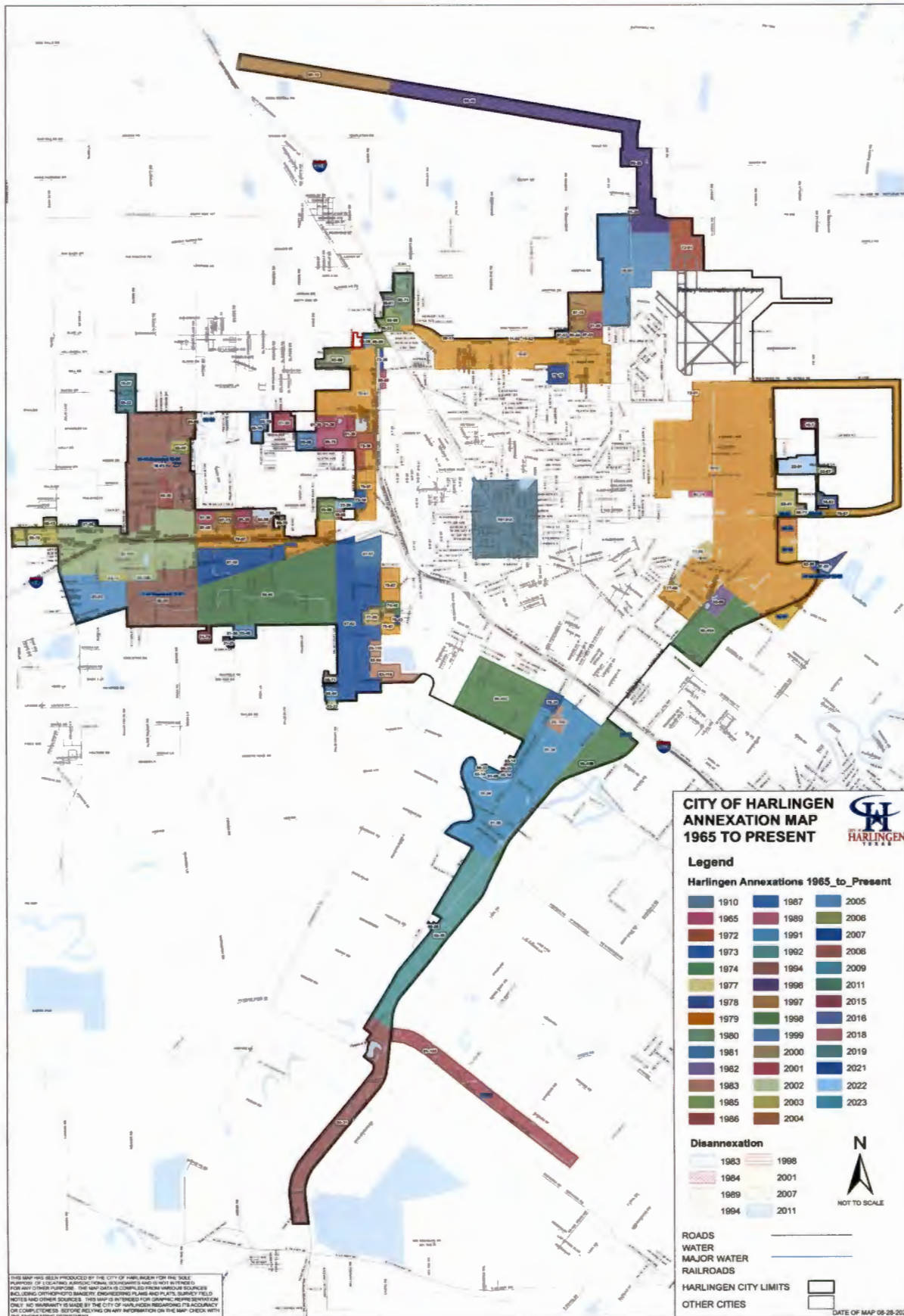
Attachment III- Aerial Photo



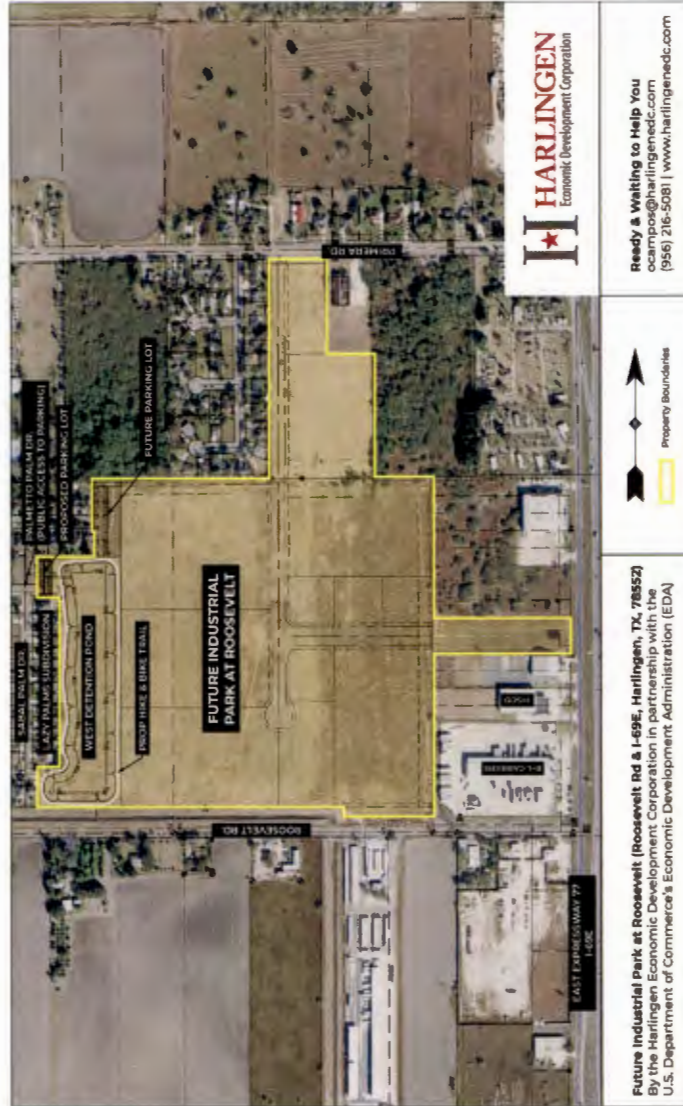
Attachment IV- Zoning Map



Attachment V- Annexation History Map



Attachment VI- Proposed Subdivision Layout



ORDINANCE NO. 24-_____

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF HARLINGEN BY ANNEXING, FOR FULL PURPOSE A 7.9 ACRE TRACT OF LAND OUT OF LOT 16, CUNNINGHAM'S SUBDIVISION, LOCATED ALONG THE SOUTH SIDE OF PRIMERA ROAD APPROXIMATELY 1,100 FEET WEST OF I-69E (U.S. EXPRESSWAY 77); BINDING THE LAND TO ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF THE CITY; APPROVING AN ANNEXATION SERVICES AGREEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Harlingen, Texas (the "City") desires to annex approximately 7.9 acres of land situated on the south side of Primera Road approximately 1,100 feet west of I-69E (U.S. Expressway 77), more particularly described and depicted in Exhibit "A", with the exhibit being attached hereto and incorporated herein by reference (collectively, the "Property"); and

WHEREAS, pursuant to Chapter 43, Section 43.003, of the Texas Local Government Code, a home-rule municipality may extend the boundaries of the municipality and annex area adjacent to the municipality which are contained in the municipality's extra-territorial jurisdiction (ETJ); and

WHEREAS, Chapter 43, Subchapter C-3 of the Texas Local Government Code authorizes municipalities to annex an area on the request of all property owners in an area, whereby the City has received a petition for annexation by the property owner for the tract of land described as depicted in Exhibit "B"; and

WHEREAS, in accordance with Texas Local Government Code, Chapter 43, Subchapter C-3, Section 43.0672, the City has negotiated and entered into a written agreement dated April 4, 2024, with the owner of the Property regarding the provision of

services to the Property upon annexation, of which the applicable annexation services agreement and schedule is attached hereto and incorporated herein as Exhibit "C," and

WHEREAS, the City Commission provided public notice and held public hearings on June 26, July 3 and July 17, 2024, for all interested persons to attend and be heard in accordance with Texas Local Government Code, Chapter 43, Subchapter C-3, § 43.0673; and

WHEREAS, at such hearings all interested persons were heard concerning the advisability of annexing such tracts of land; and

WHEREAS, the City Commission of the City of Harlingen, finds that the inclusion of such additional area will be of benefit to the City of Harlingen; now therefore

BE IT ORDAINED BY THE CITY OF HARLINGEN:

- Section 1.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Commission and made a part hereof for all purposes as findings of fact.
- Section 2.** The Property, lying outside of, but adjacent to and adjoining the City and located within the City's ETJ, is hereby annexed into the City, and the boundaries of the City are extended to include the Property within the corporate limits of the City. From and after the date of this ordinance, the Property shall be entitled to all the rights and privileges of the City and shall be bound by all the acts, ordinances, resolutions, and regulations of the City.
- Section 3.** The City finds annexation of the Property to be in the public interest due the Property promoting economic growth of the City.
- Section 4.** The annexation services agreement attached as Exhibit "C" is approved, and municipal services shall be provided to the Property in accordance therewith.
- Section 5.** The City Manager is hereby authorized and directed to take appropriate action to have the official map of the City revised to reflect the addition to the City's Corporate Limits and the City Secretary is directed to file a certified copy of this Ordinance in the office of the County Clerk of Cameron County, Texas, and in the official records of the City.

Section 7. If for any reason any section, paragraph, subdivision, clause, phrase, word, or other provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance, for it is the definite intent of this Commission that every section, paragraph, subdivision, clause phrase, word, or provision hereof shall be given full force and effect for its purpose.

Section 8. This Ordinance will take effect upon its adoption by the City Commission in accordance with the provisions of Article V, Section 5 of the City Charter.

APPROVED ON FIRST READING on this ____ day of _____, 2024

APPROVED, PASSED, AND ADOPTED ON SECOND AND FINAL READING on this ____ day of _____, 2024

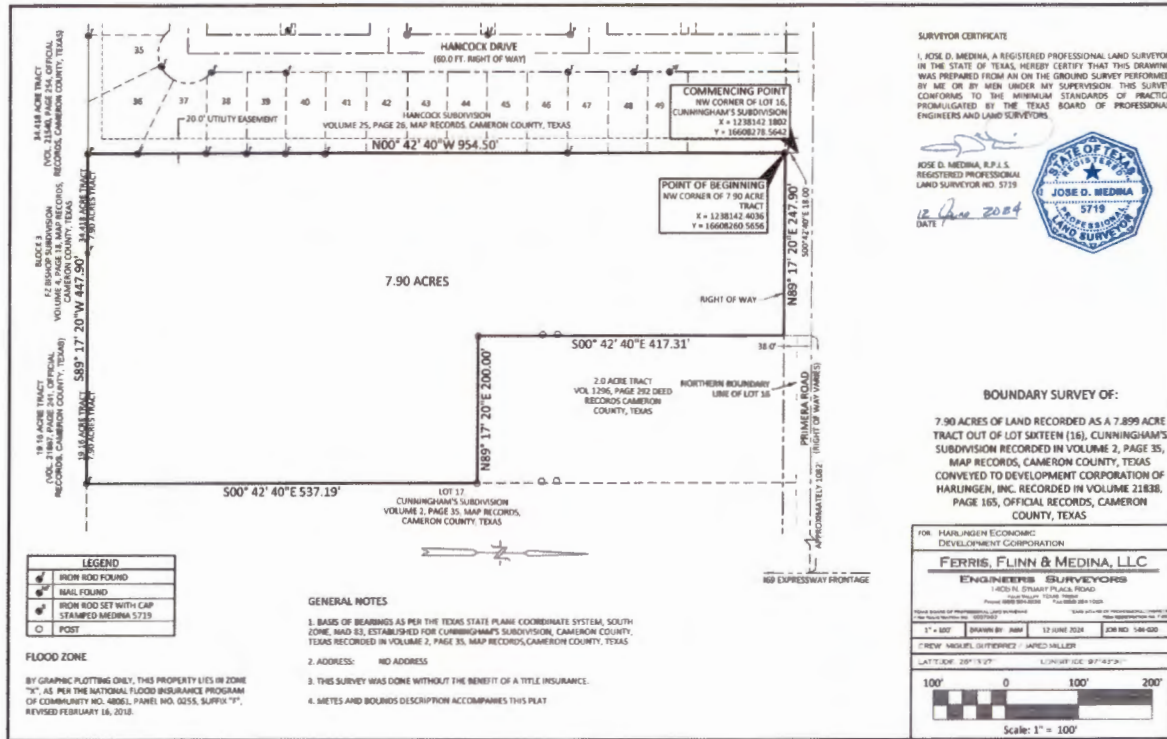
CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Amanda Elizondo, City Secretary

EXHIBIT "A"



FERRIS, FLINN & MEDINA, LLC

ENGINEERS SURVEYORS

METES AND BOUNDS
7.90 ACRES OF LAND

30 May 2024

Being 7.90 Acres of Land recorded as a 7.899 Acre Tract out of Lot Sixteen (16), Cunningham's Subdivision recorded in Volume 2, Page 35, Map Records, Cameron County, Texas conveyed to Development Corporation of Harlingen, Inc. recorded in Volume 21838, Page 165, Official Records, Cameron County, Texas, said 7.90 Acres of land being more particularly described by metes and bounds as follows:

COMMENCING at the Northwest corner of Lot 16, Cunningham's Subdivision and being the Northeast corner of Lot Fifteen (15), Cunningham's Subdivision (Having coordinate values $X = 1238142.1802$ $Y = 16606278.5642$ based on the Texas State Plane Coordinate System, South Zone, NAD83).

THENCE leaving the common corner of Lots 15 and 16, Cunningham's Subdivision, South 00 Deg. 42 Min. 40 Sec. East, a distance of 18.89 Feet to a point on the South Right of Way of Primera Road (Having a varying Right of Way width) from which a 1/2 inch iron rod bears South 14 Deg. 13 Min. 35 Sec. West, a distance of 0.20 Feet, for the Northwest corner and POINT OF BEGINNING of the tract herein described; (Having coordinate values of $X = 1238142.4036$ $Y = 16606280.5656$ based on the Texas State Plane Coordinate System, South Zone, NAD83);

- 1) THENCE along the South Right of Way of Primera Road, North 89 Deg. 17 Min. 20 Sec. East, a distance of 247.90 Feet to a point, for the Northeast corner of the tract herein described;
- 2) THENCE leaving the South Right of Way of Primera Road, South 00 Deg. 42 Min. 40 Sec. East, a distance of 417.31 Feet to a point, for a corner of the tract herein described;
- 3) THENCE, North 89 Deg. 17 Min. 20 Sec. East, at a distance of 208.90 Feet to a point, for a corner of the tract herein described;
- 4) THENCE, South 00 Deg. 42 Min. 40 Sec. East a distance of 537.19 Feet to a 1/2 inch iron rod found, for the Southeast corner of the tract herein described;
- 5) THENCE, South 89 Deg. 17 Min. 20 Sec. West a distance of 447.90 Feet to a point, for the Southwest corner of the tract herein described;
- 6) THENCE, North 00 Deg. 42 Min. 40 Sec. West a distance of 954.90 Feet to the POINT OF BEGINNING, Containing 7.90 Acres of Land within these metes and bounds.

Basis of bearing as per the Texas State Plane Coordinate System, South Zone, NAD 83. All Dimensions are in feet and decimal thereof.

Jose D. Medina, R.P.L.S.
Registered Professional
Land Surveyor No. 5719
30 May 2024
Date



EXHIBIT "B"



April 4, 2024

Mr. Xavier Cervantes
Director, Planning & Zoning
City of Harlingen
502 E. Tyler
Harlingen, Texas 78550

RE: Annexation Request for the Industrial Park at Roosevelt

Dear Mr. Cervantes,

The Development Corporation of Harlingen, Inc. (also known as the Harlingen Economic Development Corporation or HEDC) owns several property parcels comprising the Industrial Park at Roosevelt. One of the parcels of land, however, lies outside of the city limits of Harlingen. Through this letter we are formally requesting that this parcel owned by the HEDC known as 7.9 acres out of Lot 16 of Cunningham's Subdivision (Cameron County Appraisal District Property ID 202962) be annexed into the City of Harlingen.

The total acreage of this parcel is 7.9 gross acres. The annexation of this parcel will ensure that all the properties comprising the Industrial Park at Roosevelt lie within the city limits of Harlingen and are eligible for city services.

Please let me know if you need any additional information or if you have any questions. Thank you in advance for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Orlando Campos', written over a light blue rectangular background.

Orlando Campos
CEO

EXHIBIT "C"

ANNEXATION SERVICE AGREEMENT

SECTION 1. Pursuant to the provisions of V.T.C.A., Local Government Code Section 43.0672, in connection to the voluntary annexation of a 7.9 acre tract of land out of Lot 16, Cunningham's Subdivision, Cameron County, Texas, the developer(s) owners(s) of the land in the area and the City of Harlingen ("City"), collectively referred to herein as the "Parties", hereby enter into this written Annexation Service Agreement as follows:

- A. Services to be provided on the effective date of annexation unless otherwise specified.
1. Police Protection
Patrolling, radio response to calls and other routine police services using present personnel and equipment will be provided on the effective date of annexation. Patrol positions will be added when population warrants.
 2. Fire Protection
Fire protection by the present personnel and equipment of the fire fighting force within the limitations of available water will be provided on the effective date of annexation.
 3. Emergency Medical Services
Emergency medical services will be provided through contract services on the effective date of annexation.
 4. Environmental Health and Code Compliance
Health protection including the elimination of weedy lots, illegal dumping, unsanitary septic systems, sources of standing water and other public nuisances will be provided on the effective date of annexation.

Regulation of animal and fowl density will be provided on the effective date of annexation.
 5. Solid Waste Collection
Pick up will begin on the effective date of annexation at the same level of service and cost provided to other similar areas presently found within the City of Harlingen.

Brush collection will be on a periodic basis as established by the City Sanitation Department with an active utility account.

6. Operation and maintenance of public roads and streets

Routine maintenance of public roads and streets will begin on the effective date of annexation on the same basis as presently occurs in the city.

Maintenance of public streets including the repair of hazardous potholes and measures necessary for traffic flow will begin on the effective date of annexation.

SIGNED this 4th day of April, 2024.

CITY OF HARLINGEN

By: _____
Gabriel Gonzalez, CPM, City Manager

DEVELOPER AND PROPERTY OWNER OF THE PROPERTY DESCRIBED ABOVE

By:  _____
Orlando Campos, CEO
Harlingen Economic Development Corporation

AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: July 3, 2024

Agenda Item:

Consideration and possible action to adopt an ordinance on second and final reading amending the City of Harlingen Code of Ordinances Chapter 111, Zoning, Article VI, Section 111-140 Off-street Parking; by amending the dimensions of the off-street parking spaces; Article XXI, Section 111-582 Appendix B Parking Aisle Width Chart, by amending the length and maneuvering space of the parking spaces; Article X, Sign Regulations, Section 111-277(c) Lighting, and Section 111-277(d) Additional Sign Regulations for Billboards, by removing any reference to sign permits for animated signs only being issued for the conversion of existing signs to the said animated sign.

Applicant: City of Harlingen. Attachment (**Planning & Development**)

Prepared By: Xavier Cervantes, AICP, CPM
Title: Planning and Development Director

Signature: *Xavier Cervantes*

Funding (if applicable):

Are funds specifically designated in the current budget for the full ☐ Yes ☐ No*

*If no, specify source of funding and amount requested:

Finance Director's approval: ☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval.

City Manager's approval: *GG* ☐ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval: *[Signature]* ☒ Yes ☐ No ☐ N/A

ORDINANCE NO. 24-_____

AN ORDINANCE AMENDING THE CITY OF HARLINGEN CODE OF ORDINANCES CHAPTER 111, ZONING, ARTICLE VI, SECTION 111-140 OFF-STREET PARKING; BY AMENDING THE DIMENSIONS OF THE OFF-STREET PARKING SPACES; ARTICLE XXI, SECTION 111-582 APPENDIX B PARKING AISLE WIDTH CHART, BY AMENDING THE LENGTH AND MANEUVERING SPACE OF THE PARKING SPACES; ARTICLE X, SIGN REGULATIONS, SECTION 111-277(C) LIGHTING, AND SECTION 111-277(D) ADDITIONAL SIGN REGULATIONS FOR BILLBOARDS, BY REMOVING ANY REFERENCE TO SIGN PERMITS FOR ANIMATED SIGNS ONLY BEING ISSUED FOR THE CONVERSION OF EXISTING SIGNS TO THE SAID ANIMATED SIGN; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING

WHEREAS, The amendments are also consistent with the goals of the One Vision One Harlingen Comprehensive Plan, of streamlining the development policies to promote Harlingen as an attractive and development option; and

WHEREAS, The amendments are also consistent with Chapter 211, Municipal Zoning Authority, Section 211.008; and

WHEREAS, The Planning and Zoning Commission has reviewed the proposed amendment and has recommended approval; and

WHEREAS, The City of Harlingen has complied with all notices and public hearings as required by law; and

WHEREAS, The City Commission of the City of Harlingen finds that it is in the best interests of the citizens of Harlingen to amend the Code of Ordinances as set forth below;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF HARLINGEN, TEXAS, THAT:

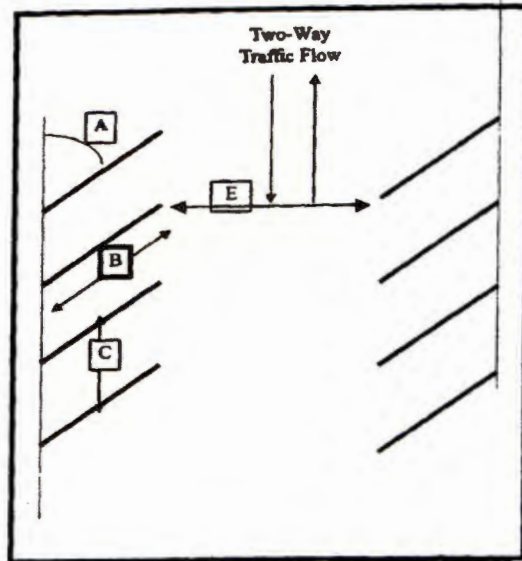
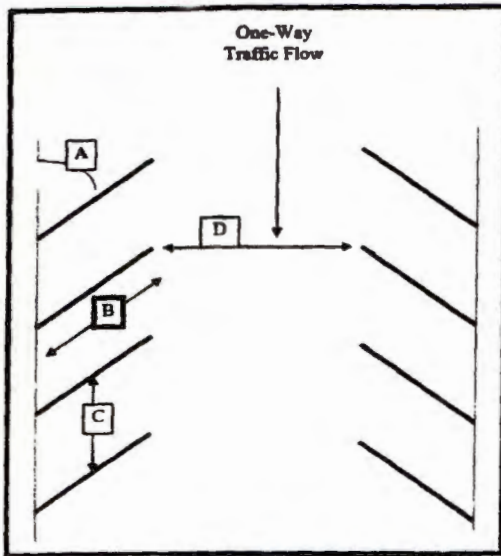
SECTION I: That the City of Harlingen Code of Ordinances, Chapter 111, Zoning, Article XIII, Section 111-140, Article XXI, Section 111-582 Appendix B, and Article X, Section 111-277(c) and Section 111-277(d) is hereby amended by adding the language underlined (added) and deleting the language that is stricken through (~~stricken~~) to read in full as follows.

Sec. 111-140. - Off-street parking.

(a) Each off-street parking space for automobiles shall have an area of not less than nine feet by ~~20~~18 feet connected either to a public street or alley by a driveway no less than ten feet wide or directly adjacent to a public alley and so arranged as to permit ingress and egress of the automobile at all times without moving any other automobile. (See spacing chart in [section 111-582](#) for driveway aisles required at differing angles of parking arrangements.) There shall be adequate maneuvering space to eliminate backing into a public street. When off-street parking spaces are located adjacent to a public alley, the width of such alley may be assumed to be a portion of the maneuvering space requirement. The parking spaces, connecting driveways and public alley adjacent to the parking spaces for all businesses and residential uses as defined in [section 111-62](#) shall be of asphalt or concrete surface. Residential garages that allow for a minimum of one standard sized automobile shall be credited as one off-street parking space in meeting these requirements.

Sec. 111-582. - Appendix B: parking aisle width chart.

- (a) A: Angle of parking in degrees.
- (b) B: Length of parking space in feet.
- (c) C: Width of parking space in feet.
- (d) D: Width of parking aisle (one-way traffic).
- (e) E: Width of parking aisle (two-way traffic).



Angle of Parking in Degrees										
A	90	85	80	75	70	65	60	55	50	45
B	20' 18'	20.9'	21.2'	21.6'	22'	22'	21.9'	21.8'	21.1'	20.6' 18.6
C	9'	9'	9'	9'	9'	9'	9'	9'	9'	9'
D	22' 24'	21'	20'	19'	18'	17'	16'	15'	14'	13'
E	22' 24'	22'	22'	22'	22'	22'	22'	22'	22'	22'

Sec. 111-277. - Height, area and distance requirements and restrictions.

(c) *Lighting.* Signs may be illuminated subject to the following restrictions:

(1) No revolving or rotating beam or beacon of light that simulates any emergency light or traffic device shall be permitted as part of any sign. Flashing devices shall not be permitted upon a sign; however, illuminated signs that indicate customary public information, such as time, date, temperature or other similar information, shall be permitted.

(2) External lighting, such as floodlights, thin line and goose neck reflectors, are permitted, provided the light source is directed on the face of the sign and is effectively shielded so as to prevent beams or rays of light or glare or other unsafe conditions from being directed into any portion of the traveled roadway.

(3) The illumination of any sign within 200 feet of a residential lot line shall be diffused or indirect in design to prevent direct rays of light from shining into adjoining residential districts or lots.

(4) Any extension or power cords used shall not be visible or accessible but secured in rigid conduit or otherwise safely secured as required by the currently adopted city electrical code.

(5) No sign shall be illuminated to such intensity to exceed a maximum of one footcandle measured at the property line.

~~(6) Sign permits for such signs shall only be issued for the conversion of existing signs to animated signs subject to the other provisions of this section.~~

(7) The dwell time, defined as the interval of change between each individual static message, shall be at least eight seconds, and a change of message must be accomplished within one second or less. The dwell time shall not include the one second or less required to change a message.

(8) The sign shall contain a default mechanism that will freeze in one position if a malfunction occurs.

(9) The sign must contain a control system which automatically adjusts the display's intensity according to natural ambient light conditions. In addition, the sign may not display light of such intensity or brilliance to cause glare or otherwise impair the vision of the driver or results in a nuisance to the driver.

(10) The sign shall not be configured to resemble a warning or danger signal or cause the driver to mistake the sign for such.

(11) No animated signs shall be permitted within 75 feet of a residentially-zoned property or property used for residential purposes.

(12) Any change of pictures or information on the animated sign shall not produce the illusion of moving objects, expanding or contracting shapes, rotation or any similar effect of animation.

(d) Additional sign regulations for billboards.

(1) Signs having a face area of greater than 242 square feet shall not be erected within a radius of 1,500 feet of another similar-sized sign except for the expressway corridors where only the Texas Department of Transportation distance requirements shall apply.

(2) Signs having a face area ranging from 100 to 242 square feet shall not be erected within a radius of 1,500 feet of another similar-sized sign except for the expressway corridors where only the Texas Department of Transportation distance requirements shall apply. Signs within this range of size are allowable only on streets designated by the comprehensive plan thoroughfare map as a major arterial, minor arterial or collector.

(3) Signs having a face area of less than 100 square feet shall not be erected within a radius of 1,500 feet of another similar-sized sign except for the expressway corridors where only the Texas Department of Transportation distance requirements shall apply.

(4) Signs are not in violation of this section because of their proximity to one another if they are located so that their messages are directed toward traffic flowing in different directions, but in no case may be within a radius of 1,500 radial feet of another similar-sized sign except for the expressway corridors where only the Texas Department of Transportation distance requirements shall apply.

(5) Bench signs with advertising shall not be used in the calculation of distances between signs due to specific placement requirements usually affixed to bench signs.

(6) No sign shall be located in such a manner as to obscure or otherwise physically interfere with the effectiveness of an official traffic sign, signal or device, or interfere with a driver's view of approaching or intersecting traffic.

(7) No new billboard signs shall be allowed within 500 feet from any church, religious institution, cemetery, preschool, school, college, public park, public playground or designated scenic area.

(8) Signs are not allowed on tracts of land not platted in accordance with [chapter 109](#).

(9) Signs shall only be freestanding and shall not be placed on or through buildings or roofs.

(10) The total sign area of all signs on a developed lot or tract cannot exceed the maximum sign area otherwise allowed on that particular developed lot or tract.

~~(10)-(11)~~ Animated signs shall comply with the following additional regulations:

~~a. Sign permits for such signs shall only be issued for the conversion of existing signs to animated signs, subject to the other provisions of this section.~~

b. The dwell time, defined as the interval of change between each individual static message, shall be at least eight seconds, and a change of message must be accomplished within one second or less. The dwell time shall not include the one second or less required to change a message.

c. The sign shall contain a default mechanism that will freeze the sign in one position if a malfunction occurs.

d. The sign must contain a control system which automatically adjusts the display's intensity according to natural ambient light conditions. In addition, the sign may not display light of such intensity or brilliance to cause glare or otherwise impair the vision of the driver, or results in a nuisance to the driver.

e. The sign shall not be configured to resemble a warning or danger signal or cause the driver to mistake the sign for such.

f. Animated signage shall not exceed a maximum of one footcandle illumination at the property line.

g. No animated signs shall be permitted within 150 feet of a residentially-zoned property or property used for residential purposes.

h. Any change of pictures or information on the animated sign shall not produce the illusion of moving objects, expanding or contracting shapes, rotation or any similar effect of animation.

SECTION II: That the City Secretary of the City of Harlingen, Texas is hereby authorized and directed to cause a true copy of the caption of this ordinance to be published in a newspaper having general circulations in the City of Harlingen, Cameron County, Texas.

The provisions of this ordinance shall become effective from and after the final and lawful passage hereof and publication of the caption hereof as provided for and required in the Code of Ordinances and applicable state statutes.

FINALLY ENACTED this 3rd day of July, 2024, at a regular meeting of the Elective Commission of the City of Harlingen, Texas at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, CHAPTER 551.

CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

10d

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **July 3, 2024**

Agenda Item:

Consideration and possible action to approve the One-Year Action Plan (Budget) for Fiscal Year 2024-2025 (Year 50) of the Community Development Block Grant (CDBG) and the Home Investment Partnership (HOME) Programs as recommended by the Community Development Advisory Board. Attachment (**CDBG**)

Prepared By: Sandee Alvarez, Director

Brief Summary:

Prior to establishing their funding recommendations, the Community Development Advisory Board and staff reviewed and evaluated applications (prior performance, priority need, submission requirements, project eligibility) held public hearings, application workshops, and provided each applicant with the opportunity to present their applications/projects to the Community Development Advisory Board.

All requests for funding are deemed to be high priorities as established in the 5-Year Consolidated Plan & Strategy.

The draft CDBG and HOME budget will be published in the Valley Morning Star on July 10, 2024. The required 30-day comment period will begin on July 11, 2024 and will run through August 12, 2024. All comments received must be considered. The Action Plan is due to HUD on August 15, 2024.

Funding (if applicable):

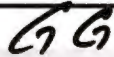
Are funds specifically designated in the current budget for the full amount (Yes/No): Yes

*If no, specify source of funding and amount requested:

Finance Director's approval (Yes/No/NA):

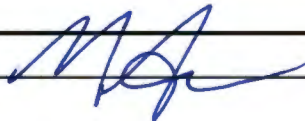
Staff Recommendation:

City Manager approval:



Comments:

City Attorney's approval:



C.D.B.G. AND HOME FUNDS 2024-2025 ONE YEAR ACTION PLAN BOARD RECOMMENDATIONS

C.D.B.G. Allocation	\$ 913,635.00
HOME Allocation	\$ 325,912.00
Anticipated Program Income (from Housing Assistance Loans to City)	<u>\$ 30,616.00</u>
Combined Total Allocations	\$1,270,163.00

PROPOSED PROJECTS

03J – Public Facilities – Fire Hydrant Improvements Phase I (Dist 4)	\$ 314,856.00
03F – Parks, Recreation Facilities – Dixieland Park Improvements	\$ 230,000.00
04 – Clearance and Demolition	\$ 7,007.00
05A - Public Services (Seniors) Amigos Del Valle	\$ 8,570.00
05A - Public Services (Srs/Dis) Aging & Disability Resource Ctr (LRGVDC)	\$ 8,565.00
05A - Public Services (Seniors) Area Agency on Aging (LRGVDC)	\$ 17,130.00
05D – Public Services (Youth) Boys and Girls Club	\$ 17,130.00
05N – Public Services (Abused Children) CACCWC- Maggie's House	\$ 17,130.00
05N - Public Services (Abused Children) CASA	\$ 17,130.00
05N - Public Services (Abused Children) Family Crisis Center	\$ 17,130.00
03T – Public Services (Homeless) Loaves and Fishes of the RGV	\$ 17,130.00
05M - Public Services (Health) Sunshine Haven	\$ 17,130.00
14H - Housing Rehabilitation Administration	\$ 42,000.00
21A - General Administration	<u>\$ 182,727.00</u>
Total CDBG Funding	\$ 913,635.00

12 & 13B - HOME-Affordable Housing Programs -CITY	\$ 244,434.00
21H - HOME-Administrative Support	\$ 32,591.20
12 – HOME – CHDO Set-Aside	<u>\$ 48,886.80</u>
Total HOME Funding	\$ 325,912.00

14A - Housing Rehabilitation (anticipated RL program income)	<u>\$ 30,616.00</u>
Total Anticipated Program Income	\$ 30,616.00

Total Funding	\$1,270,163.00
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2024-2025 C.D.B.G. AND HOME FUNDS APPLICATIONS RECEIVED AND AMOUNTS RECOMMENDED

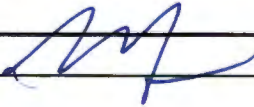
<i>APPLICATION</i>	<i>Amount Requested</i>	<i>Amount Recommended</i>
HWWS- Fire Hydrant Improvements Phase I (Dist 4)	\$ 314,856.75	\$ 314,856.00
CITY- Parks– Dixieland Park Improvements	\$ 230,000.00	\$ 230,000.00
CITY- Code- Clearance and Demolition	\$ 50,000.00	\$ 7,007.00
CITY- Parks- Vestal Park Consession/Storage	\$ 318,000.00	\$ 0.00
CITY- Parks- Arroyo Park Lighting	\$ 215,000.00	\$ 0.00
CITY- Parks- Lozano Plaza Stage	\$ 200,000.00	\$ 0.00
CITY- Community Dev- Reconstruction Program	\$ 200,000.00	\$ 0.00
Amigos Del Valle	\$ 65,000.00	\$ 8,570.00
Aging & Disability Resource Ctr (LRGVDC)	\$ 20,000.00	\$ 8,565.00
Area Agency on Aging (LRGVDC)	\$ 20,000.00	\$ 17,130.00
Boys and Girls Club	\$ 60,000.00	\$ 17,130.00
CACCWC- Maggie's House	\$ 20,000.00	\$ 17,130.00
CASA	\$ 30,000.00	\$ 17,130.00
Family Crisis Center	\$ 20,000.00	\$ 17,130.00
Loaves and Fishes of the RGV	\$ 39,197.00	\$ 17,130.00
Sunshine Haven	\$ 31,307.00	\$ 17,130.00
Housing Rehabilitation Administration	\$ 42,000.00	\$ 42,000.00
General Administration	\$ 182,727.00	\$ 182,727.00
Total CDBG Funding	\$ 2,058,087.75	\$ 913,635.00
HOME-Affordable Housing Programs -CITY	\$ 244,434.00	\$ 244,434.00
HOME-Administrative Support	\$ 32,591.20	\$ 32,591.20
HOME – CHDO Set-Aside	\$ 48,886.80	\$ 48,886.80
Total HOME Funding	\$ 325,912.00	\$ 325,912.00
14A - Housing Rehabilitation (anticipated RL program income)	\$ 30,616.00	\$ 30,616.00
Total Anticipated Program Income	\$ 30,616.00	\$ 30,616.00
Total Funding Requested/Available	\$ 2,414,615.75	\$1,270,163.00

HISTORICAL FUNDING FOR COMMUNITY DEVELOPMENT DEPARTMENT

	2023-2024	2022-2023	2021-2022	2020-2021	2019-2020	2018-2019	2017-2018	2016-2017	2015-2016	2014-2015	2013-2014	2012-2013	2011-2012	2010-2011
Total CDBG Allocation	\$ 834,463.00	\$ 887,502.00	\$ 925,472.00	\$ 887,448.00	\$ 903,660.00	\$ 884,188.00	\$ 796,099.00	\$ 796,099.00	\$ 801,812.00	\$ 801,930.00	\$ 828,799.00	\$ 807,310.00	\$ 864,079.00	\$1,035,538.00
Estimated Program Income	\$ 33,693.60	\$ 31,397.00	\$ 42,137.54	\$ 38,616.00	\$ 35,912.14	\$ 41,785.00	\$ 41,503.00	\$ 44,270.00		\$ 55,284.00	\$ 60,168.00	\$ 55,113.24	\$ 59,445.00	\$ 52,871.00
Total Available	\$ 868,156.60	\$ 918,899.00	\$ 967,609.54	\$ 926,064.00	\$ 939,572.14	\$ 925,973.00	\$ 837,602.00	\$ 840,369.00	\$ 801,812.00	\$ 857,214.00	\$ 888,967.00	\$ 862,423.24	\$ 923,524.00	\$1,088,409.00
Boys & Girls Club	\$ 21,949.45	\$ 33,973.00	\$ 60,000.00	\$ 60,000.00	\$ 60,000.00	\$ 60,000.00	\$ 60,000.00	\$ 55,660.00	\$ 50,700.00	\$ 48,300.00	\$ 40,000.00	\$ 47,500.00	\$ 44,500.00	\$ 30,000.00
Ronald McDonald House										\$ 5,000.00				
Girl Scouts								\$ 8,000.00	\$ 6,975.00	\$ 6,900.00	\$ 6,825.00	\$ 5,400.00		\$ 5,400.00
Senior Companion Program										\$ 20,300.00	\$ 18,000.00	\$ 20,500.00	\$ 20,000.00	\$ 15,000.00
Maggies House	\$ 15,000.00											\$ 5,500.00	\$ 7,500.00	\$ 9,000.00
Loaves & Fishes	\$ 38,220.00	\$ 30,180.00											\$ 16,000.00	\$ 41,500.00
Planned Parenthood														
Sunshine Haven			\$ 21,800.00	\$ 20,000.00	\$ 18,000.00	\$ 16,500.00		\$ 15,000.00	\$ 27,000.00	\$ 19,000.00	\$ 9,000.00	\$ 8,698.00		\$ 8,000.00
Family Crisis Center	\$ 20,000.00	\$ 15,000.00	\$ 15,000.00	\$ 12,000.00	\$ 12,000.00	\$ 12,000.00	\$ 11,953.00	\$ 6,000.00	\$ 10,000.00					\$ 6,000.00
Amigos Del Valle		\$ 10,000.00	\$ 10,000.00	\$ 15,000.00	\$ 13,500.00	\$ 13,500.00	\$ 8,000.00	\$ 6,000.00	\$ 8,000.00					\$ 7,700.00
CASA	\$ 30,000.00	\$ 23,972.00	\$ 20,000.00	\$ 16,000.00	\$ 15,000.00	\$ 16,000.00	\$ 20,000.00	\$ 15,000.00		\$ 19,000.00		\$ 28,300.00	\$ 29,500.00	\$ 15,000.00
Area Agency on Aging		\$ 20,000.00	\$ 10,000.00	\$ 10,000.00	\$ 5,000.00	\$ 10,000.00								
Community Dev. Corp. of Brmsville								\$ 11,000.00						
15% MAXIMUM FUNDING CAP	\$ 125,169.45	\$ 133,125.00	\$ 136,800.00	\$ 133,000.00	\$ 123,500.00	\$ 128,000.00	\$ 99,953.00	\$ 116,660.00	\$ 102,675.00	\$ 118,500.00	\$ 81,825.00	\$ 115,898.00	\$ 117,500.00	\$ 137,600.00
Housing Rehab Admin	\$ 42,000.00	\$ 42,000.00	\$ 42,000.00	\$ 35,000.00	\$ 42,000.00	\$ 35,000.00	\$ 65,000.00	\$ 75,000.00	\$ 75,000.00	\$ 96,000.00	\$ 85,000.00	\$ 95,000.00	\$ 95,000.00	\$ 85,000.00
Program Admin (20%)	\$ 166,892.60	\$ 177,500.00		\$ 176,855.00	\$ 180,732.00	\$ 176,838.00	\$ 159,000.00	\$ 159,000.00	\$ 160,000.00	\$ 160,000.00	\$ 165,700.00	\$ 160,621.00	\$ 170,285.00	\$ 203,000.00
Housing Rehab Program Income	\$ 33,693.60	\$ 31,397.00	\$ 42,137.54	\$ 38,616.00	\$ 35,912.14	\$ 41,785.00	\$ 41,503.00	\$ 44,270.00				\$ 55,113.00	\$ 59,445.00	\$ 52,871.00
Housing Rehab/Reconstruction	\$ 280,427.95	\$ 278,000.00		\$ 120,259.00	\$ 214,500.00	\$ 151,304.00	\$ 49,568.09	\$ 25,711.00	\$ 25,000.00	\$ 252,430.00	\$ 95,000.00	\$ 85,000.00	\$ 172,007.00	\$ 200,000.00
Total Rehab & Admin	\$ 623,014.15	\$ 628,897.00	\$ 84,137.54	\$ 370,740.00	\$ 473,144.14	\$ 404,927.00	\$ 315,071.09	\$ 303,981.00	\$ 260,000.00	\$ 608,430.00	\$ 346,700.00	\$ 395,734.00	\$ 496,737.00	\$ 540,871.00
Public Facilities/Other														
Street Lighting Project			\$ 185,000.00											
Drainage												\$ 205,791.00	\$ 260,000.00	\$ 241,728.00
Streets				\$ 422,324.00	\$ 134,949.00		\$ 397,877.91	\$ 330,728.00	\$ 357,790.00		\$ 232,774.00			\$ 168,210.00
Parks	\$ 219,973.00	\$ 113,027.00	\$ 361,672.00		\$ 150,929.00	\$ 359,860.00		\$ 89,000.00	\$ 81,347.00	\$ 175,000.00	\$ 168,500.00	\$ 75,000.00	\$ 49,287.00	
Clearance & Demo		\$ 143,850.00			\$ 57,050.00	\$ 32,400.00	\$ 24,700.00					\$ 38,000.00		
Fire Brush Truck			\$ 200,000.00											
Code Enforcement												\$ 32,000.00		
Total Public Facilities	\$ 219,973.00	\$ 256,877.00	\$ 746,672.00	\$ 422,324.00	\$ 342,928.00	\$ 392,260.00	\$ 422,677.91	\$ 419,728.00	\$ 439,137.00	\$ 175,000.00	\$ 401,274.00	\$ 350,791.00	\$ 309,287.00	\$ 409,938.00
TOTAL CDBG	\$ 868,156.60	\$ 918,899.00	\$ 967,609.54	\$ 926,064.00	\$ 939,572.14	\$ 926,187.00	\$ 837,602.00	\$ 840,369.00	\$ 801,812.00	\$ 801,930.00	\$ 828,799.00	\$ 862,423.00	\$ 864,079.00	\$1,035,538.00
Amount Available	\$ 868,156.60	\$ 918,899.00	\$ 967,609.54	\$ 926,064.00	\$ 939,572.14	\$ 925,973.00	\$ 837,602.00	\$ 840,369.00	\$ 801,812.00	\$ 801,930.00	\$ 828,799.00	\$ 807,310.00	\$ 864,079.00	\$1,035,538.00
Difference						\$ 786.00								
HOME Allocation	\$ 366,472.00	\$ 379,160.00	\$ 334,417.00	\$ 315,067.00	\$ 297,943.00	\$ 318,128.00	\$ 216,573.00	\$ 215,417.00	\$ 212,635.00	\$ 234,912.00	\$ 225,375.00	\$ 250,119.00	\$ 358,797.00	\$ 406,692.00
HOME Program Income							\$ 92,573.00							
HOME Admin (City) (10% CAP)	\$ 36,647.20	\$ 37,916.00	\$ 33,441.70	\$ 31,506.70	\$ 29,794.30	\$ 31,812.00	\$ 21,600.00	\$ 21,500.00	\$ 21,000.00	\$ 23,000.00	\$ 22,500.00	\$ 24,000.00	\$ 35,000.00	\$ 40,000.00
HOME Down Payment Asst	\$ 274,854.00	\$ 284,370.00	\$ 250,812.75	\$ 148,560.30	\$ 133,448.70	\$ 151,000.00	\$ 92,573.00		\$ 191,635.00					
CHDO Set Aside	\$ 54,970.80	\$ 56,874.00	\$ 50,162.55		\$ 44,700.00	\$ 47,800.00								
Habitat for Humanity				\$ 135,000.00	\$ 90,000.00	\$ 87,516.00						\$ 35,000.00	\$ 69,500.00	
Affordable Housing							\$ 194,973.00	\$ 193,917.00		\$ 211,912.00	\$ 202,875.00	\$ 191,119.00	\$ 254,297.00	\$ 366,692.00
Total HOME	\$ 366,472.00	\$ 379,160.00	\$ 334,417.00	\$ 315,067.00	\$ 297,943.00	\$ 318,128.00	\$ 216,573.00	\$ 215,417.00	\$ 212,635.00	\$ 234,912.00	\$ 225,375.00	\$ 250,119.00	\$ 358,797.00	\$ 406,692.00
Amount Available	\$ 366,472.00	\$ 379,160.00	\$ 334,417.00	\$ 315,067.00	\$ 297,943.00	\$ 318,128.00	\$ 216,573.00	\$ 215,417.00	\$ 212,635.00	\$ 234,912.00	\$ 225,375.00	\$ 250,119.00	\$ 358,797.00	
Difference	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -								

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **July 3, 2024**

Agenda Item:	
Consideration and possible action to amend purchase order 84083 for an increase of \$48,229 and authorize the City Manager to purchase one (1) Roll-Off truck through Vanguard Truck Center from the Sanitation enterprise fund (<i>Public Works</i>)	
Prepared By: Christopher D. Torres, Director 	
Brief Summary:	
Public Works issued a purchase order on 10/19/22 to Doggett Freightliner of South Texas in the amount of \$208,564. This truck was to be delivered on third quarter of 2023. Conversations with the manufacturer of the body (Texas Pack & Load) started on August of 2023 for estimated time of arrival but the date changed to November of 2023. When we inquired once again, they changed the date to February and then once again to March of 2023. To this date, we have not received this truck and communication with Texas Pack & Load has been absent.	
Funding (if applicable):	
Are funds specifically designated in the current budget for the full amount (Yes/No):	
*If no, specify source of funding and amount requested:	
Finance Director's approval (Yes/No/NA):	
Staff Recommendation:	
City Manager approval:	
Comments:	
City Attorney's approval:	

TECHNICAL SPECIFICATION

GRANITE 84BR MACK SPEC



MODEL DEFINING		DESCRIPTION
	PRICE BOOK LEVEL	2024B Pricebook
S	VOLTAGE	ELECTRICAL SYSTEM 12 VOLT

APPLICATION PACKAGES		DESCRIPTION
	CHASSIS CONFIGURATION PACKAGE	ONEBOX EATS, RH BATTERY BOX, 6.6 GALLON (25L) SLEEVED DEF, 22" SLEEVED LH FUEL TANK

CUSTOMER/VEHICLE INFO		DESCRIPTION
S	CHASSIS (BASE MODEL)	GRANITE 84BR MACKSPEC
S	ASSEMBLY PLANT	Made in Macungie, PA USA
	CUSTOMER FLEET SIZE	DEALER FLEET WITH LESS THAN 25 VEHICLES IN OWN FLEET OF ANY VEHICLE BRAND
S	TYPE OF SERVICE	COMMERCIAL
S	WARRANTY REGISTRATION LOCATION	USA - WARRANTY REGISTRATION LOCATION
	EMISSION WARRANTY CERTIFICATION	CARB + EPA for Mack MP7 / MP8 Diesel
	INTENDED REGISTRATION LOCATION	TEXAS
S	INITIAL REGISTRATION LOCATION	USA REGISTRATION
	BRAND ORNAMENT	BULLDOG, GOLD
S	LANGUAGE-PUBS/DECAL/SIGNS	ENGLISH
S	ROAD CONDITION	WELL MAINTAINED SURFACED ROADS >95% DRIVING DISTANCE
	VEHICLE USE & BODY/TRAILER TYPE	ROLL-OFF TRUCK
	TRAILER TYPE	WITHOUT TRAILER TYPE
S	GROSS COMBINATION WEIGHT (CA in PC29 only)	TRUCK ONLY - NO TRAILER TOWING PROVISIONS PROVIDED
S	BRAKE REGULATION	BRAKE REGULATION, STOPPING DISTANCE 94M (310FT)
	TOPOGRAPHY	GRADES <6% GREATER THAN 98% OF DRIVING DISTANCE MAX GRADE 16%
S	AMBIENT TEMP UPPER LIMIT (GTA)	AMBIENT TEMPERATURE HOT. WARMER THAN 104 F (40 C) ALLOWED UP TO 25 HOURS PER YEAR
S	OPERATING TERRAIN GRADE CONDITIONS	ON-OFF HIGHWAY, STARTING GRADES<18%
S	LOADING SURFACE FACTOR	CONCRETE LOADING AND / OR UNLOADING SURFACE
	VEHICLE VOCATION	CONSTRUCTION SERVICE

ENGINE/TRANSMISSIONS		DESCRIPTION
	ENGINE PACKAGE, COMBUSTION	MP8-415C MACK 415HP @ 1400-1700 RPM (PEAK) 2100 RPM (GOV) 1650 LB-FT, US'21
S	GHG APPLICATION, VEHICLE	GREEN HOUSE GAS VOCATIONAL APPLICATION
S	TRANSMISSION	MACK TMD13AFO-HD mDRIVE HD 13 SP, CREEPER/ MULTI-SPEED REVERSE (OVERDRIVE)
S	GEARBOX 12TH GEAR LOCK-OUT	WITHOUT 12TH GEARBOX GEAR LOCK-OUT

EXHAUST/EMISSIONS		DESCRIPTION
	NOX LIMITS	CARB LEGACY / EPA (200MG/HP/HR), 50 State Idle Compliance
S	IDLE EMISSION LABEL LOCATION (CA in PC29 only)	IDLE EMISSION LABEL LOCATION, LOWER LH CORNER OF DRIVER DOOR
S	DPF DIESEL PARTICULATE FILTER	CLEARTECH ONE BOX E.A.T.S. RH SIDE UNDER CAB US17 / US21
S	CHASSIS MOUNTED EMISSIONS FINISH	W/O DEF COVER & PAINTED DPF COVER
S	DIESEL EXHAUST FLUID TANK	6.6 GALLON (25 L) 22" LEFT SIDE FUEL TANK MTD
S	EXHAUST	SINGLE VERTICAL RIGHT SIDE OUTBOARD MOUNTED STRAIGHT EXHAUST STACK TURNED OUT END

TECHNICAL SPECIFICATION (cont.)



EXHAUST/EMISSIONS		DESCRIPTION
S	EXHAUST STACK HEIGHT	11' 6" FROM GROUND
S	EXHAUST SYSTEM MATERIAL FINISH	W/O BRIGHT FINISH EXHAUST
	EMISSION ON BOARD DIAG CONTROL	EMISSION OBD, DISPLAY ONLY, USA2024

ENGINE EQUIPMENT		DESCRIPTION
S	AIR CLEANER	UNDER HOOD SINGLE ELEMENT DRY TYPE W/AIR INTAKE FROM BOTH SIDES OF HOOD
S	BUG SCREEN	BLACK ALUMINUM BUG SCREEN MOUNTED BEHIND GRILLE, WITHOUT WINTER FRONT COVER
S	AIR COMPRESSOR/DRYER	WABCO HEATED SS-HP AIR DRYER W/ WABCO 636 (37.4 CFM) AIR COMPRESSOR
S	AIR DRYER POSITION (CA)	AIR DRYER POSITION STANDARD
S	ALTERNATOR	DELCO 12V 160A (28SI) BRUSH-TYPE
	BATTERIES	(3) MACK 12V 1000/3000 CCA THREADED STUD TYPE
S	BATTERY BOX - MOUNTING (x)	RH RAIL BEHIND SCR
S	BATTERY BOX COVER	MOLDED PLASTIC
	BATTERY DISCONNECT SWITCH	FLAMING RIVER BIG SWITCH WIRED TO POSITIVE SIDE
	STARTER MOTOR	12 VOLT MELCO STARTER (MITSUBISHI ELECTRIC)
	ENGINE BRAKE	MACK MP8 POWERLEASH
S	ENGINE BRAKE ACTIVATION	ENGINE BRAKE ACTIVATION, BASIC
S	FAN DRIVE	BEHR FAN AND ELECTRONIC MODULATING VISCOUS FAN DRIVE
S	COOLANT PROTECTION	ETHYLENE GLYCOL FULLY FORMULATED COOLANT (50/50 MIX DYED PINK) TO -34DEG, W/ FILTER
S	HOSES - RADIATOR/HEATER	MACK EPDM RADIATOR & HEATER HOSES
S	FUEL-WATER SEPARATOR	MACK W/MANUAL DRAIN VALVE V2 (INTEGRAL W/ PRIMARY FUEL FILTER)
S	PRIMARY FUEL FILTER POSITION (CA)	STANDARD FUEL FILTER POSITION
S	ENGINE HEATERS	120v 1500w BLOCK HEATER ONLY (120V-15A PLUG)
S	OIL SUMP	OIL PAN
S	ENGINE STOP, EMERGENCY (CA in PC29 only)	WITHOUT ENGINE STOP, EMERGENCY

CLUTCH/TRANS EQUIPMENT		DESCRIPTION
S	GEAR SHIFTER	MACK mDRIVE-PREMIUM SHIFTER
S	CLUTCH	ZF/SACHS SINGLE PLATE 17" (430MM) ORGANIC MATERIAL
S	CLUTCH ACTUATION SYSTEM & PEDAL PAD	WITHOUT CLUTCH CABLE SYSTEM
S	MINIMUM REQUIRED DRIVELINE SIZE (KAX)	MINIMUM REQUIRED DRIVELINE FOR KAX, PROPS-XL
S	DRIVELINE - MAIN	MERITOR RPL35, WITH CROSS SERRATED YOKE (PROPS-XL)
S	DRIVELINE - INTERAXLE	MERITOR RPL25
S	PROPELLR SHAFT MAIN, UNVSL JNT	UNIVERSAL JOINT CROSS SERRATED YOKE
S	PROP SHAFT INTERAXL UNIV JOINT	HALF-ROUND UNIVERSAL JOINT
S	TRANSMISSION OUTPUT TORQUE	TRANSMISSION OUTPUT TORQUE BASIC
S	LUBRICANTS, TRANSMISSION	75W - 90 (SYNTHETIC LUBRICANT)
S	TRANSMISSION OIL COOLER	MACK mDRIVE TRANSMISSION OIL COOLER MOUNTED LH SIDE OIL TO WATER COOLER
	HILL START ASSIST	GRADE GRIPPER

FRONT AXLE EQUIPMENT		DESCRIPTION
	FRONT AXLE	20000# (9100 KG) MACK FXL20 STRAIGHT SPINDLE/UNITIZED BEARINGS
	SPRINGS - FRONT	MACK TAPERLEAF 20000# (9100 KG) GROUND LOAD RATING, EQUAL BIAS

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TECHNICAL SPECIFICATION (cont.)



FRONT AXLE EQUIPMENT		DESCRIPTION
	FRONT AXLE BRAKES	MERITOR EX+ AIR DISC BRAKES 430MM (17") H-TYPE
	BRAKE, FRONT	FRONT BRAKE DISC LIGHTWEIGHT
	FRONT BRAKE ADJ. MANUFACTURE	AUTOMATIC FOR AIR DISC BRAKES
	FRONT BRAKE CHAMBER MFG.	FRONT BRAKE CHAMBER MANUFACTURER, WABCO
	HUB MATERIAL, FRONT	BASIC HUB UNITIZED IRON, FRONT
S	FRONT AXLE LUBRICANT	FRONT AXLE LUBE, FAG NLGI2 GREASE
S	SHOCK ABSORBER, FRONT	DOUBLE ACTING TYPE
	STEERING	COMMAND STEER (TRW TPH60+RCH60 POWER)

REAR AXLE EQUIPMENT		DESCRIPTION
	REAR AXLE	44000# (20000kg) MACK S440R FABRICATED STEEL HOUSING
S	REAR AXLE CASING WIDTH	W/O WIDE TRACK AXLE
S	DRIVE AXLE LUBRICANT	DRIVE AXLE LUBE, SHELL 75W90 SYNTHETIC OIL
	CARRIER - REAR AXLE	CRDP150/151 AVAILABLE WITH OPTIONAL DRIVER CONTROLLED INTERWHEEL DIFFERENTIAL LOCKS, SEE 254 SYMBOL
	TRACTION DIFFERENTIAL	DRIVER CONTROLLED INTER WHEEL DIFFERENTIAL LOCK FRT RR AXLE, MANUAL AIR VALVE W/WARNING LIGHT.
S	POWER DIVIDER LOCKOUT	INTERAXLE POWER DIVIDER LOCKOUT, W/BUZZER & LIGHT
	REAR AXLE RATIO	3.11 RATIO
	REAR SUSPENSION	SS44 MACK CAMELBACK MULTILEAF 44,000 lb, HEAVY DUTY
S	BOGIE SPREAD, REAR	50" AXLE SPACING (BOGIE WHEELBASE)
S	TRANSVERSE TORQUE RODS, R SUSP	TRANSVERSE TORQUE ROD (REAR AXLE ONLY)
S	AUX.SPRING BRAKE QTY	AUX SPRING BRAKE QTY, 4 CHAMBERS
	BRAKES - REAR	MERITOR EX+ AIR DISC BRAKES, 430MM (17") - H TYPE (Total for QTY = 2)
	BRAKE, DRIVE, REAR	BRAKE DRIVE, REAR, DISC LIGHTWEIGHT
	REAR BRAKE ADJ MANUFACTURE	AUTOMATIC SLACK ADJUSTERS FOR REAR AIR DISC BRAKES (Total for QTY = 2)
	REAR BRAKE CHAMBER SIZE	REAR SPRING BRAKE CHAMBERS 24/24 TYPE
	BRAKE ORI REAR-MOST DRIVE AXLE	DISC BRAKE CHAMBER ORIENTATION: Middle Mount - Rear of Axle - Chamber Inward
	PARKING BRAKE CHAMBER	WABCO BRAKE CHAMBERS VENDOR (Total for QTY = 2)
	HUB MATERIAL, DRIVE	ALUMINUM PRESET REAR HUB W/INTEGRATED SPINDLE NUT
	ANTILOCK BRAKE SYSTEM	MACK ROAD STABILITY ADV.BENDIX ABS/ATC/RSA W/YAW CNTRLW/MUD/SNOW SW; REQ-TRUCK APPL 6S6M
S	BRAKE VALVE VERSION	BENDIX SWITCHES AND VALVES WHERE POSSIBLE
S	TRACTION CONTROL DISABLE (CA in PC29 only)	AUTOMATIC TRACTION CONTROL (ATC) FULL DISABLE SWITCH

PUSHER/TAG AXLE EQUIPMENT		DESCRIPTION
S	AUXILIARY AXLES (x)	(1) HENDRICKSON 13K COMPOSILITE STEERABLE PUSHER AXLE (LIFTABLE), FF-SERIES WHEEL ENDS
	AUX AXLE CTRL VALVE LOCATION	RH RAIL MOUNTED AUXILIARY AXLE CONTROL VALVE AND GAUGE
S	FIRST AUXILIARY AXLE SPACING	48" (1220mm) 1st AUX AXLE SPACING
S	HUB MATERIAL, TRAILING	ALUMINUM PRESET HUB, TRAILING W/ INTEGRATED SPINDLE NUT
S	BRAKES - AUXILIARY AXLE (x)	HENDRICKSON 15X5 CAST AUXILIARY AXLE BRAKES (8x4/10x4 13k)
S	TRAIL. AXLE BRAKE DUST SHIELD	DUST SHIELDS FOR AUXILLARY AXLE
S	BRAKE CHAMBERS MFG - AUXILIARY AXLE	AUXILIARY AXLE BRAKE CHAMBER MANUFACTURER, HALDEX
S	SLACK ADJUSTER - AUXILIARY AXLE	AUXILIARY AXLE BRAKE ADJUSTMENT, AUTOMATIC HALDEX
	AUXILIARY AXLE CONTROLS	MANUAL LIFT AUX AXLE CONTROLS - (BASIC HEIGHT)

TECHNICAL SPECIFICATION (cont.)



FRAME EQUIPMENT/FUEL TANKS		DESCRIPTION
	WHEELBASE	259"
	AF (OVERHANG)	63"
	FRAME RAILS & LINERS	11.1 x 105 x 300mm - (0.437" x 4.13" x 11.81"); RBM 3,160,000 LB-IN
S	FRONT FRAME EXT. (BOLTED ON)	6" BOLT ON FRAME EXTENSION
S	FRONT FRAME LENGTH	STANDARD BUMPER POSITION
S	CROSSMEMBERS	BOC AND INTERMEDIATE(S) STEEL HD BACK-TO-BACK CHANNEL
S	REAR CROSSMEMBER OPTIONS	STEEL CLOSING REAR CROSSMEMBER
S	REAR FRAME TREATMENT	WITHOUT TAPERED FRAME RAIL ENDS
	MUDFLAP HANGERS, REAR AXLE	BETTS B87 SERIES WITH CONSPICUITY FEATURE (FMVSS 108)
	MUDFLAP TYPE, REAR AXLE	BLACK POLYETHYLENE WITH WHITE "MACK" LETTERS
S	FRONT BUMPER	EXTENDED-SWEPT BACK-STEEL
S	TOWING DEVICE, FRONT	HOOKS
S	FUEL LEVEL SENDER UNIT, LIQUID	BASIC FUEL LEVEL SENDER MOUNTED ON L.H TANK
	FUEL TANK - LH	88 GALLON (335 L) 22" ALUMINUM, SLEEVED D-SHAPED
S	FUEL TANK - RH	W/O RH FUEL TANK
S	FUEL HOSES, LIQUID	BRAIDED HOSE
S	FUEL FILLER NECK OPTIONS	WITHOUT FILLER NECK SCREEN, WITH NON-LOCKABLE FUEL TANK CAP
	FUEL LINE OPTIONS, LIQUID	W/O FUEL LINE OPTION
S	CAB INSTEP VERSION	STANDARD 2 STEP CAB ACCESS
S	STEPS (BRIGHT) - FUEL TANK	STANDARD FINISH STEPS AND BRIGHT FINISH STRAPS

AIR/BRAKE		DESCRIPTION
	AIRTANK DRAIN VALVE	MANUAL DRAIN VALVES, WITH LANYARDS ON ALL TANKS
S	AIRTANK MATERIAL	STEEL AIR TANK PAINTED CHASSIS COLOR
S	RELOCATE AIR RESERVOIRS	W/O RELOCATED AIR TANKS
S	PARKING BRAKE VALVE	SINGLE VALVE SYSTEM

ELECTRICAL		DESCRIPTION
	BACK-UP ALARM	ECCO BACK-UP ALARM SA917 (AMBIENT NOISE SENSITIVE) 87-112 dB
S	ROOF & SIDE MARKER LIGHTS	(5) TRUCKLITE CHROME BULLET ROOF MARKER & STANDARD MARKER / DIRECTIONAL SIGNAL
S	HEADLAMP BULB TYPE	HEADLAMP BULB TYPE, LED, HEATED
S	DAYTIME RUNNING LIGHTS	W/OVERRIDE SWITCH, PARK BRAKE & ENGINE RUNNING ACTIVATED
S	DRL OVERRIDE SPEED THRESHOLD	DRL OVERRIDE SPEED THRESHOLD 8 KMPH (5 MPH)
	TAIL LAMPS	LED TYPE TAIL LAMP MODULE MTD BELOW REAR CROSSMEMBER

PTO		DESCRIPTION
	PTO - REAR MOUNTED	PTR-DM, Single RH: DIN 5462 (INNER)
S	AMT/AUTOMATIC TRANS PTO FUNCT.	TRANSMISSION PTO FUNCTIONS BASIC
	HYDRAULIC PUMP	F1-81R PARKER PUMP/REAR OF mDRIVE TRANSMISSION
S	BODY BUILDER INTERFACE	BODY LINK III W/CAB PASS-THRU

SPECIALTY EQUIPMENT		DESCRIPTION
S	LANE SUPPORT SYSTEM (LSS)	WITHOUT LANE SUPPORT SYSTEM
S	DATA CAPTURE	WITHOUT DATA CAPTURE
S	CAMERA, SURVEILLANCE	WITHOUT CAMERA

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TECHNICAL SPECIFICATION (cont.)



CAB INTERIOR (A THRU G)		DESCRIPTION
S	SPEEDOMETER -&- GAUGES - UNIT(S) OF MEASURE	U.S. UNITS (PREDOMINANT)
	GAUGE OIL TEMP-REAR AXLE	REAR AXLE OIL TEMP GAUGE IN DID (DRIVER INFORMATION DISPLAY)
S	AIR CONDITIONING/HEATER	BLEND AIR HVAC W/"ATC" TEMP REGULATION
S	CUPHOLDER	CUPHOLDER
S	DOME LAMP, INTERIOR	(4) DOME LAMPS - DOOR AND SWITCH ACTIVATED
S	DASH INDICATOR - LAMP BODY OUT OF POS	DASH MTD, INDICATOR BODY/HOIST UP "BODYBUILDER LAMP"
	FIRE EXTINGUISHER	5LB (ABC RATED) MOUNTED BETWEEN DRIVER SEAT BASE AND DOOR VALVE AIMED REARWARD
S	FLOOR COVERING	POLYURETHANE FLOOR MAT WITHOUT REMOVABLE INSERTS

CAB INTERIOR (H THRU R)		DESCRIPTION
S	INSTMTN CLUSTER LANGUAGE	DEFAULT: ENGLISH, SPANISH, FRENCH
S	KEY TYPES FOR DOORS	ALL CHASSIS KEYED AT RANDOM
S	DOOR OPENING OPTIONS	W/O ELECTRONIC KEYLESS ENTRY
S	FORWARD OVERHEAD STORAGE	(2) STORAGE COMPARTMENTS AND NET RETAINERS W/CENTER MOUNTING FOR CB PROVISIONS
S	AUDIO ACCOMMODATION	PREMIUM STEREO, AM/FM, MP3, WEATHER BAND, BLUETOOTH
S	ANTENNA - RADIO	RADIO ANTENNA, CAB MOUNTED BEHIND LH DOOR
S	AUDIO SHUTOFF	AUTO SHUTOFF FOR RADIO ENTERTAINMENT SYSTEM WHEN VEHICLE IS ENGAGED IN REVERSE
S	POWER LEADS	POWER LEADS (5-WAY BINDING POSTS FOR CB RADIO) IN HEADER CONSOLE
S	AUDIO SPEAKER LOCATION	SPEAKER LOCATION, IN DOORS, MIDDLE HIGH SIDE PANEL
S	COM.RADIO PREP KIT (CB)	CB RADIO MOUNTING REINFORCEMENT IN HEADER CONSOLE
S	REAR WALL STORAGE COMPARTMENT	STORAGE POUCH REAR
	REFLECTOR KIT	EMERGENCY REFLECTOR KIT MOUNTED PARALLEL & CENTERED AGAINST BOC

CAB INTERIOR (S THRU Z)		DESCRIPTION
S	INTERIOR TRIM LEVELS	COMFORT TRIM PACKAGE, STEEL GRAY (Package 11A)
S	SEAT - DRIVER'S	MACK-AIR, HIGH BACK, 1 CHAMBER AIR LUMBAR
	SEAT COVERING - DRIVER'S	DRIVER'S SEAT - STEEL GREY VINYL
S	SEAT - PASSENGER'S	MACK-FIXED, HIGH BACK
	SEAT COVERING - PASSENGER'S	PASSENGER'S SEAT - STEEL GREY VINYL
	SEAT ARMREST	INBOARD MOUNTED ARM REST, DRIVER'S SEAT ONLY
S	SEAT BELT(S)	LAP & SHOULDER (BOTH SEATS) CAB MOUNTED SHOULDER BELT ADJUSTMENT
S	SEAT BELT REMINDER	SEAT BELT REMINDER IN INSTRUMENT, WITH AUDIO
S	IGNITION TYPE	KEY TYPE
S	STEERING WHEEL	2 SPOKE URETHANE GRIP, SATIN ALUMINUM SPOKES, WITH SWITCHES
S	WINDSHIELD TYPE	TWO PIECE WINDSHIELD
S	CAB GLASS	TINTED WINDSHIELD & SIDE WINDOWS & REAR WINDOW (IF EQUIPPED)
S	WASHER RESERVOIR POSITION	W/O WINDSHIELD WASHER OPTION
S	WINDSHIELD WIPERS	2 SPEED ELECTRIC MOTOR W/INTERMITTENT FEATURE

CAB EXTERIOR		DESCRIPTION
S	HOOD LATCH TYPE & FINISH	STRAP TYPE HOOD LATCH WITH BLACK FINISH
S	EXTERIOR TRIM FINISH AND PACKAGES	GRANITE BRIGHT AIR INTAKE
S	GRILLE	BLACK FINISH BARS W/BRIGHT FINISH SURROUND GRILL MOUNTED

TECHNICAL SPECIFICATION *(cont.)*



CAB EXTERIOR		DESCRIPTION
S	PASSENGER SIDE VISIBILITY OPTIONS	AUXILIARY WINDOW IN RH DOOR
S	GRAB HANDLES	PREMIUM BLACK EXTERIOR CAB GRAB HANDLE, BLACK GRAB HANDLE RH INTERIOR WINDSHIELD POST
S	HORN - AIR	(1) MACK RECTANGULAR SINGLE TRUMPET
S	HORN - ELECTRICAL	DUAL TONE
S	MIRRORS - EXTERIOR	FLAT MIRROR - POLISHED ALUMINUM FINISH, W/O LAMPS
S	MIRRORS - CONVEX TYPE CAB DOORS	BRIGHT FINISH, LH & RH, 8" DIAMETER CONVEX
	SUN VISOR - EXTERIOR	SUN VISOR, EXTERIOR, STAINLESS STEEL (UNPAINTED)

AERODYNAMIC DEVICES		DESCRIPTION
S	CAB AERODYNAMIC PACKAGES	WITHOUT CAB AERODYNAMIC DEVICES
S	FRONT CHASSIS AERODYNAMIC PACKAGE	WITHOUT FRONT AERODYNAMIC FAIRINGS

WHEELS & TIRES		DESCRIPTION
	TIRES BRAND/TYPE - FRONT	315/80R22.5 L BRIDGESTONE M870 (20000 lbs) (Total for QTY = 2)
	WHEELS - FRONT	22.5x9.00 ACCURIDE 41730x POLISHED ALUMINUM, 7.00" OFFSET, 10 HAND HOLE (Total for QTY = 2)
	TIRES BRAND/TYPE - REAR	11R22.5 H BRIDGESTONE M799 (24020 lbs) (DRIVE ONLY) (Total for QTY = 8)
	WHEELS - REAR	22.5x8.25 ACCURIDE ACCU-LITE 43644x EXTRA POLISHED OUTBOARD, POLISHED INBOARD, 6.59" OFFSET, 10 HH (Total for QTY = 8)
S	TIRE INFLATION VALVE	STANDARD VALVE STEMS AND CAPS
	AUXILIARY AXLE TIRES (x)	11R22.5 H BRIDGESTONE R268 ECOPIA (13220 lbs / 24020 lbs) (Total for QTY = 2)
	AUXILIARY AXLE WHEELS (x)	22.5x8.25 ACCURIDE 40008x EXTRA POLISHED ALUMINUM, 6.59" OFFSET, 10 HAND HOLE (Total for QTY = 2)
S	FRONT HUB/WHEEL TRIM	WITHOUT FRONT HUB/WHEEL TRIM
S	REAR HUB/WHEEL TRIM	WITHOUT REAR HUB/WHEEL TRIM (Total for QTY = 2)
	PUSHER HUB/WHEEL TRIM	WITHOUT AUXILIARY HUB/WHEEL TRIM
S	WHEEL NUT FINISH, REAR (CA)	WHEEL NUT BASIC FINISH, REAR

COMMUNICATION SYSTEMS		DESCRIPTION
S	CO-PILOT - DISPLAY FEATURES ACCESS LEVEL	CO-PILOT DISPLAY, DRIVER ACCESS LEVEL 1
S	TELEMATIC GATEWAY	TELEMATICS GATEWAY, 4G/LTE AND WLAN SYSTEM WITH DIAGNOSTIC SERVICES

ENGINE ELECTRONICS		DESCRIPTION
S	OIL PRESSURE, ENGINE SHUTDOWN	OIL PRESSURE, ENGINE SHUTDOWN
S	COOLANT TEMP, ENGINE SHUTDOWN	COOLANT TEMP, ENGINE SHUTDOWN
S	ENGINE PROTECTION SYSTEM	ENGINE PROTECTION (SHUTDOWN)
	ENG FAN CNTL, A/C ON, TIME SET	ENG FAN CONTROL, A/C ON, TIME SETTING, 60 SEC
S	ENGINE IDLE CONTROL	IDLE CONTROL, 600 RPM
S	SMART IDLE ELEVATED IDLE RPM TIME	INCREASE 10 MINUTE MAXIMUM TIME
S	IDLE S/D ABS TAMPER CHECK	IDLE SHUTDOWN ABS TAMPER CHECK, ENABLED
S	IDLE S/D WARNING TIME	30 SEC IDLE S/D WARNING TIME
S	IDLE S/D IF WARM-UP TEMP	38C DEG (100F), WARM UP TEMP DELAY
S	IDLE S/D WARM-UP TIMER	5 MIN. WARM UP TIME DELAY
S	IDLE S/D IF PTO ACTIVE	ENGINE IDLE SHUTDOWN TIME OVERRIDDEN IF PTO ACTIVE
S	IDLE SHUTDOWN IF POWER > LIMIT	ENG IDLE SHUTDOWN TIME OVERRIDDEN IF TORQUE > THAN LIMIT
S	IDLE S/D OVERRIDE %ENGINE LOAD	IDLE SHUTDOWN OVERRIDE UPTO 20% ENGINE LOAD THRESHOLD

TECHNICAL SPECIFICATION (cont.)



ENGINE ELECTRONICS		DESCRIPTION
S	AMBIENT TEMP MIN TRESHOLD	AMBIENT TEMP MIN TRESHOLD, 16 DEG C, (60 DEG F)
S	AMBIENT TEMP MAX TRESHOLD	AMBIENT TEMP MAX TRESHOLD, 27 DEG C, (80 DEG F)
S	EL HD THROTTLE,MAX ROAD SPEED	ELECTRONIC HAND THROTTLE, MAX ROAD SPEED, 16 KMH (10 MPH)
S	EL HAND THROTTLE,MAX ENG SPEED	ELECTRONIC HAND THROTTLE, MAX ENGINE SPEED, 1000 RPM
S	EL HAND THROTTLE,MIN ENG SPEED	ELECTRONIC HAND THROTTLE, MIN ENGINE SPEED, 700 RPM
S	EL HD THROTTLE,SPEED RAMP RATE	ELECTRONIC HAND THROTTLE, SPEED RAMP RATE, 100 RPM/SEC

TRANSMISSION ELECTRONICS		DESCRIPTION
	TRANSMISSION DRIVE MODE PACKAGES, mDRIVE	mDRIVE- ENHANCED CONSTRUCTION - ECON, PERF, & PERF+ DRIVE MODES, AUTO RETURN (premium)
S	TRANSMISSION KICK-DOWN MODE	MACKCELLERATOR ENABLE
S	TRANSMISSION ELECTRONICS PACKAGE	W/O ELEC TRANS PACKAGE OPTION (all non-Allison transmissions)
	TRANSM AUTO NEUTRAL ON P-BRAKE	mDRIVE TRANSMISSION PARK BRAKE AUTO NEUTRAL
S	TRANSMISSION ELECTRONIC SHIFTING PROPERTIES	W/O ALLISON FUELSense 2.0 PROGRAMMING

VEHICLE ELECTRONICS		DESCRIPTION
S	ROAD SPEED LIMITER SETTING	105 KM/H ROAD SPEED LIMITER (65MPH)
S	PEDAL RSL SETTING	101 KM/H PEDAL ROAD SPEED LIMITER (63MPH)
S	CRUISE CONTROL	CRUISE CONTROL
S	CRUISE CONTROL, MAX SPEED	MAX CRUISE, 105 KPH (65 MPH)
S	CRUISE CONTROL MIN SPEED	MIN CRUISE, 32 KPH (20 MPH)
S	CRUISE RESUME WITH CLUTCH	CRUISE RESUME WITH CLUTCH
S	ENG BRK ENGAGE IN CRUISE	ENG BRK ENGAGE IN CRUISE, 3 MPH, ABOVE SET SPEED
	PDLO ENGAGED VLS	POWER DIVIDER LOCK OUT (PDLO) ROAD SPEED LIMIT 24KMH (15MPH)
	DIFF LOCK SPEED LIMIT	DIFFERENTIAL LOCK ROAD SPEED LIMIT 24KMH (15MPH)
S	MAXIMUM ENG SPEED AT 0 MPH	1000 MAXIMUM ENGINE SPEED AT 0 MPH
S	DETECTION SPEED SENSR TMPRNG	DETECTION OF SPEED SENSOR TAMPERING, ENABLE
S	ENG TORQUE LIMIT,SPEED SENSOR	ENG TORQUE LIMITED TO 50%, IF SPEED SENSOR TAMPER DETECTED
S	DRIVER ID FUNCTION	DRIVER ID FUNCTION, DISABLED
S	DR PERFORMANCE PARAMETERS	WITHOUT DRIVER PERFORMANCE PARAMETERS
S	ENGINE OVERSPEED,ALL COND, LOG	ENGINE OVERSPEED, ALL CONDITIONS, TIME LOG IF ABOVE 2200 RPM
S	ENGINE OVERSPEED,FUELED, LOG	ENGINE OVERSPEED, FUELED, TIME LOG IF ABOVE 2100 RPM
S	VEHICLE OVERSPEED,ALL COND,LOG	VEHICLE OVERSPEED,ALL COND, TIME LOG IF ABOVE 75MPH (121KMH)
S	VEHICLE OVERSPEED, FUELED, LOG	VEHICLE OVERSPEED, FUELED, TIME LOG IF ABOVE 70MPH (113KMH)
S	ENGINE IDLE DELAY TO LOG	ENGINE IDLE DELAY TO START LOG, 2 MIN
S	PERIODIC TRIP LOG DAY OF MONTH	PERIODIC TRIP LOG, DAY 1 OF THE MONTH

PTO ELECTRONICS		DESCRIPTION
S	TRANS PTO1 SPLITTER RANGE	PTO1 FOR SPLITTER RANGE - KEYPAD REMOTE CONTROLLED
S	TRANS PTO2 SPLITTER RANGE	PTO2 FOR SPLITTER RANGE - KEYPAD REMOTE CONTROLLED
S	PTO1 SINGLE SPEED CONTROL RPM.	PTO 1ST, SINGLE SPEED SETTING, 1000 RPM
S	PTO 1ST, MAX ROAD SPEED	1ST PTO, MAX ROAD SPEED, 10 MPH (16 KPH)
S	PTO 1ST, SPEED RAMP RATE	PTO 1ST, SPEED RAMP RATE 100 RPM/SEC
S	PTO 1ST, MAX ENGINE SPEED	PTO 1ST, MAX ENGINE SPEED, 2100 RPM
S	PTO 1ST, ROAD SPEED LIMIT	PTO 1ST, ROAD SPEED LIMIT, 97 KMH (60 MPH)

TECHNICAL SPECIFICATION (cont.)



PTO ELECTRONICS		DESCRIPTION
S	PTO 1ST, MINIMUM ENGINE SPEED	PTO 1ST, MINIMUM ENGINE SPEED, 600 RPM
S	PTO 2ND, SINGLE SPEED SETTING	PTO 2ND, SINGLE SPEED SETTING, 1000 RPM
S	PTO 2ND, MAX ROAD SPEED	2ND PTO, MAX ROAD SPEED, 10 MPH (16 KPH)
S	PTO 2ND, SPEED RAMP RATE	PTO 2ND, SPEED RAMP RATE 100 RPM/SEC
S	PTO 2ND, MAX ENGINE SPEED	PTO 2ND, MAX ENGINE SPEED, 2100 RPM
S	PTO 2ND, ROAD SPEED LIMIT	PTO 2ND, ROAD SPEED LIMIT, 97 KMH (60 MPH)
S	PTO 2ND, MINIMUM ENGINE SPEED	PTO 2ND, MINIMUM ENGINE SPEED, 600 RPM

PAINT		DESCRIPTION
S	PAINT DESIGN	SINGLE COLOR
S	PAINT TYPE	SOLID PAINT
S	PAINT COLOR - FIRST COLOR	MACK WHITE; P9188
S	PAINT COLOR - SECOND COLOR	NO SECOND TRUCK COLOR PROVIDED; NO COLOR
S	PAINT COLOR - THIRD COLOR	NO THIRD TRUCK COLOR PROVIDED; NO COLOR
S	PAINT - CAB PAINT SYSTEM	PAINT - CAB, URETHANE CLEAR COAT
S	CAB COLOR	SAME AS FIRST COLOR - CAB
S	HOOD COLOR	SAME AS FIRST COLOR - HOOD
S	SLEEPER ROOF COLOR	WITHOUT SLEEPER ROOF COLOR
S	ROOF FAIRING COLOR	WITHOUT ROOF FAIRING
S	CHASSIS RUNNING GEAR	MACK BLACK (URETHANE); P3036
S	BUMPER	PAINT BUMPER SAME COLOR AS CHASSIS RUNNING GEAR
S	FUEL TANK - ***NO INVENTED VARIANTS ALLOWED in the FUEL TANK PAINT FAMILY***	W/O OPTIONAL FUEL TANK PAINT
S	HUBS & DRUMS-FRONT	SAME AS CHASSIS RUNNING GEAR
S	HUBS & DRUMS-REAR	SAME AS CHASSIS RUNNING GEAR

CALCULATED CODES - KAX		DESCRIPTION
S	PROPCALC SELECTION	YES, THE ORDER MUST BE CALCULATED
	AUTO ROUTING & CLIPPING, CENTER	AUTOMATIC ROUTING & CLIPPING PLACEMENT, CENTER SECTION

BASE WARRANTY & PURCHASED COVERAGES		DESCRIPTION
S	VEHICLE WARRANTY TYPE	HEAVY DUTY WARRANTY CLASSIFICATION
S	BASIC CHASSIS COVERAGE	HEAVY DUTY STANDARD BASE COVERAGE 12 MONTHS/100,000 MILES (161,000 KM)
	EMISSION - SURCHARGE	CARB + EPA for Mack MP7 / MP8 Diesel
	ENGINE WARRANTY	MACK MP7/MP8 BASE CARB EMISSION COVERAGE 60 MONTHS / 350,000 MILES
	EMISSION COMPONENT COVERAGE	US and CANADA CARB EQUIPPED VEHICLE EMISSION COMPONENTS COVERAGE 60 MONTHS/350,000 MILES
S	TRANSMISSION WARRANTY	36 MONTHS: STANDARD mDRIVE HD TRANSMISSIONS HEAVY DUTY WARRANTY
S	CARRIER & AXLE HOUSING WARRANTY	STANDARD MACK HEAVY DUTY COVERAGE 60 MONTHS / 500,000 (804,672 KM)
S	AIR CONDITIONING WARRANTY	AIR CONDITIONING STANDARD COVERAGE (Sealed System Only) 12 MONTHS UNLIMITED MILEAGE
S	CHASSIS TOWING WARRANTY	STANDARD NORMAL / HEAVY DUTY CHASSIS TOWING 90 DAYS OR 5,000 MILES
S	ENGINE TOWING WARRANTY	STANDARD MACK ENGINE TOWING COVERAGE 24 MONTHS/250,000 MILES (402,000 KM)
	GUARDDOG CONNECT BUNDLE	24 MONTH - GUARDDOG CONNECT WITH MACK OTA (with ASIST and Mack OneCall))

TECHNICAL SPECIFICATION (cont.)



CONNECTED SERVICES		DESCRIPTION
S	MACK INTEGRATED UPTIME	MACK INTEGRATED UPTIME - 24 MONTHS
S	FLEET INTEGRATION	WITHOUT FLEET INTEGRATION
S	PARTNERED SERVICES	NO PARTNERED SERVICES PROVIDED

**VEHICLE SPECIFICATION/CALCULATED PERFORMANCE SUMMARY**

Sub-Category	Sales Code	Sales Code Description	Value	UOM
Front Axle	240AA3	20000# (9100 KG) MACK FXL20 STRAIGHT SPINDLE/UNITIZED BEARINGS	20000	LB
Front Suspension	244AB4	MACK TAPERLEAF 20000# (9100 KG) GROUND LOAD RATING, EQUAL BIAS	20000	LB
Front Tires	9004Y0	315/80R22.5 L BRIDGESTONE M870 (20000 lbs)	20000	LB
Front Wheels	5312N1	22.5x9.00 ACCURIDE 41730x POLISHED ALUMINUM, 7.00" OFFSET, 10 HAND HOLE	20001	LB
Front GAWR			20000	LB
Pusher Axle	MA2052	(1) HENDRICKSON 13K COMPOSITITE STEERABLE PUSHER AXLE (LIFTABLE), FF-SERIES WHEEL ENDS	13001	LB
Auxillary Tires	MA5655	11R22.5 H BRIDGESTONE R268 ECOPIA (13220 lbs / 24020 lbs)	13228	LB
AuxillaryWheels	MA4019	22.5x8.25 ACCURIDE 40008x EXTRA POLISHED ALUMINUM, 6.59" OFFSET, 10 HAND HOLE	16201	LB
Pusher GAWR			13001	LB
Rear Axle	268AA3	44000# (20000kg) MACK S440R FABRICATED STEEL HOUSING	44000	LB
Rear Suspension	1860I6	SS44 MACK CAMELBACK MULTILEAF 44,000 lb, HEAVY DUTY	44000	LB
Rear Tires	901AJ6	11R22.5 H BRIDGESTONE M799 (24020 lbs) (DRIVE ONLY)	48041	LB
Rear Wheels	3462Z6	22.5x8.25 ACCURIDE ACCU-LITE 43644x EXTRA POLISHED OUTBOARD, POLISHED INBOARD, 6.59" OFFSET, 10 HH	59199	LB
Rear GAWR			44000	LB
Truck GVWR			77000	LB
Gross Combination Weight Rating			0	LB
Tax Value GVWR (USA FET Only)			77000	LB

MACK®



Mack Trucks
www.macktrucks.com



VANGUARD TRUCK CENTERS

1213 N. Zaragoza Rd

El Paso TX 79907

Phone: (915) 259-1200

New Vehicle Purchase Agreement

DE-17968

PROS-015765

Joseph Sepulbeda

PROS-015765

City of Harlingen Texas

118 E Tyler Ave

Harlingen TX 78550

P:(956) 216-5033 | F:

City of Harlingen Texas

118 E Tyler Ave

Harlingen, TX 78550

Stock#: 1210600 1M2GR3GC4SM044158 New 2025 MACK GR64BX

GalFab 75k Hoist w/Pioneer Tarper

Price: \$188,973.00

\$68,000.00

Total Price \$256,973.00

Total \$256,973.00

Vanguard Truck Centers Reseller of: East Texas Mack TIPS Contract #230802

Mack Granite complete with GalFab 75k Roll-Off Hoist with Pioneer Tarper and 13k Steerable pusher axle

PRICING SUBJECT TO MATERIAL SURCHARGES

VANGUARD TRUCK CENTERS (the "COMPANY") SELLS THIS VEHICLE ON AN "AS IS WHERE IS" BASIS AND MAKES NO WARRANTIES AS TO SAID VEHICLE'S, EXPRESS, IMPLIED, OR IMPLIED BY LAW, AND COMPANY EXPRESSLY DISCLAIMS THE IMPLIED WARRANTY OF MERCHANTABILITY AND THE IMPLIED WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE. ANY WARRANTIES OF THE VEHICLE ARE THE MANUFACTURER'S STANDARD VEHICLE WARRANTY, A COPY OF WHICH HAS BEEN DELIVERED TO THE PURCHASER, WHICH IS NOT INCORPORATED HEREIN BY REFERENCE. THE COMPANY SHALL NOT BE LIABLE FOR CONSEQUENTIAL DAMAGES, INCLUDING, BUT NOT LIMITED TO, LOSS OF INCOME.

THE TERMS AND CONDITIONS ON THE REVERSE SIDE HEREOF ARE A PART OF THIS AGREEMENT. THE PURCHASER ACKNOWLEDGES HAVING READ THIS AGREEMENT, INCLUDING SUCH TERMS AND CONDITIONS ON THE REVERSE SIDE. NO VEHICLES ARE HELD MORE THAN 5 DAYS WAITING FOR CREDIT APPROVAL.

DATE ACCEPTED: BY:

Email-joseph.sepulbeda@vanguardtrucks.com

Joseph Sepulbeda

SALES REPRESENTATIVE

(PRINT NAME OF PURCHASER)

City of Harlingen Texas

(BUSINESS NAME)

(TITLE)

(956) 216-5033

(PHONE)

118 E Tyler Ave

ADDRESS

Harlingen TX 78550

CITY, STATE, ZIP

SALES MANAGER

TERMS AND CONDITIONS

This Purchase Agreement is tendered by the Purchaser for acceptance by Vanguard Truck Centers (hereinafter called the "Company"). It is understood that it will not be binding upon the Company unless accepted and signed by an authorized executive of the Company.

If the terms of payment herein provided are other than cash, the Purchaser agrees to execute and deliver to the Company, prior to the delivery of said vehicle(s), a security agreement in the form customarily required by the Company or an applicable lender, covering said vehicle(s) in order to secure the payment of the indebtedness due hereunder. The Purchaser further agrees that this Purchase Agreement shall be subject to all the terms and conditions of said security agreement, which shall supersede this Purchase Agreement to the extent inconsistent herewith; provided that Purchaser's assertions and/or warranties as to any used motor vehicle or equipment traded in by the Purchaser and taken by the Company as part of payment hereunder (hereinafter such used motor vehicle or equipment is called the "used equipment") shall survive the execution of the security agreement.

The Company shall not be held responsible for any loss, damage, detention, delay or failure to deliver resulting from any cause which is unavoidable or beyond the Company's reasonable control, including, but not limited to fire, flood, natural disaster, strike or labor disturbance, accident, vandalism, riot or insurrection, war, any order, decree, law or regulation of any court, government or governmental agency, shortage of materials, demand in excess of available supply, failure or interruption of normal transportation or power facilities; NOR IN ANY EVENT SHALL THE COMPANY BE LIABLE FOR CONSEQUENTIAL DAMAGES, INCLUDING, BUT NOT LIMITED TO LOSS OF INCOME. The receipt of said vehicles(s) by the Purchaser upon delivery shall constitute a waiver of all claims for loss or damage due to delay.

The Purchaser warrants that the used equipment traded in, if any, is free from all liens and/or encumbrances, title defects including but not limited to flood titles, rebuilt titles or odometer discrepancy titles, of any nature whatsoever, and that the Purchaser has good and marketable title to the used equipment at the time of delivery thereof to the Company. The used equipment is to be delivered to the Company in the same condition and appearance in which it was when first inspected by the Company or its agent. The Company, upon delivery of such used equipment, shall have the right once again to inspect such used equipment and the Company shall be the sole judge as to its condition, with the right to accept or reject the used equipment at its option. If the used equipment to be delivered to the Company is not in a condition and appearance as good as it was when first inspected by the Company, the Company shall have the right to revalue the amount of allowance offered for such equipment and the total cash purchase price shall be increased accordingly.

The Purchaser agrees that the amount of the allowance made upon the used equipment, if any, is to be applied by the Company as part payment on the purchase price of said vehicle(s).

In the event that the within Purchase Agreement is accepted by the Company and the Purchaser fails to pay the purchase price and accept delivery and perform under this Purchase Agreement pursuant to its terms, the Company will pursue all damages at law and in equity that the Company believes it is owed.

In the event that the within Purchase Agreement is cancelled by mutual written agreement of the Company and the Purchaser or if the Company is unable to make delivery of said vehicle(s), the Company will return and the Purchaser will accept the cash and the used equipment (or if the used equipment shall have been sold, the net amount received by the Company from the sale thereof (less a 15% sales commission charge) in full discharge of any obligations of the Company to the Purchaser hereunder.

The Purchaser agrees that all previous communications between the Purchaser and the Company, either verbal or written, with reference to the subject matter of this Purchase Agreement, are hereby integrated into the Purchase Agreement and that this Purchase Agreement contains and accurately describes all agreements between Purchaser and Company. The Purchaser further agrees that no modification of this Purchase Agreement shall be binding upon the Company unless such modifications shall be in writing and agreed to and accepted in writing by an executive of the Company.

A security interest in said vehicle(s) shall remain in the Company until the payment in full of the purchase price or, if the terms of payment herein provided are other than cash, until the execution and delivery of a security agreement, as hereinabove provided, at which time the terms of said security agreement shall control with respect to the title and ownership of said vehicle(s).

TERMS AND CONDITIONS

In the event of Purchaser's failure to make payment of the purchase price when due, the Company may take immediate possession of said vehicle(s), without demand or further notice. For this purpose and in furtherance thereof, the Purchaser shall, if the Company so requests, make said vehicle(s) available to the Company at a reasonably convenient place designated by it, and the Company shall have the right, and the Purchaser does hereby authorize and empower the Company, its agents, servants or employees, to enter upon the premises wherever said vehicle(s) may be and remove the same; and the Purchaser hereby expressly waives any action or right of action of any kind whatsoever against the Company, its agents, servants or employees because of the removal, repossession or retention of said vehicle(s) or otherwise.

If the cost to the Company of insurance to be furnished by the Company hereunder is increased at any time prior to the delivery of said vehicle(s), the Purchaser agrees to pay for the insurance herein provided for at such increased rate.

It is agreed that if the cost of labor, materials, body, accessories or other equipment or component parts increases beyond the basis upon which the price set forth herein was established, then the Company, at any time before delivery, may give the Purchaser written notice of an increase in price, and such increased price shall be the contract price, unless Purchaser within ten days thereafter shall give Company written notice of cancellation. Any such increase in the contract price, pursuant to this provision, however, shall not prevent additional increases, if necessary, under the circumstances set forth herein at any time prior to delivery.

ALL TAXES NOW OR HEREAFTER IMPOSED UPON THE MANUFACTURER OR SALE OF SAID VEHICLE(S) SHALL BE PAID BY THE PURCHASER.

Effective January 1, 2024, under no circumstances can a model year 2025 or newer truck be registered or primarily used in California.

All model year 2025 MSOs will be marked "NOT FOR INITIAL SALE OR REGISTRATION (NEW VEHICLE TITLING) IN CALIFORNIA"

At this time and until further notice, Vanguard Truck Centers (the Company) does not sell a CARB 2024 Omnibus Certified engine to allow sales in California. CARB Clean Idle engines are NOT eligible for registration in California but are permitted to idle in California. Registration is the key difference between the CARB offerings.

If the Purchaser attempts to register a truck in California, a fine will be charged to the OEM (original equipment manufacturer). This fine will be charged back to the Company and then charged to the Purchaser, who is ultimately responsible for compliance with the emissions laws of California or any opt-in state. The minimum fine will be the sales price of the vehicle plus \$47,738 with no maximum established.

The Purchaser hereby indemnifies the OEM and the Company (each an "Indemnified Party"), and its successors and assigns, from and against any claim, cause of action, costs, fines, expense or damage including attorney's fees of any nature asserted, or that could be asserted, against the OEM or the Company for any noncompliance by the Purchaser with any law or CARB or EPA regulation or the registration or use of the NEW trucks in the State of California. If any fine or charge is imposed on an OEM or the Company as a result of the Purchaser's non-compliance with any California or Federal law or regulation, Purchaser will reimburse such fine or charges to the OEM and the Company within 5 days of such demand by an Indemnified Party.

This instrument contains the entire agreement between the parties, and there are no understandings or representations not contained herein, including but not limited to any guaranteed future trade value on the new vehicles subject to this agreement unless the agreement is signed by the Chief Executive Officer of Company. This Agreement will be governed by the internal laws of the state of Georgia without regard to any conflicts of law provisions. Venue for any dispute hereunder will only be proper if brought in the appropriate court in Fulton County, Georgia and both parties hereto waive any objections to personal jurisdiction under the laws of the state of Georgia.

Purchaser's Initials

EXECUTIVE SUMMARY

107

Meeting Date: **July 3, 2024**

Agenda Item:

Consideration and possible action to approve amendments to the Purchasing Manual for the City of Harlingen.

Prepared By: Robert Rodriguez

Title: Finance Director

Signature:



Brief Summary:

The City of Harlingen is proposing to amend the Purchasing Manual, adopted by the Harlingen City Commission. Any updates or minor revisions may be made and authorized by the City Manager on a periodic basis upon approval of the City Commission.

The City has applied for and received multiple Federal grants. When procuring property and services under a Federal award, the City of Harlingen as a non-Federal entity and/or sub recipients of a State, must follow the general procurement standards provided by the Code of Federal Regulations. As the sub recipient of Federal grants, this amendment is needed to meet the procurement standards established by the Code of Federal Regulations - Title 23 Highways, Chapter I – Federal Highway Administration, DOT, Part 172 Procurement, Management, and Administration of Engineering and Design Related Services, and the Brooks Act.

This revision has been reviewed and approved by the Texas Department of Transportation ("TxDOT") on May 22, 2024 and will supplement the City of Harlingen Purchasing Manual, Chapter 3 - General Procurement Policy for Federal Awards amended on April 5, 2023.

Refer to revision on pages 48-53, no other changes were made to the purchasing manual.

Funding (if applicable):

Are funds specifically designated in the current budget for the full amount for this purpose? ☐ Yes ☒ No* *N/A - No funding required*

*If no, specify source of funding and amount requested:

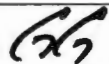
Finance Director's approval:

☒ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval to amend the City of Harlingen Purchasing Policy.

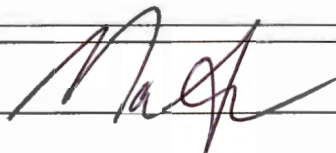
City Manager's approval:



☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:



☒ Yes ☐ No ☐ N/A



Purchasing Manual

Adopted by the Harlingen City Commission on the 5th day of June, 1996.

Amended: November 21, 2016.

Amended: April 5, 2023.

April 2023

ACKNOWLEDGEMENT FORM PURCHASING MANUAL

I _____ hereby acknowledge receipt of the City of Harlingen's Purchasing Manual. As an employee of the City of Harlingen, I agree to comply with all purchasing policies and procedures.

I understand that violations of purchasing policies and procedures are causes for disciplinary action up to and including termination.

I acknowledge that I have received information regarding the Code of Ethics as stated in Chapter 1, Section 4 of the Purchasing Manual and I understand that:

- No employee of the City of Harlingen shall accept or solicit any money, property, service or thing of value by the way of gift, favor, loan or otherwise, when he/she knows or should know that this is being offered or given with the intent to unlawfully influence such person in the discharge of official duties or in return of having exercised or performed official duties.
- No employee shall use his/her position to gain special privileges or exemption for him/herself or others.
- No employee shall grant special consideration or treatment to any individual or organization beyond that which is available to every other person or organization.
- No employee shall transact business with an entity that he/she has a financial interest in.

I understand that a copy of this acknowledgement form will be placed in my official personnel file.

Employee Name

Date

Department

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Chapter 1

PROCUREMENT POLICY

SECTION 1 PROCUREMENT POLICY

The City of Harlingen's purchasing policies and procedures are determined by Federal and State laws and regulations, City Commission approved resolutions and historical procurement guidelines.

ADOPTION

This Purchasing Manual was adopted by the Harlingen City Commission on the 5th day of June, 1996. Any updates or minor revisions may be made and authorized by the City Manager on a periodic basis upon approval of the City Commission.

Revisions to the Purchasing Manual were approved by the Harlingen City Commission on the following dates:

- November 21, 2016
- April 5, 2023

INTRODUCTION

This Procurement Policy and Procedure manual ("manual") outlines the rules and regulations for purchasing goods and services for the City of Harlingen. The purpose is to provide guidance and instruction for all City employees regarding the purchasing process.

The City of Harlingen, Texas ("City") is a Home Rule City, operating pursuant to Article 11, Section 5 of the Texas Constitution, State law and the City's Home Rule Charter. The City Commission is the governing body of the City of Harlingen. The City Commission adopts a budget each year that sets the amounts of each major category of allowable expenditures. In determining purchasing practices, the City is guided by the City Charter, State law, and City ordinances, supplemented from time to time by City Commission resolutions/ordinances and City administrative policies and procedures.

PURPOSE AND OBJECTIVE

The Purchasing Department is under the Finance Department. Purchasing procedures are guided by several law requirements in reference to procurement practices. The purpose and objectives of the Purchasing Department are as follows:

PURPOSE:

- To conduct all purchasing in accordance with applicable State laws, City Charter, and Ordinances.
- To centralize all purchasing into one department for the purpose of economy and efficiency.
- To establish standard procurement procedures in order to ensure accountability and consistency in purchases made for the City of Harlingen.
- To encourage free and open competition whenever possible in the City's procurement process ensuring fairness among bidders.

OBJECTIVE: To experience the most value for each dollar spent, obtaining the lowest possible price and the highest quality consistent with delivery terms and vendor service reputation.

- To purchase quality materials, commodities and/or services in proper quantities at the right time to ensure prompt deliveries.
- To establish a good strong business relationship with all interested vendors.
- To acquaint all persons in respect to the City of Harlingen Purchasing policies and procedures.
- To foster an understanding and appreciation of sound purchasing policy and procedures throughout all city departments.
- To maintain a current list of vendors and potential bidders for purchasing opportunities.
- To consolidate purchase requisitions when possible to take advantage of quantity discounts.
- To assist departments in establishing specifications with will encourage competition and accurately describe the equipment and materials needed.

PROCUREMENT POLICY

It is the policy of the City to conduct procurement functions efficiently, effectively, and in full compliance with applicable State laws, City Charter, and Ordinances. The City Commission is the governing body of the City of Harlingen. The authority to contract for all goods and services rests with the City Manager and those employees to whom he/she delegates that responsibility. The City Manager, through the authority of the City Commission, has been delegated to contract for the City in accordance with this manual. The Purchasing Agent, through the Finance Department, has been delegated by the City Manager to administer the purchasing rules and regulations in accordance with the State of Texas and Local Government Codes. Additionally, selected personnel in the City's requesting departments are authorized to make purchases as provided herein.

Unauthorized personnel who attempt to contract in the name of the City, or personnel making unauthorized purchases outside of the scope of this manual, may be subject to disciplinary action, legal action, and personal financial liability.

If a person fails to comply with the competitive bidding or competitive proposal procedures required by Statute, that person may be convicted of a Class B misdemeanor. This includes a situation in which a person makes or authorizes separate, sequential, or component purchases in an attempt to avoid competitive bidding requirements.

REFERENCES

State Law

1. Texas Local Government Code, Chapter 176, 252, and Chapter 271
2. Texas Government Code, Chapter 2252, 2253, 2254, and Chapter 2269
3. Texas Labor Code, Chapter 406
4. Texas Insurance Code, Chapter 1811

SECTION 2 RESPONSIBILITY & EXPENDITURE AUTHORITY

The City Commission adopts a budget each year that sets the amounts of each major category of allowable expenditures.

RESPONSIBILITY

- A. **City Manager** – The City Manager establishes the rules and regulations for the purchase of all goods and services by means of this manual. The City Manager has delegated to the Purchasing Agent, through the Finance Department, the authority to procure all goods and services. The Purchasing Agent shall administer the purchasing rules and regulations as established by the State of Texas and Local Government Codes.
- B. **Finance Department** – The Purchasing Department is under the direction of the Finance Department.
- C. **Purchasing Agent** – The Purchasing Agent performs or oversees compliance with all procurement requirements for goods and services as prescribed in the Texas Local Government Code, and the City's Policies and Procedures. The Purchasing Agent ensures that all procurement activities are conducted with the highest level of ethical standards, provide suppliers a fair opportunity to compete for City business and protect public funds.
- D. **Requesting Departments**
 - 1. **City Manager** is responsible for ensuring that all departments comply with all policies and procedures outlined in this manual.
 - 2. **Directors**
 - a. Plan purchase requirements in order to allow sufficient time to obtain bids or proposals.
 - b. Budget and ensure that adequate funds are appropriated for annual expenditures.
 - c. Expenditures not included in the budget must have approval of the City Manager before quotes are obtained and before a Purchase Requisition is created.
 - Evidence of the approval shall be submitted in written form by way of either: 1) A memo issued by the City Manager or, 2) A memo issued by a Director to the City Manager requesting approval for the expenditure, signed and approved by the City Manager.
 - d. Manage department purchases.
 - e. Ensure Historically Underutilized Business (HUB) participation (LG 252).
 - f. Provide specifications for goods or services requested.
 - g. Delegate authority to prepare requisitions and specifications within the department, as needed.
 - 3. **Department Assistants** are individuals within a department who have been delegated the task and responsibility to:
 - a. follow the City of Harlingen's policies and procedures.
 - b. ensure that adequate funds are appropriated for departmental purchases.
 - c. issue requisitions, specifications, solicitations, requests for quotes, and Field Purchase (FPO's).
 - d. assist and prepare solicitations for quotes, specifications for departmental purchases.

EXPENDITURE AUTHORITY

The City Commission is the governing body of the City of Harlingen. The Commission adopts a budget each year that sets the amounts of each major category of allowable expenditures.

A. Agreements/contracts obligating City funds shall not be signed by any City employee unless authorized by the City Manager.

B. City Commission

Expenditure approval for all Purchase Orders and/or Contracts with a

1. Planned and anticipated annual expenditure of \$50,000 and above, and
2. Change Order Increases greater than either \$50,000 or 25% of an original Contract that was awarded by City Commission.
3. Non-budgeted purchases with an annual expenditure over \$50,000. Including non-budgeted Cooperative or Inter-local Agreement purchases.

C. City Manager or delegated designees have authority to approve

1. Purchase Orders, and/or Contracts
2. Change Orders under \$50,000 or less than 25% of the original Contract not requiring approval by City Commission.
3. Non-budgeted purchases with annual expenditures under \$50,000.
4. All procurement documents requiring approval by City Commission.
5. Executing all contracts/agreements approved by City Commission.

D. Department Director's Expenditure Authority

1. Approve annual Budgeted Expenditures that have been approved by City Commission.
2. Approve departmental Purchase Requisitions for anticipated annual expenditures.
3. Approve Field Purchase (FPO's), Stock Requisitions, and Check Requisitions.
4. Approve Change Orders within 25% of the original Contract, but no greater than \$50,000.
5. Initiate and approve requisitions for any purchase approved in City Commission budget.

E. Director Delegation of Purchasing Authority:

Department Directors are assigned the responsibility of granting purchasing authority to departmental employees who must comply with the Purchasing Policies and Procedures. Authorized departmental employees will be given access to the following Procurement Methods: Warehouse Stock Requisitions, Purchase Requisitions, Field Purchase Orders, and Check Requisitions.

Employees that have been delegated with Purchasing Authority must ensure that all invoices received for goods and services must be processed for payment within 30 days after the goods or services are received or the date of the invoice is received, whichever is later. (Prompt Payment Act, GC 2251.025 Law Appendixes).

Directors must fill out and submit a Purchasing Authority / Account Access Request Form to the Finance Department, and provide the following:

1. Names of individuals authorized to approve requisitions and ensuring the approval process is maintained within the system.
2. Must maintain current records of authorized users.

3. Must notify the Finance Department when an update is necessary, by submitting Purchasing Authority Request Form to the Finance Department.

F. Purchasing Agent has delegated authority to:

1. Administer the purchasing rules and regulations in accordance with the State of Texas and Local Government Codes.
2. Review and process all Purchase Orders for the purchase of budgeted goods or services from Inter-local or Cooperative Purchasing Agreements.
3. Review and process all Purchase Order Changes.
4. Determine which method of procurement provides the best value for the City.

SECTION 3 CODE OF ETHICS

Suppliers who contract with the City of Harlingen will be treated equally and in a manner that is consistent with good business practices, professional ethics, and the requirements of law. All prospective bidders shall be given identical information. The specifications, terms, and conditions of all bids and quotations will be prepared in a language familiar to the trade, and in a manner that will encourage competitive bidding. The City of Harlingen follows a policy of fair, open and transparent actions in all procurement activities.

CODE OF CONDUCT– *Prevent the intent and appearance of unethical or compromising conduct in relationships, actions and communication.*

No employee, officer or agent of the City of Harlingen shall participate in the selection or the award or administration of a contract or conduct business with a vendor if a conflict of interest, real or apparent, would be involved. Such conflict would arise when:

- A. the employee, or officer or any agent
- B. a member of his/her immediate family
- C. an organization which employs or is about to employ, any of the above,

has a financial or other interest in the firm selected for award.

The City's officers, employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub-agreements, vendors or potential vendors. Depending on the gravity, violation of this Code of Conduct could result in probation or suspension or dismissal of officers, employees or agents involved.

No disclosure of verbal or written price quotations shall be made by any City employee. Any willful violation of the nondisclosure policy shall be subject to disciplinary action.

According to Article VII, Section 5, General Provisions of the City Charter, PERSONAL INTEREST, "No member of the City Commission or any officer or employee of the Corporation, shall be directly or indirectly interested in any work, business or contract, the expense, price, or consideration of which is paid, in whole or in part, from the City Treasury, or by an assessment levied by an ordinance or resolution of the City Commission, not be the surety of any person having a contract, work or business with the City, for the performing of which security may be required. Any contract which violates the forgoing provisions shall be void, and no legal right or advantage shall ever be acquired by any reason of any act or thing done in violation thereof, and any member of the City Commission or other office of the corporation who knowingly

shall be or become interested in any work, business or contract in violation of this section shall immediately forfeit his office.

CONFLICT OF INTEREST (CIQ FORM) – *Ensure that any personal, business and other activities do not conflict with the lawful interests of the City of Harlingen.*

Chapter 176 of the Texas Local Government Code requires entities seeking to contract and/or contracting with local government entities, such as cities, for the sale of goods or services, and their agents, to complete, sign and file a Conflict of Interest Questionnaire (Form CIQ) with the City of Harlingen.

CERTIFICATE OF INTERESTED PARTIES (FORM 1295) – *Ensure that any personal, business and other activities do not conflict with the lawful interests of the City of Harlingen.*

In 2015, the Texas Legislature adopted [House Bill 1295](#), which added section 2252.908 of the Government Code. The law states that a governmental entity or state agency may not enter into certain contracts with a business entity unless the business entity submits a disclosure of interested parties to the governmental entity or state agency at the time the business entity submits the signed contract to the governmental entity or state agency. The law applies only to a contract of a governmental entity or state agency that either (1) requires an action or vote by the governing body of the entity or agency before the contract may be signed or (2) has a value of at least \$1 million. The disclosure requirement applies to a contract entered into on or after January 1, 2016.

The Texas Ethics Commission was required to adopt rules necessary to implement that law, prescribe the disclosure of interested parties form, and post a copy of the form on the commission's website. The commission adopted the Certificate of Interested Parties form (Form 1295) on October 5, 2015. The commission also adopted new rules (Chapter 46) on November 30, 2015, to implement the law. The commission does not have any additional authority to enforce or interpret [House Bill 1295](#).

DEBARMENT POLICY AND PROCEDURES POLICY

The City of Harlingen makes all purchases in compliance with Federal Executive Order 12549, 44FR 13.35, the Texas Uniform Grant Management System and Texas Department of Public Safety SAA Information Bulletin No. 12-003 dated June 29, 2012. Prior to any City personnel (Emergency Management Operation (EMO) Director or City Auditor and their staff) placing orders for goods or services which will utilize Homeland Security funds, that individual is required to verify debarment status of each and every vendor for each and every order and contract. City personnel are required to use the EPLS system (WWW.EPLS.Gov) to make the verification.

SECTION 4 PROCUREMENT LIMITS AND REQUIREMENTS

At no time shall a purchase be broken down into smaller quantities or specialized activities so as to avoid the requirements stated below. It is a violation of State Law and the City policy to do so.

PROCUREMENT LIMITS

A. PURCHASES LESS THAN \$3,000

Purchases less than \$3,000 do not require competitive bidding/quotations. Quotes may be advantageous to obtain, regardless of the purchase price; therefore, the City of Harlingen strongly encourages quotations for all purchases. Any quote over \$1,000 must be in writing.

FPO's may be used only for purchases from local vendors that are located within the city limits of Harlingen for purchases up to, but not to exceed \$300.

B. PURCHASES OF \$3,000 TO LESS THAN \$50,000

Purchases of \$3,000 to less than \$50,000 will require a minimum of at least three (3) written quotations. This is an informal process.

C. PURCHASES OF \$3,000 TO LESS THAN \$50,000

A municipality, in making an expenditure of more than \$3,000 but less than \$50,000, State law requires contact of at least two historically underutilized businesses (HUBs) on a rotating basis in the county in which the municipality is situated on a rotating basis. If the state list of HUBs fails to identify a HUB in Cameron County, the City of Harlingen is exempt from this requirement.

D. PURCHASES OVER \$50,000

For all purchases over \$50,000, the City of Harlingen follows the competitive bid requirements and purchasing practices and procedures outlined in Local Government Code Chapters 262 and 271.

Purchases in excess of \$50,000 will require a competitive sealed bid or sealed proposal process. All bids/proposals must be referred to the Purchasing Department so that they may issue a bid/RFP number, assist with specification review, advertisement, solicitations, and hold a public opening of bids/proposals. All bids/proposals must be presented to City Commission for approval of recommended award.

Optional methods of procurement as adopted per State statute will be used to full advantage to receive the best value for the City.

INTER-LOCAL AND COOPERATIVE AGREEMENTS

These agreements are established for the purpose of maximizing savings to the City through pooling of economic buying power. A purchase from an approved Cooperative or Inter-local Agreement satisfies the requirement for quotes, and competitive bidding. However, to experience the most value for each dollar spent, obtaining the lowest possible price and the highest quality, it is encouraged to shop within the Cooperative Contracts or Inter-local Agreements.

1. Inter-local Agreements allow one or more local government entities to "piggy-back" off locally awarded contracts or to make joint purchases.

2. Cooperative purchasing occurs when two or more entities (state, federal, regional or local governments) coordinate some or all of their purchasing efforts to the mutual benefit of all participants in the purchasing process.

- A. COOPERATIVE PURCHASES Procurement for goods and/or services must be a Budgeted Expenditure that has been approved by City Commission.

- B. NON-BUDGETED COOPERATIVE PURCHASES LESS THAN \$50,000 Expenditures not included in the budget must be authorized and approved by the City Manager before quotes are obtained and before a Purchase Requisition is created.
- Evidence of the approval shall be submitted in written form by way of either: 1) A memo issued by the City Manager or, 2) A memo issued by a Director to the City Manager requesting approval for the specific expenditure, signed and approved by the City Manager.
- C. COOPERATIVE PURCHASES OVER \$50,000 Expenditures not included in the budget must be formally presented to City Commission for approval. Evidence of City Commission approval must be submitted to the Purchasing Office with a copy of the Executive Summary, Agenda Item and Agenda Summary showing approval.

Quotes are advantageous to obtain, regardless of the purchase price; therefore, the City of Harlingen strongly encourages to shop within the Cooperative Contracts or Inter-local Agreements to experience the most value for each dollar spent, obtaining the lowest possible price and the highest quality.

COOPERATIVE PURCHASING PROGRAM PARTICIPATION

- (a) A local government may participate in a cooperative purchasing program with another local government of this state or another state or with a local cooperative organization of this state or another state.
- (b) A local government that is participating in a cooperative purchasing program may sign an agreement with another participating local government or a local cooperative organization stating that the signing local government will:
- (1) designate a person to act under the direction of, and on behalf of, that local government in all matters relating to the program;
 - (2) make payments to another participating local government or a local cooperative organization or directly to a vendor under a contract made under this subchapter, as provided in the agreement between the participating local governments or between a local government and a local cooperative organization; and
 - (3) be responsible for a vendor's compliance with provisions relating to the quality of items and terms of delivery, to the extent provided in the agreement between the participating local governments or between a local government and a local cooperative organization.
- (c) A local government that purchases goods or services under this subchapter satisfies any state law requiring the local government to seek competitive bids for the purchase of the goods or services.

QUOTATIONS

The Procuring Department must forward all quotations, proposals, estimates, etc. to the Purchasing Department. The Purchasing Agent will maintain records of all quotations from the prospective vendors, and will become part of the contract or Purchase Order. Quotations may be acquired as follows:

- A. Verbal (telephone or in person)
- B. Written (via fax or email, company letterhead)
- C. Informal bids, proposals, or quotes
- D. Formal Sealed Bids

FORMAL SEALED BIDS are required for all purchases equal to or greater than what the law allows and shall be in accordance with applicable State laws, City Charter, and Ordinances, Texas Local Government Code Chapter 204, 205, 252, and Chapter 271; and Texas Government Code, Chapter 2252, 2253, 2254, and Chapter 2269.

If the competitive sealed bidding requirement applies to the contract, notice of the time and place at which the bids will be publicly opened and read aloud must be published at least once a week for two consecutive weeks in a newspaper published in the municipality. The date of the first publication must be before the 14th day before the date set to publicly open the bids and read them aloud.

SECTION 5 ADDITIONAL PURCHASING POLICIES

CONTRACTS

- A. A contract is an obligation to do or to abstain from doing some act. Essential elements of a contract are:
 - 1. An offer and an acceptance of that offer;
 - 2. The capacity of the parties to contract;
 - 3. Consideration to support the contract;
 - 4. A mutual identity of consent;
 - 5. Legality of purpose;
 - 6. Sufficient certainty of terms; and
 - 7. A legally binding promise, enforceable by law
- B. **A PURCHASE ORDER IS A CONTRACT.** Purchase orders are written and approved before goods or services are ordered and received. This ensures purchases are approved and within budget. Purchase Orders/Contracts are required when insurance and indemnification is required.
- C. The contractor must perform and meet the requirements of the contract. All guidance provided to a contractor must be within the scope of the contract.

ITEMS AND SERVICES ACQUIRED THROUGH ANNUAL/TERM CONTRACT

- A. Purchases of items or services may be readily quantified (such as a fixed hourly rate, or a fixed price per linear foot) may be accomplished through annual contracts that are awarded on a competitive sealed bid or proposals, or informal quotes, bids, or proposals and approved according to expenditure authority.
- B. Once an annual contract has been awarded and approved, the responsible department(s) will create an annual or term contract Purchase Order and request the items or services under the Purchase Order number generated from the system. Once approved, no further approvals are needed for purchases against the contract.

Requested items should be detailed by description and unit cost on the P.O. or an attached document, with the remarks section stating that the items are under contract to the specified vendor. Releases will then be reconciled with invoices.

- C. Annual contracts for the purchase of items or services where the price and quantity does not change from one month to another is initiated by issuing one annual purchase order, if the system in place permits such activity.

CAUTION: Items or a service purchased from a vendor other than the awarded is a direct violation of the purchasing procedures unless such purchase is an emergency purchase as defined in Local Government Code Section 252.022 and can't be readily furnished by the contractor awarded the annual contract.

INFORMATION TECHNOLOGY PURCHASES

All technology requests should be coordinated with the Director of Information Technology. This includes any device, regardless of cost, that will interact with the technology system. All IT-related purchases, including software, hardware, copier and printer purchases, rentals, and leases, must be initiated by the Management Information Systems Department (MIS) to ensure proper security controls are met.

PERSONAL USE PROHIBITIONS AND PERMISSIONS

- A. If an employee acquires merchandise or services for the employee's personal use from a vendor doing business with the City, such merchandise or services may not be delivered to the employee or another City employee unless the acquisition is paid directly by the employee. No personal invoices are to be mailed to an employee (or another City employee for or on behalf of the employee) at the employee's (or other employee's) place of work. Employee is responsible for applicable sales tax.
- B. Employees may purchase merchandise or services from a vendor doing business with the City provided that the price at which the item is purchased is the same price charged to all officers and employees of the City. Employees can't use the City's business accounts for personal purchases. Employees that are involved in contract negotiations should not purchase merchandise or services for personal use with a vendor that is currently working, seeks to work or has worked for the City.
- C. Employees shall **NOT** use the City of Harlingen tax exemptions forms for personal use.

ENFORCEMENT OF PURCHASING PROCEDURES

- A. Violations of purchasing procedures are causes for disciplinary action or termination.
- B. It shall be the responsibility of the Director of Finance or designee, to enforce all purchasing procedures.
- C. A violation is defined as an employee's action or omission that indicates an intentional or reckless disregard for purchasing laws, policy or procedures. A violation also may be noted if the employee's action was unintentional but violates Federal, State, City, or other applicable or law policies or procedures.
- D. Violations of purchasing procedures will be noted to the appropriate Director in a memorandum from the Director of Finance with a copy to Human Resources Department.
- E. Repetitive violations of purchasing/asset recovery procedures by one department or individual will be communicated to the City Manager in a memorandum from the Director of Finance with a copy to the appropriate Department Director.
- F. As a method for enforcing purchasing procedures, the Director of Finance or designee, with approval of the City Manager, may revoke the privilege of issuing department Purchase Orders for any offending employee for an established period of time.

G. Local Government Code 252.062 and 252.063 provide criminal penalties for officers and employees who knowingly violate state statutes.

NON-PERFORMING VENDORS

When a vendor fails to perform according to the Agreement (Purchase Order, Annual Agreement, Contract, and/or Specification), the Department Director or designee will document the issues in writing to the vendor and arrange a meeting to discuss the issues. The resolutions to the issues, as agreed upon by the requesting department and the vendor, shall be documented in writing and signed by the department and the vendor and a copy forwarded to the assigned Purchasing Agent.

If a vendor's performance remains non-compliant or otherwise unsatisfactory, the department will notify the assigned Purchasing Agent who will attempt to facilitate a resolution. If Purchasing cannot resolve the issues, the Purchasing Agent and the Department Director will contact the Legal department to assist in making a joint determination to cancel the contract per the terms and conditions. Purchasing will then work with the department to obtain a substitute vendor or issue a new solicitation in accordance with purchasing policy.

DISPOSAL OF GOODS

The City Manager has delegated to the Purchasing Agent, through the Finance Department, the authority to dispose of all salvage/surplus and seized property for any department or any using agency that derives its support wholly or in part from the City.

A. The Finance Department and/or the Purchasing Agent shall make all necessary arrangements for the disposal of surplus/salvage/impounded and material, and real estate.

B. Employees in the City Manager's Office and the Finance Department are prohibited from purchasing surplus items at the auction. Employee(s) who determine that an item is surplus is also prohibited from purchasing these items. In addition to other penalties, a person who violates this section may forfeit their employment.

REGARDING IDENTICAL BIDS

A. If the City is required to accept bids on a contract and receives two or more bids from responsible bidders that are identical in nature and amount, as the lowest and best bids, the City Commission must enter into a contract with only one of the bidders and must reject all other bids. If only one of such bidders is a resident of the City, the City must select that bidder.

B. If two or more of the bidders submitting identical bids are residents of the City, the contract must be awarded to the lowest responsible bidder or to the bidder who provides goods or services at the best value for the municipality.

SECTION 6 PUBLIC WORKS PROJECTS

DEFINITION

Public Works projects are those projects that require the construction, repair, or renovation of a structure, building, street, highway, bridge, park, water and wastewater distribution facility, airport runway or taxiway, drainage project, or other improvement or addition to real property.

The State Legislature for Public Works Projects can be found in Texas Local Government Code Chapter 2269 except otherwise noted within this chapter.

SPECIFIC STATUTES

A. State Legislature has passed specific statutes related to Public Works projects, not necessarily applied to other expenditures or purchases by a municipality. The statute requires the payment of a prevailing wage rate for laborers and mechanics and applies to both contractors and subcontractors. Wages for workers on construction projects shall not be paid less than the schedule of general prevailing rates of per diem wages as mandated.

To determine the prevailing wage rate, a survey can be conducted complying with Information Resources Management Act or shall adopt the rate determined by the U.S. Department of Labor defined by the United States Department of Labor Davis and Bacon Wage Determination at <http://www.wdol.gov/dba.aspx>

B. The prevailing wage rate or a link to the wage rates shall be included in public works projects.

AWARD OF CONTRACT

A. The City of Harlingen and its City Commission reserves the right to reject any and all bids.

B. Facility contracts, as defined the LGC 2269, may be awarded according to specific statutes for each type of construction delivery method.

C. For contracts in excess of \$50,000, vendors must specify in their bid if they request a payment schedule other than full payment at the completion of the project. Partial payment will not be considered for projects that are less than \$50,000.

SECTION 7 BONDS, INSURANCE, AND INDEMNIFICATION

BOND POLICY

- A. Bidders may be required to provide certain bonds for Public Works Contracts. This ensures that if he bidder attempts to withdraw after the bid is accepted, the government will not suffer loss. The term Public Works is not defined by statute; however, it is generally understood to mean construction, repair, or renovation of a structure or other improvement or addition of real property and civil engineered projects. The types of bonds that are typically used are: Bid Bonds, Payment Bonds, Performance Bonds, and Maintenance Bonds. The City will only accept corporate sureties duly qualified and authorized by the City. Personal sureties are not accepted. All required bonds must be approved by the Risk Manager or designees prior to contractors or vendors commencing work.
- B. The City may require bonding on other projects to mitigate risk, such as large software implementation.
- C. The City of Harlingen requires payment, performance, and maintenance bonding to be provided on City approved forms.

TYPES OF BONDS (Government Code Chapter 2253.021)

- A. Bid Bonds – The Bid Bond ensures that the awarded vendor will be able to secure any additional bonds required. The Bid Bond minimum limit is five percent (5%) of the total bid amount and

would typically apply to construction contracts. It is the City's option whether or not to require bidders to provide a Bid Bond. A certified check or bank draft payable to the City or negotiable U.S. Government Bonds (at par value) may be submitted in lieu of the bid bond. Bid Bonds will be returned to issuing vendor upon request.

- B. Payment Bonds are required for Public Works Contract in excess of fifty thousand dollars (\$50,000)
- C. Performance Bonds – The Purchasing Agent performs or oversees compliance with all procurement requirements for goods and services as prescribed in the Texas Local Government Code, and the City Policy and Procedure. The Purchasing Agent ensures that all procurement activities are conducted with the highest level of ethical standards, provide suppliers a fair opportunity to compete for City business and protect public funds.
- D. Maintenance Bonds can be written for a term of twelve (12) to twenty-four (24) months. These are typically included with the Performance Bonds. The coverage provided by a Maintenance Bond is a guarantee against defective workmanship and materials. Twelve month maintenance bonds are standard; however, twenty-four months maintenance bonds may be prudent in specific circumstances.

INSURANCE AND INDEMNIFICATION POLICY

- A. Contractors performing work on City of Harlingen property or public right-of-way shall provide the City indemnification and certificate of insurance or a copy of their insurance policy(s) including a copy of the endorsements necessary to meet the requirements, hold harmless, and defense clauses which will be required in a final contract. The required language must be inserted in solicitation documents or specifications.
- B. Contractual agreements must contain a provision that transfers the risk of the project from the City to the contractor. Because the contractor may not have the financial resources to handle the risks that are transferred in the contract, the City requires that insurance be purchased and maintained by the contractor for financial security.
- C. Workers' Compensation Insurance – By State law, contractor and subcontractors hired for building and construction projects must provide Workers' Compensation Insurance for their employees regardless of the project's cost. (Texas Labor Code, Chapter 406, Section 096)
- D. Risk Manager must approve and verify all insurance documents prior to the contract, purchase order, or commencement of work to be performed.
- E. The approved insurance and indemnification requirements can be found in this manual.

SECTION 8 PROCUREMENT OF PROFESSIONAL SERVICES

PURPOSE OF POLICY AND PROCEDURES

- A. The following policies and procedures are designed to assist the City's staff in the selection of individuals or firms to perform professional services. The desire is to establish fairness and consistency in the selection

process while obtaining the best value (quality services at a reasonable price) for the City in accordance with the applicable legal requirements.

B. Departments are asked to seek qualifications for professional services at least every five years to help ensure the greatest and fairest competition in the selection of professional services by the City of Harlingen.

DEFINITION OF PROFESSIONAL SERVICES

A. Professional services generally refer to those services performed by an individual or group of individuals where education, degrees, certification, license and/or registration is required for qualification to perform the service, including attorneys. The service is usually based on intellectual qualifications as opposed to craftsmanship. According to the Texas Attorney General's Office, professional services include "members of disciplines requiring special knowledge or attainment and a high order of learning, skill and intelligence." (Attorney General Opinion No. JM-940 (1988))

B. Certain Professions are specifically named in the Professional Services Procurement Act (ACT), Chapter 2254, Subchapter A, Texas Government Code.

"Professional services" means services within the scope of the practice, as defined by state law, of:

1. Accounting;
2. Architecture;
3. Landscape architecture;
4. Land surveying;
5. Medicine;
6. Optometry;
7. Professional engineering;
8. Real estate appraising; or
9. Professional nursing; or

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

1. Certified public accountant;
2. Architect;
3. Landscape architect;
4. Land surveyor;
5. Physician, including a surgeon;
6. Optometrist;
7. Professional engineer;
8. State certified or state licensed real estate appraiser; or
9. Registered nurse.

C. If a department is not sure if a service is a "professional service", the department should contact the Purchasing Agent before securing these services.

REQUEST FOR QUALIFICATIONS

A. A Request for Qualifications is the approved method for procurement of professional services. The City may not award a Professional Services Contract based on competitive bids, but it shall make the selection and award based on the provider's demonstrated competence and qualifications to perform the services and for a fair and reasonable price.

B. The same bid notification requirements, advertising requirements, and emergency exemptions apply for Request for Qualifications.

C. No additional services qualify as professional services under the Act. All other services must be procured through a competitive process, such as Request for Proposal (RFP).

EXEMPT PROFESSIONAL SERVICES

The City will not be required to solicit Request for Proposals (RFPs) for:

- Its state or federal lobbyists.
- Attorneys it may hire from time to time for legal advice.

The City will be able to negotiate directly with either profession and negotiate a Contract for Services. This provision applies regardless of the dollar amount of the Contract for Services.

PROCUREMENT OF ARCHITECTURAL, ENGINEERING, OR LAND SURVEYING SERVICES (Government Code Section 2254.004)

A. When procuring architectural, engineering or land surveying services, the City shall use a two-step selection process:

1. First, the City shall select the most highly qualified provider for those services and on the basis of demonstrated competence and qualifications; and
2. Second, attempt to negotiate with that provider on a contract at a fair and reasonable price.

B. If the City is unable to negotiate a satisfactory contract with the most highly qualified provider of architectural, engineering or land surveying services:

1. First, the City shall formally end negotiations with that provider,
2. Second, select the next most highly qualified provider, and
3. Third, attempt to negotiate a contract with that provider at a fair and reasonable price. The City may continue this process to select and negotiate with providers until a contract is entered into or it may recommence the RFP process.

PROCUREMENT OF ARCHITECTURAL, ENGINEERING, OR LAND SURVEYING SERVICES - FEES ESTIMATED TO BE UNDER \$50,000 PER YEAR.

A. The City's staff shall solicit proposals from qualified professionals and the director of the department will select an individual or firm capable of performing the service, on the basis of demonstrated competence and qualifications. The department director will enter negotiations with the selected individual or firm and follow the procedures established by the Professional Services Procurement Act.

B. A Purchase Order is recommended to formalize terms and conditions of the fees. It will allow the City to manage and track the monetary component.

PROCUREMENT OF ARCHITECTURAL, ENGINEERING, OR LAND SURVEYING SERVICES - FEES ESTIMATED TO BE \$50,000 OR GREATER PER YEAR.

A. The solicitation process will be managed by the Purchasing Agent. An advertisement may be placed with a newspaper, normally used for legal advertising, soliciting Request for Qualifications (RFQ) from all qualified professionals interested in providing the needed services.

B. The RFQ shall contain sufficient information to inform potential architects, engineers, or land surveyors as to the type of project, scope of services to be performed, and the selection criteria to be used. The RFQ will give the relative importance, or weighting, assigned to each of the criteria to be used in the selection process. The following criteria may be used, but the RFQ is not necessarily limited to these criteria:

1. The provider's experience in successfully performing similar assignments, scope and size, for others.
2. The provider's current staff, both size and related experience, is qualified to provide the desired services.
3. Whether or not, sufficient finances and other resources are available to accomplish the assignment, within the time to be allowed by the City, and whether or not the provider will be able to provide continuing service if required by the City.
4. How previous clients of the provider, for similar projects, express satisfaction with the provider's work.
5. Whether or not the provider's response, as perceived by the City's staff, is complete and of acceptable quality.
6. Whether the provider has an office, business in Harlingen.

C. A professional engineer, architect, or land surveyor may be selected after the evaluation of submitted Requests for Qualifications or it may be necessary (as determined by the Purchasing Department in conjunction with the using department) to interview several of the firms and further evaluate them on the basis of the interview or a presentation, narrowing the field until one firm is selected for negotiations.

D. When negotiations are concluded, a recommendation will be made to the City Commission that a contract is awarded to the firm(s) that the using department has determined is the most qualified provider. A selected provider may be used for a period not to exceed **five years**, except as otherwise determined by the City Commission.

E. A Purchase Order is recommended as a formalized terms and conditions of proposed fees. It will allow the City to manage and track the monetary component.

PROCUREMENT OF OTHER PROFESSIONAL SERVICES

A. Professional services, other than those named in the Professional Services Procurement Act, may be contracted through the use of Request for Proposals (RFP) or Competitive Sealed Proposal (CSP) and selection should be made on the basis of criteria similar to those for professional engineers, architects, and land surveyors; however, cost is additional criterion.

B. Services with fees under \$50,000 per year may be solicited, evaluated, and awarded by the using department's director. A Purchase Order is required for budget tracking purposes.

C. Services with fees over \$50,000, the solicitation process will be managed by the Purchasing Agent. Notice of the time and place at which the RFPs will be publicly opened must be published at least once a week for two consecutive weeks in a newspaper published in the municipality. The date of the first publication must be before the 14th day before the date set to publicly open the RFPs.

D. The selection process will be similar to that used for professional engineers, architects, and land surveyors, and after negotiations are successfully concluded the City Commission shall be asked to award a contract.

E. To determine the best solicitation process to use when procuring "other" professional services or if the service is considered "members of disciplines requiring special knowledge or attainment and a high order of learning, skill and intelligence" contact the Purchasing Agent.

EXEMPT PROFESSIONAL SERVICES

The City will not be required to solicit Request for Proposals (RFPs) for:

- Its state or federal lobbyists.
- Attorneys it may hire from time to time for legal advice.

The City will be able to negotiate directly with either profession and negotiate a Contract for Services. This provision applies regardless of the dollar amount of the Contract for Services.

SECTION 9 CHANGE ORDER POLICY

The City of Harlingen Purchasing Manual outlines the City's procedures with regards to change orders. A change order is the written documentation and approval process that must be performed when changes in the scope of a project are proposed after the performance of a contract has begun. Such changes may include a significant change in the quantity of work to be performed, the cost of work to be performed, or of the materials, equipment, or supplies to be furnished. A change order is usually written for a construction contract but may be necessary in other types of contracts.

The State Legislature for Change Orders can be found in Texas Local Government Code Chapter 252 and 271.

THRESHOLD FOR CHANGE ORDERS

A. A "threshold" is defined as a financial limit on the amount of financial changes which can be authorized by the City Manager (or the City Manager's designee) on a construction project before requiring City Commission approval. (LGC 252 & 271)

B. Change Orders Less than \$50,000 or 25% – If the change order is less than \$50,000 or 25% of the contract it may be approved by the City Manager (or the City Manager's designee).

C. Change Orders Greater than \$50,000 or 25% – If the change order is greater than \$50,000 or 25% of the contract it must be approved by the City Commission.

D. Once the threshold has been met or exceeded, any subsequent change orders will be required to be approved by the City Commission before proceeding with the change order.

E. Once the total of all approved change orders on a project (including the contingency amount) total more than \$50,000 or 25% of the contract, all subsequent change orders must be approved by the City Commission.

F. Change orders shall be listed in number sequence on the Purchase Order.

G. Change orders must be submitted to the Purchasing Office for PO processing before the change order request has been processed or services are rendered.

CONTINGENCY FUNDS

The City Commission may establish a contingency fund for a construction project at the time of award of a bid to be used during the course of a project. A contingency fund can be established at any dollar amount above the bid award provided that is reasonable and prudent.

APPROVAL FOR CHANGE ORDERS

A. In the event it becomes necessary to make changes in the plans or specifications after performance of a contract is begun, or if it is necessary to decrease or increase the quantity of work to be performed, or of the materials, equipment, or supplies to be furnished, the City Commission may approve change orders making these changes. If the change order involves a decrease or an increase of more than \$50,000, the City Commission needs to approve the change order. If the change order involves a decrease or an

increase of \$50,000 or less, the City Manager or the City Manager's designee may approve a change order.

B. If a change order is greater than \$50,000 and is extremely time sensitive and qualifies as an emergency, the City Manager (or the City Manager's designee) may approve such a change order prior to Commission approval. However, such change order must be brought to the Commission for approval. Emergency conditions are defined in the City of Harlingen Purchasing Manual.

C. The original contract price may not be increased by more than twenty-five percent (25%).

D. The original contract price may not be decreased by more than twenty-five percent (25%) without the consent of the contractor.



Chapter 2 GENERAL PROCUREMENT PROCEDURES

SECTION 1 PROCEDURE MANUAL AND PURPOSE

This Policy and Procedure manual ("manual") outlines the rules and regulations for purchasing goods and services for the City of Harlingen. The purpose is to provide guidance and instruction for all City employees regarding the purchasing process.

The Purchasing Department is under the Finance Department. Purchasing procedures are guided by several law requirements in reference to procurement practices. The purpose and objectives of the Purchasing Department are as follows:

PURPOSE:

- To conduct all purchasing in accordance with applicable State laws, City Charter, and Ordinances.
- To establish standard procurement procedures in order to ensure accountability and consistency in purchases made for the City of Harlingen.
- To encourage free and open competition whenever possible in the City's procurement process ensuring fairness among bidders.

CODE OF CONDUCT– *Prevent the intent and appearance of unethical or compromising conduct in relationships, actions and communication.*

No employee, officer or agent of the City of Harlingen shall participate in the selection or the award or administration of a contract or conduct business with a vendor if a conflict of interest, real or apparent, would be involved. Such conflict would arise when:

- A. the employee, or officer or any agent
- B. a member of his/her immediate family
- C. an organization which employs or is about to employ, any of the above,

has a financial or other interest in the firm selected for award.

The City's officers, employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub-agreements, vendors or potential vendors. Depending on the gravity, violation of this Code of Conduct could result in probation or suspension or dismissal of officers, employees or agents involved.

No disclosure of verbal or written price quotations shall be made by any City employee. Any willful violation of the nondisclosure policy shall be subject to disciplinary action.

SECTION 2 PROCUREMENT METHODS

PROCUREMENT METHOD	PURCHASE AMOUNT	RESTRICTIONS	TYPES OF QUOTATIONS	QUOTATIONS REQUIRED
FIELD PURCHASE ORDER	\$0 - \$299.99	MAY BE USED FOR SAME DAY SUPPLY PURCHASES WITHIN HARLINGEN CITY LIMITS ONLY. CANNOT BE USED FOR THE FOLLOWING PURCHASES: • OFFICE & JANITORIAL SUPPLIES • SERVICES & REPAIR SERVICES • WAREHOUSE STOCK ITEMS • FEDERAL FUND PURCHASES	NONE REQUIRED	0
PURCHASE REQUISITION (REQUEST FOR PO)	\$0 - \$2,999	MUST SUBMIT 1 WRITTEN QUOTE FOR ALL PURCHASES \$1,000 AND OVER. FOLLOW PURCHASE REQUISITION PROCEDURES.	• WRITTEN ON COMPANY LETTERHEAD (PREFERRED) • EMAIL, • QUOTE FORM • FAX	1
	\$3,000 - \$49,999.99	• MUST OBTAIN A MINIMUM OF 3 QUOTES UNLESS PURCHASE QUALIFIES AS AN EXEMPTION. • MUST CONTACT AT LEAST 2 HISTORICALLY UNDERUTILIZED BUSINESSES (HUB) SITUATED WITHIN CAMERON COUNTY ON A ROTATING BASIS – (HUBs) LOCAL GOV'T CODE 252.0215	• WRITTEN ON COMPANY LETTERHEAD (PREFERRED) • EMAIL, • QUOTE FORM • FAX	3
COMPETITIVE SEALED BID, RFP, RFQ	PRESENTLY \$50,000 +	MUST COMPLY WITH • CHAPTER 252 & 271 OF THE LOCAL GOV'T CODE AND 24 CFR 85 • FEDERAL HIGHWAY ACT REQUIREMENTS MUST COMPLY WITH FEDERAL REGULATIONS (23 CFR 172) IN CONJUNCTION WITH TEXAS ADMINISTRATIVE CODE (TAC)	FORMAL ADVERTISED SOLICITATION PROCESS	OPEN

* (UP TO COMPETITIVE SEALED BID LIST)

At no time shall a purchase be broken down into smaller quantities or specialized activities so as to avoid the requirements stated below. It is a violation of State Law and the City policy to do so.

PROCUREMENT LIMITS:

A. PURCHASES LESS THAN \$300 (FPO's)

The Field Purchase Order (FPO) expedites purchases more expediently and still has proper documentation and control of all local purchases for up to, **but not to exceed \$300**. FPO's may only be used for same day supply purchases from vendors that are located within the city limits of Harlingen. Quotes are not needed for FPO's.

B. PURCHASES LESS THAN \$3,000

Purchases less than \$3,000 do not require competitive bidding/quotations. Quotes may be advantageous to obtain, regardless of the purchase price; therefore, the City of Harlingen strongly

encourages quotations for all purchases. Any quote over \$1,000 must be submitted in writing and forwarded to the Purchasing Office for review.

C. PURCHASES OF \$3,000 TO LESS THAN \$50,000

Purchases of \$3,000 to less than \$50,000 will require a minimum of at least three (3) written quotations. This is an informal process.

QUOTATIONS: The Procuring Department must forward all quotations, proposals, estimates, etc. to the Purchasing Department. The Purchasing Agent will maintain records of all quotations from the prospective vendors, and will become part of the contract or Purchase Order. Quotations may be acquired as follows:

- A. Verbal (telephone or in person, must provide company information and contact information)
- B. Written (on company letterhead, email, quote form, or by fax)
- C. Informal bids, proposals, or quotes
- D. Formal Sealed Bids

CAUTION: Quotations received from vendors shall not be divulged to other bidders until after the award has been made and in accordance with and subject to the Texas Public Information Act.

PURCHASES OF \$3,000 TO \$50,000: Historically Underutilized Businesses (HUBs)

A municipality, in making an expenditure of \$3,000 but less than \$50,000, State law requires contact of at least two **Historically Underutilized Businesses (HUBs)** on a rotating basis in the county in which the municipality is situated on a rotating basis. If the state list of HUBs fails to identify a HUB in Cameron County, the City of Harlingen is exempt from this requirement.

D. PURCHASES OVER \$50,000

Purchases in excess of \$50,000 will require a competitive sealed bid or sealed proposal process. All bids/proposals must be referred to the Purchasing Department so that they may issue a bid/RFP number, assist with specifications, advertisement, solicitations, and hold a public opening of bids/proposals. All bids/proposals must be presented to City Commission for approval of recommended award.

Optional methods of procurement as adopted per State statute will be used to full advantage to receive the best value for the City.

E. INTER-LOCAL AND COOPERATIVE PURCHASES

These agreements are established for the purpose of maximizing savings to the City through pooling of economic buying power. A purchase from an approved Cooperative or Inter-local Agreement satisfies the requirement for quotes, and competitive bidding.

1. Inter-local Agreements allow one or more local government entities to “piggy-back” off locally awarded contracts or to make joint purchases.

2. Cooperative purchasing occurs when two or more entities (state, federal, regional or local governments) coordinate some or all of their purchasing efforts to the mutual benefit of all participants in the purchasing process.
3. A local government that purchases goods or services under this subchapter satisfies any state law requiring the local government to seek competitive bids for the purchase of the goods or services.

Presently, the City of Harlingen may purchase from the following Cooperatives:

State Cooperatives:

Texas Multiple Award Schedule (TXMAS)

TXSmartBuy

Department of Information Resources (DIR) - Technology Cooperative Contracts

Council on Competitive Government (CCG) Contracts

TIBH – Offers products, services and temporary personnel services through statewide Community Rehabilitation Programs that employ Texans with disabilities.

Texas Correctional Industries (TCI)

State Travel Management Program Contracts

Emergency Contingency Contracts

Texas Building & Procurement Commission (TBPC)

General Services Administration (GSA)

By Inter-local Agreements:

ASC - Allied States Cooperative

BuyBoard

Choice Partners - Harris County Department of Education

HGAC – Houston Galveston Area Council

OMNIA Partners – formerly National IPA, TCPN, U.S. Communities

Sourcewell (2018) – formerly (NJPA) National Joint Powers Alliance

TASB Energy Cooperative

TIPS/TAPS – The Inter-local Purchasing System

F. INFORMATION TECHNOLOGY PURCHASES

All technology requests should be coordinated with and pre-approved by the M.I.S. staff and/or Director of Information Technology. This includes any device, regardless of cost, that will interact with the technology system. All IT-related purchases, including software, hardware, copier and printer purchases, rentals, and leases, must be initiated by the Management Information Systems Department (MIS) to ensure proper security controls are met.

G. PROCUREMENT OF PROFESSIONAL SERVICES

A. Professional services generally refer to those services performed by an individual or group of individuals where education, degrees, certification, license and/or registration is required for qualification to perform the service, including attorneys. The service is usually based on intellectual qualifications as opposed to craftsmanship. According to the Texas Attorney General's Office, professional services include "members of disciplines requiring special knowledge or attainment and a high order of learning, skill and intelligence." (Attorney General Opinion No. JM-940 (1988))

B. Certain Professions are specifically named in the Professional Services Procurement Act (ACT), Chapter 2254, Subchapter A, Texas Government Code.

"Professional services" means services:

within the scope of the practice, as defined by state law, of:

1. Accounting;
2. Architecture;
3. Landscape architecture;
4. Land surveying;
5. Medicine;
6. Optometry;
7. Professional engineering;
8. Real estate appraising; or
9. Professional nursing; or

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

1. Certified public accountant;
2. Architect;
3. Landscape architect;
4. Land surveyor;
5. Physician, including a surgeon;
6. Optometrist;
7. Professional engineer;
8. State certified or state licensed real estate appraiser; or
9. Registered nurse.

C. If a department is not sure if a service is a "professional service", the department should contact the Purchasing Agent before securing these services.

SECTION 3: PROCUREMENT PROCEDURES

All procurement must be budget approved, City Manager approved or City Commission approved. No item or service is to be ordered, received, or paid for without sufficient funds available in the applicable major category budget.

Department Directors are assigned the responsibility of granting purchasing authority to departmental employees who must comply with the Purchasing Policies and Procedures. Authorized departmental employees will be given access to the following Procurement Methods: Warehouse Stock Requisitions, Purchase Requisitions, Field Purchase Orders, and Check Requisitions.

WAREHOUSE STOCK ITEM/STOCK REQUISITION PROCEDURES:

Certain much-used supplies and materials are stocked and stored at the City of Harlingen Materials Management Warehouse located at 404 south 54th Street, Harlingen, Texas. Withdrawal of these supplies by departments is accomplished by the execution of a Stock Requisition.

Generate a Stock Requisition to the Warehouse through the HTE systems with sufficient lead time to acquire material in advance of need. The requisition must contain the following information:

1. Stock requisition number, name of requestor, date of requisition (mm/dd/yy).
2. Reason for purchase, including end user name, using department, building, unit #, etc.
3. Date that merchandise is required by.
4. Delivery Destination, if applicable.

5. Appropriate account number for each line item.
6. Authorized Approval (approving the purchase)
7. Description (clearly describe the item needed including item number)

All stock items are available for pick-up at our Materials Management Warehouse. Requesting departments may pick up all requisitioned items at your earliest convenience, but no later than one week.

AUTHORIZED USE OF CHECK REQUISITION:

Check Requisitions are a manual method of procurement used by departments for the processing of payments for goods and services. For staff and individuals with the authorization to use this method of procurement, the following list shows those items for which it is permissible to use a check requisition as a payment mechanism. However, the City of Harlingen strongly encourages the use of a Purchase Order for all procurement when at all possible.

1. Professional services (Attorneys, CPA's, etc.)
2. Postage/freight charges
3. Travel Reimbursements
4. Meals for meetings (Commissions, Boards, etc.)
5. Subscriptions
6. Utility Bills including cell phones and pagers
7. Membership dues
8. Conference and seminar registrations
9. Newspaper Advertisements

As an ongoing process the accounts payable section of the Finance Department will review all check requisitions before processing.

FIELD PURCHASE ORDER (FPO) PROCEDURES:

The Field Purchase Order (FPO) expedites purchases more expediently and still has proper documentation and control of all local purchases up to, but **not to exceed \$300**. FPO's may only be used for purchases from vendors that are located within the city limits of Harlingen. Quotes are not needed for FPO's.

1. FPO's must not exceed \$300.00.
2. FPO's may only be used to purchase from vendors located within the city limits of Harlingen.
3. FPO's must only be used for immediate, **same day**, in store purchases.
4. Do not issue/reserve an excess amount of FPO's. Reserve only what you will use, unused FPO's must be canceled.
5. FPO's must have Department Director approval and payment approval.

FPO Invoice Procedures

1. FPO Payment terms are net 30 days.
2. FPO Invoices/Receipts must be turned in to the FPO Issuer within the next business day.
3. The FPO Issuer must complete the FPO within a day of receiving the Invoice /Receipt.
4. The FPO Issuer must ensure that the vendor selected matches the company name on the invoice.
5. The FPO Issuer must ensure that the total FPO amount matches the total invoice amount.
6. FPO's must be submitted to Finance for invoice payment processing with a status 4 (Awaiting Payment Approval).

FPO STATUS

Code	Description
1	NEED ADDITIONAL INFO
2	ENTERED - NEED APPROVAL
3	DEPT APPROVD NEED INVOICE
4	AWAITING PAYMENT APPROVAL
5	INVOICED
6	COMPLETED
7	CANCELLED

THE FOLLOWING ITEMS CANNOT BE PURCHASED WITH AN FPO:

1. Computer hardware or software.
2. Items from a business not located within the city limits of Harlingen.
3. Purchases of chemicals, office supplies, tires, and janitorial supplies.
4. Purchases made with Federal Funds. (Proper Quotations must be acquired)
5. Urgent service repairs, such as plumbing and electrical repairs. (Use a PO instead with an estimated amount)
6. Warehouse stock items must be purchased from the Materials Management Warehouse.

Abuse or misuse of FPO's will result in the withdrawal of authorization to use the FPO and may result in termination. Examples of misuse include:

1. Using the FPO for unauthorized items or services.
2. Exceeding the \$300 maximum limit.
3. Using FPO's when sufficient funds are not available within the appropriate budget.
4. Using FPO's during the period when purchases are suspended at the end of each fiscal year.
5. Items covered by annual contracts/maintenance agreements.
6. Splitting, dividing, or separating purchases to avoid submitting a standard requisition, or to avoid the bidding process in any way.

PURCHASE REQUISITION PROCEDURES:

The Purchase Requisition is an electronic request that serves to inform Purchasing of a request for the procurement of goods or services. It provides a record of the request and an approval to encumber funds. Requisitions may only be entered by authorized personnel and must be approved by the Department Director or a designated alternate.

The Purchase Requisition is to be used for the procurement of materials, supplies, services and equipment that are not available at the City of Harlingen's Materials Management Warehouse.

PROCEDURES

1. Using departments are required to generate and prepare the purchase requisition through the Naviline CentralSquare Application Menu, or AS400 Purchasing/Inventory Module.
2. Using Departments must obtain at least three (3) quotes if item purchased has competitive vendors. Follow quotation instructions.
3. If quotes were not obtained, please provide a valid justification for not obtaining them.

4. Provide a reason for the purchase.
5. Include vendor name, complete and concise descriptions of item(s) purchased, vendor quotes, if applicable, approximate delivery date, delivery instructions, delivery contact information.
6. Include contract information, start/end dates, approval information, i.e. state cooperative contract number, bid number, City Commission approval dates and award information.
7. Must have appropriate funds and use correct account information, i.e. supply account to purchase materials & supplies, service accounts to procure services, capital outlay account to purchase asset items over \$5,000, etc.
8. Requisitions must be approved by Department Director or a designated alternate.
9. Upon department approval, the requisition will be routed to the Purchasing Department for Buyer Processing.
10. The Buyer will review all requisition quotes, contracts, applicable documents, and account information before processing a Purchase Order.

Note: When additional information, corrections or if additional funds are needed, Purchasing will return the requisition to the originating department with a statement that will specify what further action is required.

PURCHASE ORDER PROCEDURES:

The end result of a Purchase Requisition is the Purchase Order. The Purchase Order is written documentation of a legal contract to a vendor, formalizing all the terms and conditions of a proposed transaction between the City and the vendor. A PO contains vital information including the **name of the vendor, description of the requested items or services, amount of the purchase, delivery, payment terms etc.** It gives the vendor authorization to ship materials as specified. The P.O. is designed to expedite and control buying for the City. Purchase Orders are the primary Procurement Method for all purchases of goods and services which cannot be paid for by an FPO or a check requisition.

1. All Purchase Orders are issued by the Purchasing Department.
2. Once a Purchase Order is issued a copy of the PO will be sent to the awarded vendor and cooperative agency as needed by way of email or fax. Copies will be available to the departments upon request.
3. Every PO must show:
 - A complete and concise description of each item purchased.
 - Note the quote/proposal number and include any standard comments as appropriate.
 - Awarded contract information, i.e. Bid # xxxx-xx
 - Emergency Purchase justification
 - Sole Source justification
 - Cooperative Contract information, i.e. BuyBoard contract # xxxxx, HGAC, TXMAS, DIR, etc.

Note: These are examples. Include on the face of the PO any and all applicable information for vendor compliance. Document as if this will be the first time the vendor is aware of your order.

CAUTION: The issuance of sequential or repetitive department Purchase Orders to circumvent the ceiling amount is a direct violation of purchasing procedures and cause for disciplinary action.

PURCHASE ORDER CHANGE ORDER PROCEDURES

A change order is the written documentation and approval process that must be performed when there are changes in the procurement of materials, supplies, services and equipment, or when changes in the scope

of a project are proposed after the performance of a contract has begun. Such changes may include a significant change in the quantity of work to be performed, the cost of work to be performed, or of the materials, equipment, or supplies to be furnished. A change order is usually written for a construction contract but may be necessary in other types of contracts.

The State Legislature for Change Orders can be found in Texas Local Government Code Chapter 252 and 271.

All Purchase Order Changes must be processed by the Purchasing Department.

Department Directors or authorized department assistants must submit all Requests for Change Orders to the Purchasing Department for processing. All change orders must be approved by the Department Director. All requests for Change Orders must be submitted in written memo form via email, or by submitting a signed Change Order Request Form and must include the following:

1. Purchase Order Number
2. Vendor Name
3. Reason for Change
4. Type of Change (Increase, Decrease, Cancel PO, Description Change, Close PO, etc.)
5. PO amount before change
6. PO amount after change(s)
7. Attach revised quote, final invoice, or proof for the need to change a PO.
8. Department Director or authorized personnel approval.

Note: These are examples. Please include as much information as needed. Contact the Purchasing Department if you have any questions.

Requests for Purchase Order Changes must include, but are not limited to:

1. Increases up to \$3,000 (see note)
2. Decreases
3. Quantity Increases or Decreases
4. Item Cost Increases or Decreases
5. Item Description changes
6. Account changes
7. Cancellation of specific items or Cancel PO
8. Vendor Name Changes (Once a PO is issued to a vendor, we cannot change the name of the vendor, the PO must be cancelled and a new PO must be issued to the correct vendor.)

Note: PO Change Increases over \$3,000 will be required to be entered as a new Purchase Requisition so that it goes through the required Approval limits. The requisition will be tied into the original PO Number issued; therefore, the requisition must reference the following: PO Change Order, Tie into Original PO # ____.

CAUTION: The issuance of sequential or repetitive department Purchase Orders to circumvent the ceiling amount is a direct violation of purchasing procedures and cause for disciplinary action.

SECTION 4: OTHER PROCUREMENT METHODS AND PROCEDURES

DEBARMENT POLICY AND PROCEDURES

Policy

The City of Harlingen makes all purchases in compliance with Federal Executive Order 12549, 44FR 13.35, the Texas Uniform Grant Management System and Texas Department of Public Safety SAA Information Bulletin No. 12-003 dated June 29, 2012. Prior to City personnel (Emergency Management Operation (EMO) Director or City Auditor and their staff) placing orders for goods or services which will utilize Homeland Security funds, that individual is required to verify debarment status of each and every vendor for each and every order and contract. City personnel are required to use the EPLS system (WWW.EPLS.Gov) to make the verification.

Procedures for Documentation

Before grant funds may be spent, the City employee placing the order shall:

- ❖ Go to the EPLS Website(WWW.EPLS.Gov).
- ❖ The City employee placing the order will search the EPLS system for the vendor.
- ❖ If the vendor is found not be debarred, a copy of the screen print indicating the vendor is not debarred at the time of the procurement should be included:
 - If EMO places the order and performs the EPLS verification,
 - The screen print should be included with the paperwork for that purchase and retained with the procurement records for audit and monitoring purposes.
 - EMO will also send a copy of the screen print to the Purchasing Office as supporting documentation in the grant reporting files and as backup for the payment authorization form.
 - If the City Auditor places the order and performs the EPLS verification:
 - A copy of the screen print will be sent to the EMO Director for retention with the program files.
 - The screen print will be placed in the grant reporting files as supporting documentation and as backup for the payment authorization form.
- ❖ The City of Harlingen shall not do business with any vendor that has been debarred. Further, the restriction on purchasing goods or services with appropriated funds “from companies which have been found, in a judicial or state agency administrative proceeding, to be guilty of unfair business practices” remains in effect for one year from the date of the determination of guilt.
- ❖ Failure to follow these guidelines could result in the withholding of grant fund or a reduction in future grant funding.

INTER-LOCAL AND COOPERATIVE PURCHASES

These agreements are established for the purpose of maximizing savings to the City through pooling of economic buying power. A purchase from an approved Cooperative or Inter-local Agreement satisfies the requirement for quotes, and competitive bidding.

1. Inter-local Agreements allow one or more local government entities to “piggy-back” off locally awarded contracts or to make joint purchases.
2. Cooperative purchasing occurs when two or more entities (state, federal, regional or local governments) coordinate some or all of their purchasing efforts to the mutual benefit of all participants in the purchasing process.
3. A local government that purchases goods or services under this subchapter satisfies any state law requiring the local government to seek competitive bids for the purchase of the goods or services.

Presently, the City of Harlingen may purchase from the following Cooperatives:

State Cooperatives:

Texas Multiple Award Schedule (TXMAS), TXSmartBuy.com, TX DIR (Department of Information Resources - Technology Cooperative Contracts, Council on Competitive Government (CCG) Contracts, TIBH, Texas Correctional Industries (TCI), Texas Building & Procurement Commission (TBPC), General Services Administration (GSA)

By Inter-local Agreements:

ASC - Allied States Cooperative

BuyBoard

Choice Partners - Harris County Department of Education

HGAC – Houston Galveston Area Council

OMNIA Partners – formerly National IPA, TCPN, U.S. Communities

Sourcewell (2018) – formerly (NJPA) National Joint Powers Alliance

TASB Energy Cooperative

TIPS/TAPS – The Inter-local Purchasing System

GENERAL EXEMPTIONS: As per the Local Government Code Section 252.022. Statutes provide exemptions to the bidding laws for emergencies as follows:

EMERGENCY PURCHASES:

- (a) This chapter does not apply to expenditure for:
- (1) a procurement made because of a public calamity that requires the immediate appropriation of money to relieve the necessity of the municipality's residents or to preserve the property of the municipality;
 - (2) a procurement necessary to preserve or protect the public health or safety of the municipality's residents;
 - (3) a procurement necessary because of unforeseen damage to public machinery, equipment, or other property;
 - (4) a procurement for personal, professional, or planning services;
 - (5) a procurement for work that is performed and paid for by the day as the work progresses;
 - (6) a purchase of land or a right-of-way;
 - (7) a procurement of items that are available from only one source, including:

SOLE SOURCE PURCHASES AND PROCEDURES

Sole Source Purchases may be made without the requirement for competitive bids when they meet the requirements of Local Government Code 252.022.

Definition of a Sole Source Condition and Process:

Sole Source purchases are items or services available from only one supplier. These purchases do not require a competitive procurement process, but every effort should be made to determine that the item is indeed obtainable from only one source. Sole source purchases should be kept at a minimum because it lacks competition from other vendors/contractors.

When submitting a requisition for a sole source item/service; the requesting department should submit a Sole Source Letter.

Include a justification noting a list of several vendors that were contacted to determine that the item/service is a sole source (this can also be from research on the internet to determine the item/service is not available from multiple distributors).

Request a letter from the proposed sole source vendor/contractor stating why their goods or services are only available from them directly.

As part of City's due diligence, the authorized Purchasing staff will attempt to locate other sources of the purchase prior to making determination that the item is a sole source and approving the Sole Source purchase.

Personal preference for a vendor/contractor is not considered a reason for a sole source or sole brand request.

Definition of a Sole Source Procurement Condition:

Sole source procurement is limited to the following:

- (A.) public exigency or emergency;
- (B.) items that are available from only one source because of patents, copyrights, secret process, or natural monopolies;
- (C.) electricity, gas, water, and other utility services.
- (D.) captive replacement parts or components for equipment are paramount consideration or use of other than OEM parts jeopardizes warranty and/or insurance coverage.
- (E.) film, manuscripts, books, papers, and other materials that are available only from the persons holding exclusive distribution rights to the materials; and
- (F.) advertising, other than legal notices.

Sole Source Procurement Request for Items/Services Exceeding \$50,000.00

All purchases in excess of \$50,000 will require a competitive sealed bid or sealed proposal process.

Sole Brand Procurements

If specifications and conditions of a solicitation have been drawn to describe a product which is proprietary to one vendor, without language which permits an equivalent product to be supplied, written justification of the requested specifications or conditions must be submitted along with the Sole Source Form requesting a sole brand.

A Sole Brand may be an item/service necessary to maintain continuity of an on-going program, required by another contract, determined to be the only acceptable item/service to fit the requirement; or a committee direction; but the item/service is available from multiple distributors.

EMERGENCY PURCHASE PROCEDURES

Emergency Purchases may be made without the requirement for competitive bids when they meet the requirements of Local Government Code 252.022.

A. Statutes provide exemptions to the bidding laws for emergencies as follows:

1. Procurement made because of a public calamity that requires immediate action to relieve the municipality's residents or to preserve the property of the municipality.

2. Procurement necessary to preserve or protect the public health or safety of the municipality's residents.
3. Procurement necessary because of unforeseen damage to public machinery, equipment, or other property.

B. Emergency situations are deemed to exist when

- a. A water or waste water line ruptures.
- b. A threaten termination of essential services or a dangerous condition develops, or
- c. An unforeseen circumstance arises causing curtailment or diminution of essential services; or
- d. Materials or services are needed to prevent loss of life or property; or
- e. Machinery or equipment repairs are necessary to correct any of the above situations.

C. When these situations present themselves, the procedures are as follows:

DURING BUSINESS HOURS

During business hours the director and/or his or her representative must contact the Purchasing Agent explaining the emergency. After an approval is granted, the Purchasing Agent will issue purchase Order Number. An Emergency Purchase Report must be completed and submitted along with a Purchasing Requisition to the Purchasing Agent no later than the next working day accompanied by the delivery slips and invoices.

AFTER BUSINESS HOURS, WEEKENDS OR HOLIDAYS

After business hours, weekends or holidays, the director and/or his or her representative should use their own judgment in determining whether the situation constitutes an emergency. If an emergency exists, the purchase is made and an Emergency Purchase Report must be completed and submitted along with a Purchase Requisition to the Purchasing Agent no later than the next working day accompanied by the delivery slips and invoices.

Avoiding or reducing emergency purchases is one way of reducing excessive costs as they are usually made at a premium price due to the haste with which they are made. Every department director must make a diligent effort to keep them to an absolute minimum. Using departments must not make emergency purchases without first contacting the Purchasing Department for approval during business hours.

CAUTION: Use caution when declaring an emergency. Emergencies are not created due to poor planning or employee negligence. Apparent abuse of the Emergency Purchase Order procedure will be considered a major violation of policy and will be brought to the attention of the Director of Finance.

SECTION 5: BIDS

FORMAL SOLICITATIONS

A. A solicitation that must be submitted in a sealed envelope and in conformance with a prescribed format, to be received and opened on a specific date and at a specified time. Formal bids must be used for purchases greater than \$50,000 that are not specifically exempt, and shall be in accordance with applicable State laws, City Charter, and Ordinances, Texas Local Government Code Chapter 176, 252, and Chapter 271; and Texas Government Code, Chapter 2252, 2253, 2254, and Chapter 2269.

INFORMAL SOLICITATION

A. A competitive offer conveyed in writing to a list of potential vendors and under conditions different from those required for formal bidding. State statutes classify informal solicitations as purchases less than \$50,000.

SOLICITATION PROCEDURE OUTLINE

A. Requesting Department Responsibility

1. Request a Bid Number from the Purchasing Department
2. Complete a Bid Request Form and obtain signatures
3. Turn in signed Bid Request form along with specifications and list of potential bidders
4. Provide responses for any requests for clarifications submitted by respondents

B. Purchasing

1. Collaborates with department on specifications
2. Schedules applicable dates
 - a. Advertisement
 - b. Pre-bid
 - c. Q&A deadline
 - d. Opening/Closing date
3. Ensures newspaper advertisement as applicable
4. Posts bid notice on city website
5. Distributes bid documents to bidders
6. Issues Addenda as applicable
7. Open Bid
8. Tabulates and forwards documents to requesting department

C. Requesting Department and Purchasing

1. Recommendation of award
2. Department submits Executive Summary with recommendation for City Commission Agenda.
3. Upon Commission approval prepares award documents
4. Obtains insurance/indemnification/bonds/contract document as applicable
5. Creates contract if applicable to be forwarded to awardee and City Manager for signatures.
6. Forwards signed contract to Purchasing
7. Creates a Purchase Requisition for PO issue
8. Tracks valid/active insurance and any renewal options.
9. Retains all records per records retention terms

D. Purchasing Department

1. Obtain a copy of signed bid contract and award information.
2. Issues a PO and forwards to awardee/department/other parties as applicable.
3. Acknowledges Form 1295 as per the Texas Ethics Commission.

E. City Manager, through the authority of the City Commission, has been delegated to contract for the City in accordance with this manual. Agreements/contracts obligating City funds shall not be signed by any City employee unless authorized by the City Manager.

F. All contracts awarded by City Commission must comply with Form 1295 – Certificate of Interested Parties.

CERTIFICATE OF INTERESTED PARTIES (FORM 1295) – *Ensure that any personal, business and other activities do not conflict with the lawful interests of the City of Harlingen.*

In 2015, the Texas Legislature adopted [House Bill 1295](#), which added section 2252.908 of the Government Code. The law states that a governmental entity or state agency may not enter into certain contracts with a business entity unless the business entity submits a disclosure of interested parties to the governmental entity or state agency at the time the business entity submits the signed contract to the governmental entity or state agency. The law applies only to a contract of a governmental entity or state agency that either (1) requires an action or vote by the governing body of the entity or agency before the contract may be signed or (2) has a value of at least \$1 million. The disclosure requirement applies to a contract entered into on or after January 1, 2016.

The Texas Ethics Commission was required to adopt rules necessary to implement that law, prescribe the disclosure of interested parties form, and post a copy of the form on the commission's website. The commission adopted the Certificate of Interested Parties form (Form 1295) on October 5, 2015. The commission also adopted new rules (Chapter 46) on November 30, 2015, to implement the law. The commission does not have any additional authority to enforce or interpret [House Bill 1295](#).

SPECIFICATION REQUIREMENTS

Solicitation of offers shall:

- A. Incorporate a clear and accurate description of the technical requirements for the material, product, or services to be procured. Such description shall not contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured, and when necessary, shall set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equal" description may be used as a means to define the performance or other requirements of procurement. The specific features of the named brand, which must be met by respondents, shall be clearly stated.
- B. Clearly set forth all requirements which respondents must fulfill and all other factors to be used in evaluating bids or proposals.
- C. Awards shall be made only to responsible contractors that possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, compliance with public policy, record of past performance and financial and technical resources.

SELECTION PROCEDURES

All procurement transactions regardless of whether made by sealed bids or by negotiation and without regard to dollar value shall be conducted in a manner that provides maximum open and free competition. Procurement procedures shall not restrict or eliminate competition. Examples of action which are restrictive of competition include, but are not limited to:

- A. Placing unreasonable requirements on firms in order for them to qualify to do business;
- B. Requiring unnecessary experience and excessive bonding;

- C. Noncompetitive practices between firms or between affiliated companies;
- D. Noncompetitive awards to consultants that are on retainer contracts;
- E. Specifying only a "brand name" product instead of allowing "an equal" product to be offered and describing the performance of other relevant requirements of the procurement.
- F. Specifications with language requiring "new materials", "unused materials" preclude the purchase of recycled products, and hinder the city's affirmative recycling programs.

INSURANCE REQUIREMENTS

The Contractor and his sureties shall indemnify and save harmless the City and all its officials, agents, ENGINEER and their employees from all suits, action or claims of any character, name and description brought for, or on account of any injuries or damages received or sustained by any person or persons or property, by or from said Contractor or his employee or by or in consequence of any negligence in safeguarding the work or by or in consequence of any negligence recovered under the Worker's Compensation Laws or any other law, ordinance, order or decree.

As further and additional evidence of such indemnification, the Contractor shall furnish Certificates of Insurance providing that his interests are adequately covered by the following:

The following insurance requirements will be included in the City contracts to ensure completion of work:

- (1) The successful bidder will be required to carry the following listed insurance coverage and limits and furnish acceptable proof of payment of insurance premiums.

Minimum Insurance Requirements

<u>Type of Coverage</u>	<u>Limits of Liability</u>	
Worker's Compensation	\$ 500,000	Each Accident
Employer's Liability	\$ 500,000	Disease, Policy Limit
	\$ 500,000	Disease, Each Employee
Commercial General Liability	\$2,000,000	General Aggregate
	\$2,000,000	Products-Completed Operations
	\$1,000,000	Personal & Advertising Injury
	\$1,000,000	Each Occurrence
	\$ 50,000	Fire Damage
	\$ 5,000	Medical Expense
Commercial Automobile Liability	\$ 500,000	Each Accident Limit

Policies must be endorsed to Waive Subrogation Rights, Name the City as an "Additional Insured" and the Cancellation Provisions extended to 30 days in writing.

BOND & CONSTRUCTION INSURANCE REQUIREMENTS

If the contract amount is over the amounts stated below for construction or facility improvements, the successful bidder shall provide a bid guarantee, and give a good and sufficient bond executed by a surety company authorized to do business in the State of Texas, in accordance with Chapter 252.044, of the Texas Local Government Code, and amendments thereto.

For Contracts above fifty thousand dollars (\$50,000.00):

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

For Contracts above one-hundred thousand dollars (\$100,000.00):

A performance bond on the part of the contractor for one hundred percent (100%) of the contract price will be required. * A "Performance Bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.

For Contracts zero (\$0.00) to fifty thousand dollars (\$50,000.00):

A bid guarantee and a performance and payment bond will not be required. The City will specify in the contract that no final payment will be made to Contractor until the project has been completed and final acceptance by the City.

*Bond must be executed by a surety listed on the U.S. Department of Treasury's Listing of Approved Sureties (Department Circular 570) and authorized to operate in the State of Texas by the Texas Department of Insurance with each bid.

SECTION 6: RECEIVING AND PAYMENT PROCEDURES

The departments must be diligent in paying for only goods or services received. Receiving documents are necessary to determining whether materials, supplies, services and capital assets ordered are actually received in accepted.

Once received and accepted, payments must be made no later than 30 days after the goods or services are received or the date of the invoice is received, whichever is later (Prompt Payment Act, GC 2251.025 Law Appendixes). Payments will be made from current funds. Payments are contractual obligations.

RECEIVING

It shall be the responsibility of the using department to inspect all equipment, supplies, services performed, and to initiate the payment process.

A. All deliveries should be inspected promptly and in the presence of the vendor or shipper, whenever possible. The individual inspecting the merchandise or service performed should pay particular attention to the following:

1. That the quantity shipped is consistent with the quantity ordered.
2. Note any damaged or defective merchandise on both the receipt (loading) ticket and/or the Purchase Order.
3. Verify that merchandise received meets the specifications defined on the Purchase Order, contract or annual contract agreement.
4. Verify that the scope of services detailed on the Purchase Order/Contract has been performed to the using department's satisfaction.

B. After verifying that the materials received are accurate and in good condition, or that services have been performed, the using department shall create a receipt for the goods or services in the system.

PARTIAL DELIVERIES

A. When partial deliveries are made, the using department shall create a receipt in the system, noting the items and quantities received.

1. Using departments should not hold any paperwork pending delivery of back-ordered merchandise.
2. Creating a partial receipt will authorize the Finance Department to make a partial payment.
 - a. The Finance Department will process payment for quantities delivered.
 - b. Payment for back-ordered items will be processed after a receipt is created within the system indicating that delivery is complete.

DEFECTIVE OR DAMAGED MERCHANDISE

A. When an item is defective, damaged, or does not meet specifications, the vendor shall be notified by the receiving department to arrange return of the merchandise.

B. Returns for orders placed by the using departments will be the responsibility of the department.

PAYMENT GUIDELINES

No item or service is to be ordered, received, or paid for without sufficient funds available in the applicable major category budget.

A. All partial receipt claims, purchase orders released for payment, etc., should be processed in the following manner:

1. Upon receipt of invoice, the Accounts Payable Clerk will stamp invoice "Date Received" and distribute to the appropriate department.
2. Upon receiving the invoice back from the department with the PO/FPO and all related documentation (packing slips/quotes) accounts payable will verify documentation is complete and correct. If complete, the Accounts Payable Clerk will process for payment.
3. If any discrepancy exists on an invoice:
 - a. The using department will be notified in writing and will be responsible for advising Accounts Payable, within the 30 day deadline for payment, of any changes in the amount to be paid.
 - b. The using department must notify the vendor immediately of any discrepancy.
 - c. If the vendor is correct, the original payment deadline applies
 - d. If the City is correct, a new invoice should be issued. If the vendor is unable to issue a new invoice in a timely manner, change the original invoice to the correct pricing, initial and date. The payment period starts when the new or corrected invoice is received.
4. Departments must submit a Change Order Request form to the Purchasing Department to make revisions to the Purchase Order.
5. Departments should allow approximately 2 weeks for check processing.
6. Departments are to appoint an individual to process payments so that time off for vacation or illness, by the department's primary individual, will not cause payments to be delinquent.

CAUTION: The receipt of an invoice by Accounts Payable prior to issuance of a Purchase Order is a violation of purchasing procedures. Repeat violations will be addressed through disciplinary action.

SECTION 7: VENDORS

It is the intent of the City of Harlingen to buy only from suppliers who have adequate financial strength, high ethical standards and a record of adhering to specifications, maintaining shipping promises and giving maximum service. New sources of supply will be given due consideration, as multiple sources of supply are necessary to ensure availability of materials.

The Purchasing Department has the responsibility of maintaining a current list of vendors that allow authorized City personnel to procure materials, supplies, services and equipment as needed. The City of Harlingen strives to:

1. Establish a good strong business relationship with all interested vendors.
2. Acquaint all persons in respect to the City of Harlingen Purchasing policies and procedures.
3. Encourage competition among vendors/bidders for the procurement of materials, goods, services, and equipment.

NEW VENDORS:

When wanting to do business with a new vendor, end using Departments, must request the following documents from the interested vendor:

1. Vendor Name
2. Vendor Address (mailing & remittance addresses)
3. Name of Contact Person and Contact phone, fax, and email address.
4. A current, signed and dated W-9 Form.
5. A valid Taxpayers Identification Number.
6. A Conflict of Interest Questionnaire Form (Form CIQ)
7. Vendors may complete a Vendors List Application Form

VENDOR CHANGES:

Submit all changes or updates to vendor profiles to the Purchasing Department for processing.

CAUTION: Employees may purchase merchandise or services from a vendor doing business with the City provided that the price at which the item is purchased is the same price charged to all officers and employees of the City. Employees can't use the City's business accounts for personal purchases. Employees that are involved in contract negotiations should not purchase merchandise or services for personal use with a vendor that is currently working, seeks to work or has worked for the City.

Employees shall **NOT** use the City of Harlingen tax exemptions forms for personal use.



Chapter 3 GENERAL PROCUREMENT POLICY FOR FEDERAL AWARDS (2 CFR Part 200)

PROCUREMENT STANDARDS

When procuring property and services under a Federal award, the City of Harlingen as a non-Federal entity and/or sub recipients of a State, must and will follow the general procurement standards provided by the Code of Federal Regulations in Title 2, Subtitle A, Chapter II, Part 200, Subpart D: §§ 200.318 through 200.327.

FEDERAL POLICIES

All procurement of goods and services will comply with federal procurement and contract requirements outlined in 2 CFR 200.318 – 200.327. These procurement requirements must and will be followed for reimbursement from grant allocations originating from the federal government.

I. SOLICITATIONS

Procurements subject to this Policy will be made on the basis of a written solicitation, after careful consideration by City Staff (with, as applicable, the support of a selection committee) of the needs of the City and available resources. The written procedures in this Policy are intended to ensure that all solicitations meet the following Federal requirements as well as contracting best practices.

A. Clear Description

The solicitation must incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. This description should include a written statement of work. 2 C.F.R. § 200.319(d)(I).

B. Nonrestrictive Specification

The description of the technical requirements must not contain features that unduly restrict competition. 2C.F.R. § 200.319(d)(I).

C. Qualitative Requirements

The description of the technical requirements may include a statement of the qualitative nature of the material, product, or services to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. 2 C.F.R. § 200.319(d)(I). Product specifications should be limited to essential specifications only.

a. Brand Name or Equal

When it is impractical or uneconomical to write a clear and accurate description of the technical requirements of the material, product, or services to be acquired, "brand name or equal" descriptions may be used to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offerors must be clearly stated. The need for a "brand name or equal" specification should be documented.

b. Preference for Performance Specifications

Product or service specifications based on performance, rather than designed specifications, are preferred. A performance specification describes an end result, an objective, or standard to be achieved, and leaves the determination of how to reach the result to the contractor. Performance specifications describe what the product should be able to do or the services to accomplish, without imposing unnecessarily detailed requirements on how to accomplish the tasks.

D. Requirements

The solicitation must identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals. 2 C.F.R. §200.319(d)(2). All solicitations for competitive proposals must notify offerors that the City reserves the right to award to other than the lowest-priced offeror. Generally, the City will make a best value determination, balancing cost against technical merits, in awarding competitive contracts.

E. Type of Federal Funding

The solicitation must acknowledge the source of the Federal funding for the contract, in compliance with the terms of its financial assistance award.

F. Contract Type

The solicitation should state the type of contract that will be awarded.

a. Fixed Price

A fixed price contract provides for a firm price that remains irrespective of the contractor's actual cost of performing the scope of work under the contract. The risk of performing the work, at the fixed price, is assumed by the contractor. Fixed price contracts may include an economic price adjustment, incentives, or both.

b. Cost Reimbursement

Cost-reimbursement type contracts provide for payment of certain incurred costs to the extent provided in the contract. They normally provide for the reimbursement of the contractor for its reasonable, allocable, and allowable costs, with an agreed-upon fee. There is a limit to the costs that a contractor may incur at the time of contract award, and the contractor may not exceed those costs without the City's prior approval. Cost allowability is determined by Federal regulations. There are many varieties of cost-reimbursement contracts, such as cost-plus-fixed-fee, cost-plus-incentive-fee, and cost-plus-award-fee. Because the City incurs more risk in a cost reimbursement contract, these types of contracts should only be entered into after a careful analysis of the benefits compared to other contract types.

c. Time and Materials Contracts

A time and materials type contract is a contract whose cost to the CITY is the sum of the actual cost of materials and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit. 2 C.F.R. § 200.318(j)(1)(i) and (ii). This type of contract is used if no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk.

d. Cost Plus Percentage of Cost

The use of cost plus percentage of cost and cost plus a percentage of construction cost methods of contracting are prohibited.

G. Prohibitions

Certain provisions that unduly restrict competition are prohibited. 2 C.F.R. § 200.319(a). The following are some examples of these prohibited provisions. Note that the provisions described below are not prohibited when they are improper or excessive. For example, some qualifications and experience may be required for a particular type of contract; only "excessive" or "unnecessary" requirements are not allowed:

a. Excessive Qualifications

Placing unreasonable requirements on firms in order for them to qualify to do business. 2 C.F.R. § 200.319(b)(1).

b. Unnecessary Experience

Requiring unnecessary experience. 2 C.F.R. § 200.319(b)(2).

c. Unnecessary Bonding

Requiring excessive bonding. 2 C.F.R. § 200.319(b)(2)

d. Improper Qualification

Using improper prequalification procedures that conflict with 2 C.F.R. § 200.319(e).

e. Retainer Contract

Making a noncompetitive solicitation only to a person or firm on retainer contract where that award is not for property or services specified for delivery under the scope of work of the retainer contract. 2 C.F.R. § 200.319(b)(4).

f. In-State, Local, or Tribal Geographic Preferences

Imposing prohibited in-state, local, or tribal geographic preferences that conflict with 2 C.F.R. 200.319(c).

g. Organizational Conflicts of Interest

Allowing entities to submit bids or proposals in response to the solicitation where there would be a prohibited organizational conflict of interest. 2 C.F.R. § 200.319(b)(5).

II. METHODS FOR PROCUREMENT

All procurements made under this policy shall avoid acquiring unnecessary or duplicative items (2 CFR 200.318(d)). Conducting multiple steps in monitoring invoices received ensures avoiding unnecessary or duplicative items. Invoices for grant expenditures will be reviewed by the Finance Director and the Special Projects Director for potential duplicative items. Once approved the invoice will be sent to the Finance Department for final review prior to approving for payment.

Procurements shall be made using one of the following methods: (A) Micro-Purchases (B) Small Purchase procedures, (C) Competitive sealed bids, (D) Competitive negotiations, (E) Non-competitive negotiations. All procurements shall be made in accordance with these procedures.

A. Micro-Purchases under \$3,000

Purchases below the Simplified Acquisition Threshold may be awarded without soliciting competitive proposals if the City considers the price to be reasonable. Efforts will be made to get the lowest and best price, but written records of such efforts are not necessary. Procurements may not be disaggregated for the purpose of falling below the Micro-Purchase threshold. 2 C.F.R. § 200.320(a)(1).

B. Small Purchases over \$3,000 - \$50,000

Purchases of supplies, equipment and services which cost below \$50,000 require written supplier estimates but no formal bid is required. The City will solicit a verbal or written response from at least three (3) vendors and will document why the vendor was selected if it is not the lowest priced offeror. If no such responses are available, a statement explaining the procurement will be prepared and filed. 2 C.F.R. §200.320(a)(2).

C. Competitive Sealed Bids

The use of sealed bids will be employed when detailed specifications for the goods or services to be procured can be prepared and the primary basis for award is cost. When the cost of a contract, lease or other agreement for materials, supplies, equipment or contractual services, other than those personal (procuring the services of an individual for staff augmentation services) or professional (provided by a degreed, licensed professional, principally engineering, accounting, and legal services), exceeds \$50,000, an Invitation for Bids ("IFB") notice will generally be prepared. This notice will be published in the local newspaper of record and/or such other places as the City deems appropriate. This notice will appear at least fourteen (14) days before the due date for bid proposals. The City of Harlingen may also solicit sealed bids from responsible prospective suppliers by sending them a copy of such notice. To the extent possible, the City of Harlingen Staff is encouraged to maintain an open Bidders List.

The IFB will include a complete, accurate and realistic specification and description of the goods or services to be procured, any required bid deposit, the amount of a payment bond and bond performance required (if applicable), the location where bid forms and specifications may be secured, the time and place for opening bids, and whether the bid award will be made on the basis of the lowest price or the lowest evaluated price. If the lowest evaluated price is used, the measurable criteria to be used must be stated in the IFB.

Sealed bids will be opened in public at the time and place stated in the IFB. The bids will be tabulated by the Purchasing Agent or authorized agent at the time of bid opening. The results of the tabulation and the bid procurements will be examined for accuracy and completeness by the Examiner or requesting City Department Director or authorized agent who will make recommendations to the City. In addition, the City shall determine that all firms are responsive and responsible. The City will make the decision as to whom the contract shall be awarded. After the bid award is made by the City, a contract will be prepared for execution by the successful bidder. After the contract is signed, all bid deposits will be returned to all unsuccessful bidders.

The City of Harlingen may cancel an Invitation for Bid or reject all bids if it is determined that such is in the best interests of the City. Bidders will be notified in writing of such cancellation or rejection. The City may allow a vendor to withdraw a bid if requested at any time prior to the bid opening. Bids received after the time set for bid opening shall be returned to the vendor unopened. Bids which do not accept all terms and conditions of the IFB shall be deemed to be non-responsive and will be rejected. Any changes to the bidding terms and conditions shall be communicated to all bidders, and all bidders will have an equal chance to submit a bid responsive to those changed terms and conditions. 2 C.F.R. §200.320(b)(1).

D. Competitive Negotiations

The City of Harlingen will use competitive negotiations, regardless of contract amount, upon a written determination that either of the following conditions apply:

- a. Specifications cannot be made specific enough to permit the award of a bid on the basis of either the lowest bid or the lowest evaluated bid price (in other words, sealed bidding is not feasible); or
- b. The services to be procured are professional (provided by a degreed, licensed professional, principally engineering, accounting, and legal services) in nature.

Competitive negotiations will proceed as follows:

1. Proposals will be solicited through advertisement in the local newspaper of record and/or such other places as the City deems appropriate. Additionally, a Request for Proposal (RFP) may be prepared and mailed, emailed, or faxed to qualified vendors. The RFP will describe services needed and identify the factors to be considered in the evaluation of proposals and the relative weights assigned to each selection factor. The RFP will also state where further details regarding the RFP may be obtained. The RFP will call attention to the applicable regulations. Requests for proposals will always include cost as a selection factor.
2. Award must be made to the offeror whose proposal is determined in writing by the City to be the most advantageous to the City with price and other factors considered. This evaluation and award process contemplates a balancing of cost and technical merit in arriving at a determination as to which proposal provides the best value to the City. Evaluations must be based on the factors set forth in the Request for Proposal and a written evaluation of each response prepared. The selection committee may contact the firms regarding their proposals for the purpose of clarification and record in writing the nature of the clarification. If it is determined that no acceptable proposal has been submitted, all proposals may be rejected. New proposals may be solicited on the same or revised terms, or the procurement may be abandoned.

For the procurement of certain professional services, an alternative to RFPs may be used. The City may publish a Request for Qualifications. RFQ's are handled in a similar method to RFP's with the exception that cost is not a factor in the initial evaluation. The selection committee will evaluate the responses and rank them by comparative qualifications. The highest scoring person or firm will be contacted, and the City will negotiate cost. If the City is unable to negotiate a satisfactory cost arrangement, the second highest scoring person

or firm will be invited to negotiate. The City will maintain a written record of all such negotiations.

E. Noncompetitive Negotiations

The City of Harlingen requires competitive bids for purchases of goods or services including consulting services) over \$50,000; however, some exceptions apply. 2 C.F.R. §200.320(c).

In some circumstances, when competition cannot be obtained or the situation necessitates the required number of competitive bids to be reduced, a sole source or justification letter must be submitted. The following information is a guide for requesting the waiver or reduction of competitive bids on RFPs for goods or services greater than \$50,000. The City may purchase goods and services through non-competitive negotiations when it is determined in writing by the City that competitive negotiation or bidding is not feasible and that:

1. SOLE SOURCE DEFINITION AND CRITERIA

A single supplier that is exclusively capable of meeting the City's requirements within the time available, including emergency and other situations, which preclude conventional planning and processing. These situations include:

- a. One-of-a-Kind/Specialized- the commodity or service has no competitive product or must meet specialized seaport, boat or marine requirements, or specialized professional or technical services, and is available from only one supplier.
- b. Compatibility- the commodity or service must match an existing brand of equipment for compatibility and is available from only one vendor.
- c. Replacement Part - the commodity is a replacement part for a specific brand of existing equipment and is available from only one supplier.
- d. Delivery Date - only one supplier can meet necessary delivery requirements.
- e. Emergency - URGENT NEED for the item or service does not permit soliciting competitive bids; including purchases needed to address major facility failures, damages due to disasters, or purchases necessary to address immediate safety and security issues.
- f. Only one satisfactory proposal is received through RFP or RFQ
- g. The Federal or State awarding agency has authorized the particular type of noncompetitive negotiation.

Procurement by noncompetitive negotiation requires the strictest attention to the observation of impartiality toward all suppliers. The CITY must approve all procurements by non-competitive negotiation when only one supplier is involved or only one bid or response to an RFP/RFQ is received.

Bids will be accepted only from those contractors who have a proven record of ability to successfully complete the scope of work being bid. References will be requested along with the contractor's bid

proposal. Any contractors submitting a bid must produce (along with his/her bid documents) written proof of liability insurance and worker's compensation coverage. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance and financial and technical resources in awarding contracts.

III. CONTRACTS

Generally, all procurement in excess of the Simplified Acquisition Threshold will be memorialized and supported by a written contract. Where it is not feasible or is impractical to prepare a contract, a written finding to this effect will be prepared and some form of documentation regarding the transaction will also be prepared.

- A. All contracts will contain language which allows the City the opportunity to cancel any contract for cause. Said cause shall include (but not be limited to) demonstrated lack of ability to perform the work specified, unwillingness to complete the work in a timely fashion, cancellation of liability insurance or worker's compensation, failure to pay suppliers or workers, unsafe working conditions caused by the contractor, failure to comply with Davis-Bacon wage laws (where applicable), failure to keep accurate and timely records of the job, or failure to make those records available to the City (on request) or any other documented matter which could cause a hardship for the City if a claim should arise or the work not be completed on schedule at the specified cost.
- B. All contracts will contain a termination for convenience provision, which allows the City to cancel the contract without fault on the part of the contractor. In the event of a termination for convenience, the contractor will receive reimbursement and/or pro-rate payment for costs and work done until the point of termination, but not anticipated profits on the work that was cancelled. The termination provision will specify the procedures for the contractor to submit a claim for termination costs.
- C. Except as otherwise provided under 41 C.F.R. Part 60, all contracts that meet the definition of "Federally assisted construction contract" in 41 C.F.R. § 60-1.3 must contain the applicable contract clauses described in Appendix II to the Uniform Rules (*Contract Provisions for non-Federal Entity Contracts Under Federal Awards*), which are set forth in 2 C.F.R. §200.327. These provisions will be provided to all bidders.

IV. DOCUMENTATION

All source documents supporting any given transaction (receipts, purchase orders, invoices, RFP/RFQ data and bid materials) will be retained and filed in an appropriate manner. Where feasible, source documents pertinent to each individual procurement shall be separately filed and maintained. Where it is not feasible to maintain individual procurement files, source documents will be filed and maintained in a reasonable manner (examples include chronologically, by vendor, by type of procurement, etc.). Whatever form of documentation and filing is employed, the purpose of this section is to ensure that a clear and consistent audit trail is established. At a minimum, source document data must be sufficient to establish the basis for selection, basis for cost, (including the issue of reasonableness of cost), rationale for method of procurement and selection of contract type, and basis for payment.

V. LOCALLY OWNED, MINORITY-OWNED, FEMALE-OWNED AND SMALL BUSINESSES

All necessary affirmative steps will be taken and documented to solicit participation of small and minority businesses, women's business enterprises, and labor surplus area firms. Where possible and feasible, delivery schedules will be established, and work will be subdivided to maximize participation

by small businesses or minority- or women-owned businesses. Subdivided components will be bid as a separate contract. A list of locally owned, minority-owned, female-owned, and small businesses and minority businesses located within the trade region shall be used when issuing IFBs, RFPs and RFQs. This list shall also be consulted when making small purchases. The City will use the services and assistance of the Small Business Administration and the Minority Business Development Agency of the Department of Commerce when appropriate. The successful bidder will be required to use these same criteria in selection of suppliers and subcontractors whenever possible. 2 C.F.R. §200.321.

VI. CODE OF CONDUCT

A. Conflict of Interest

No City member, employee, consultant, elected official, appointed official or designated agent of the City will take part or have an interest in the award of any procurement transaction if a conflict of interest, real or apparent, exists. A conflict of interest occurs when the official, employee or designated agent of the City, partners of such individuals, immediate family members, or an organization which employs or intends to employ any of the above has a financial or other interest in any of the competing firms or will otherwise benefit financially or otherwise from a contract award.

No City member, employee or designated agent of the City may acquire a financial interest in or benefit in any way from any activity which uses any Federal funding, nor shall they have any interest in any contract, subcontract or agreement for themselves or any family members.

NOTE: These rules apply to all named parties and shall be effective for the period of service and for one year after leaving said position (or office, in the case of elected officials).

B. Acceptance of Gratuities

No City member, employee or designated agent of the City shall solicit or accept gratuities, favors or anything of monetary value from contractors, potential contractors, subcontractors or potential subcontractors.

C. Penalties

Any City member, employee or designated agent of City who knowingly and deliberately violates the provisions of this code will be open to civil suit by the City without the legal protection of the City. Furthermore, such a violation of these procurement standards is grounds for dismissal by the City (if an employee) or such sanctions as available under the law (if an elected official).

Any contractor or potential contractor who knowingly and deliberately violates the provisions of these procurement standards will be barred from future transactions with the City.

VII. ADDITIONAL PROVISIONS

The City of Harlingen Federally funded contracts are subject to a variety of required of statutes, regulations, and contract clauses. While it is the responsibility of bidders and offerors to be aware of and comply with those requirements, City staff shall include applicable requirements in all City contracts to the maximum extent possible, either in full text, via addendum or attachment, or by reference. The list below is not exhaustive, and other provisions may apply based on the type of work being performed and the dollar amount of the contract. The provisions below are common to many covered contracts:

A. Labor and Employment Laws and Regulations

A variety of construction and non-construction labor and employment laws and regulations are required as a condition of the City's Federal funding. These are assembled at 2 C.F.R. § 200.327 and 2 C.F.R. Part 200, Appendix II, and include provisions related to Equal Employment Opportunity, Prevailing Wages, Anti-Kickback provisions, Overtime and Work Safety requirements, and a variety of whistle blower protections. In dealing with all potential bidders and offerors, City Staff should ensure that the applicable requirements are included in all solicitations and contracts. To the extent possible, City Staff should highlight these requirements to bidders and offerors unfamiliar with or inexperienced in Federally funded projects.

B. Rights to Inventions Made Under a Grant or Contract

If a contract awarded by the City may result in the creation of protectable intellectual property, including a patentable invention, copyrighted material, trade secret or technical data, or any other invention or discovery, the requirements of 37 C.F.R. § 401 may apply.

C. Environmental Regulations

Contracts over \$150,000 require the contractor to comply with Clean Air Act and Federal Water Pollution Control Act. Specific provisions and requirements are set forth in 2 C.F.R. Part 200, Appendix II.

D. Contracting with Suspended or Debarred Persons or Entities

The City shall not enter into any agreement with any person or entity subject to Federal Debarment or suspension, nor consent to a subcontract with any such person or entity. A list of all such persons or entities can be found at www.sam.gov. The City should obtain written certification from all contractors that they are not suspended or debarred from federal procurements.

E. Byrd Anti-Lobbying Amendment

The following provision should be included in each contract over \$100,000 (Federal Byrd threshold):

"Contractors who apply or bid for an award of \$100,000 or more shall file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant, or any other award covered by 31 U.S.C. § 1352. Each tier shall also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the recipient."

F. Domestic Preference

In accordance with 2 C.F.R. 200.322, as appropriate and to the extent consistent with law, the City should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award. "Produced in the United States" means, for iron and

steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States. "Manufactured products" means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

G. Recovered Materials

In accordance with 2 C.F.R. 200.323, the City and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

H. Contract Cost and Price

Pursuant to 2 C.F.R. 200.324, the City will perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications. The method and degree of analysis is dependent on the facts surrounding the procurement situation, but as a starting point, the City will make independent estimates before receiving bids or proposals.

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

Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the City under subpart E- Cost Principles. The City may reference its own cost principles that comply with the Federal cost principles.

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

I. Federal Awarding Agency or Pass-Through Entity Review

If requested, the City will make available the technical specifications on proposed procurements for federally funded projects in accordance with 2 C.F.R. 200.325.

J. Bonding Requirements for Federal Awards

For construction or facility improvement contracts or subcontracts that exceed the Simplified Acquisition Threshold, the City will submit the City's bonding policy to the Federal awarding agency or pass-through entity to receive authorization to use existing bonding requirements as required by 2 C.F.R. 200.326.

Chapter 3 – Supplemental Amendment

POLICIES AND PROCEDURES FOR THE PROCUREMENT, MANAGEMENT, AND ADMINISTRATION OF ENGINEERING AND DESIGN RELATED CONSULTANT SERVICES FOR FEDERALLY FUNDED HIGHWAY PROGRAMS (FHWA) (23 CFR Part 172)

I. INTRODUCTION

The Policies and Procedures described in this Procurement Plan reflects the approved City of Harlingen ("the City") Procurement Policy to comply with 23 CFR Part 172.5(c) (Written Policies and Procedures), which states that the contracting agency shall prepare and maintain written policies and procedures for the procurement, management, and administration of engineering and design related consultant services for federally funded highway programs. The requirements are issued to ensure that a qualified consultant is obtained through an equitable qualifications-based selection procurement process, that prescribed work is properly accomplished in a timely manner, and at fair and reasonable cost.

The Texas Department of Transportation ("TxDOT") shall approve these written policies and procedures, including all revisions made by the City to assess compliance with Federal and State laws relevant to Federal aid projects administered by Federal Highway Administration (FHWA) and TxDOT.

The City's Engineering Department shall administer and implement the provisions of this Procurement Plan and other appropriate sections of 23 CFR 172 and the Brooks Act.

This Plan document supplements the City of Harlingen Purchasing Manual's General Procurement Policy for Federal Awards (2 CFR Part 200) amended on April 5, 2023.

II. SOLICITATION PROCESS

The City shall solicit a submittal of qualifications for professional services as specified in a Request for Qualifications ("RFQ") issued by the City to evaluate consultants. RFQs shall be advertised through an advertisement in a local newspaper, and at the discretion of the City Engineer, in a public forum/website as well. The advertisement in the newspaper shall include a brief description of the project and the City's contact information for prospective consultants to request the RFQ. The city will publish the RFQ on the City's website and on a public forum/website, such as civcastusa.com, to ensure that non-local or out-of-state consultants are given the opportunity to be considered. All advertisements shall be published at least fourteen (14) calendar days before the submittal deadline.

1. The RFQ shall be specific to the project and service for the evaluation of a consultant's specific technical approach and qualifications.
2. The RFQ shall contain the following information:
 - a. A concise scope of work identifying a set of deliverables that shall be performed by the consultant during the contract time. To the extent practicable, the scope of work should detail the purpose and description of the project, services to be performed, deliverables to

- be provided, schedule for performance, and applicable standards, specifications, and policies.
- b. The evaluation criteria that will be used in the ranking, and selection of consultants, and which, may include but are not limited to: technical approach, project understanding, related experience, professional licensure, staff capabilities, workload capacity, and past performance.
- c. The contract type and method of payment shall comply with 23 CFR 172.9.b.1 to include a breakdown of tasks with fees and specific hourly rates of staff compensation.
- d. A requirement for the consultant to furnish a Certificate of Interested Parties (Conflict of Interest Questionnaire, Form 1295).
- e. The date, time, and place for receiving and opening submittals.
- 3. TxDOT shall approve the RFQ and any subsequent modifications before the City advertises it.
- 4. Cost proposals will not be accepted by the city during the RFQ process.
- 5. The deadline for submission of RFQs may be extended if the City determines that the extension is in the best interest of the city.
- 6. The City shall retain documentation of solicitation in accordance with 2 CFR 200.334 *Retention Requirements for Records*. The provision includes the following:
 - a. All project records shall be retained during the Agreement period and for seven (7) years from the specified time in the Advance Funding Agreement (AFA) from the date of submission of the final payment.
 - b. All project records shall be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.
 - c. The city shall make all records accessible to TxDOT for the purpose of audits and reviews.

III. EVALUATION, RANKING, AND SELECTION OF CONSULTANTS

The city shall evaluate, rank, and select a consultant based on the following:

1. The city shall select qualified providers of professional services by first submitting all responses to a selection committee ("Committee") for scoring the responses based against the criteria published in the RFQ. The Committee will be assigned by the City Manager and will be comprised of a minimum of three (3) city staff members.
2. The Committee shall review and rank the submittals based on the criteria set forth in the RFQ. **The evaluation and ranking criteria shall be approved by TxDOT prior to publishing the RFQ.**
3. In the instance where only two (2) qualified firms respond to the solicitation, the city may re-issue the solicitation or proceed with evaluation and selection if the solicitation did not contain criteria that arbitrarily limited competition.
4. If only one (1) consultant responds to the solicitation, the city may re-issue the solicitation or follow a noncompetitive procurement procedure in which the city submits a justification letter to TxDOT for review and approval prior to negotiations with sole respondent.
5. After scoring, the Committee shall submit final scores and ranks to the City Commission for approval to begin negotiations with the highest-ranking firm.

IV. CONTRACT NEGOTIATIONS AND EXECUTION

1. The city shall prepare an independent estimate breakdown of the work or labor hours, types of

classifications of labor required, other direct costs, and consultant's fixed fee for the defined scope of work, which shall serve as the basis for negotiations. This independent estimate shall be submitted to and approved by TxDOT prior to negotiations.

2. The city shall determine cost allowances separately for contract costs such as indirect cost rates, direct salary or wage rates, fixed fee, and other direct costs.
3. The professional fees under the contract shall be consistent with and shall not be higher than the recommended practices and fees published by any applicable professional associations, and which are customary for the same or similar services. Fees shall not exceed any maximum provided by law.
4. The city shall attempt to negotiate a contract with the most highly qualified firm. If the city is unable to negotiate a satisfactory contract with the firm, the city shall formally terminate negotiations and then undertake negotiations with the next most qualified firm. The city shall continue the process until a contract is entered or until it determines that the services are no longer needed or cannot be procured in an economically feasible manner.
5. The city shall retain documentation of negotiation activities in accordance with 2 CFR 200.334 - Retention Requirements for Records.
6. The city may terminate the procurement of professional services pursuant to this Plan at any time upon determination that a continuation of the process is not beneficial nor advantageous to the city.
7. TxDOT shall review and approve the rates, hours, and contract prior to execution of the contract.

V. CONFLICT OF INTEREST

The city shall take all reasonable steps to prevent, identify, and mitigate conflicts of interest for its officers, employees, agents, elected officials, consultants, and sub-consultants, and will promptly disclose any potential conflict of interest in writing to TxDOT.

1. No employee, officer, agent, or elected official of the city shall participate in the selection, or in the award or administration of a contract if a conflict of interest, **real or apparent** would be involved. Such a conflict arises when there is a financial or other interest in the consultant selected for award by:
 - a. The employee, officer, agent, or elected official.
 - b. Any member of his or her family within the third degree of consanguinity or affinity, as determined under Title 5 Open Government, Chapter 573 Degrees of Relationship, Nepotism Prohibitions.
 - c. His or her close friend or romantic partner; or
 - d. An organization that employs or is about to employ any of the above.
2. The city's officers, employees, agents, or elected officials shall neither solicit nor accept gratuities, favors, or anything of monetary value from consultants, potential consultants, or parties to sub agreements.
3. Affected city officers, employees, agents, and elected officials shall disclose by submitting a Certificate of Interest Questionnaire (Form CIQ) to the City Manager within three (3) working days of discovery. The City Manager shall promptly disclose the conflicts to TxDOT in writing.
4. The city requires that its consultant and subconsultants be able to work solely in the city's interest, without conflicting financial or personal incentives. As previously mentioned, the consultant(s) that enters into a contract with the city shall submit a Certificate of Interested Parties (Form 1295) to the city at the time the firm submits the signed contract to the city as required by State law.

5. The city reserves the right to disqualify any consultant or subconsultant, or to place contractual limits on work or on personnel, if there is a conflict of interest that might affect or might be seen to affect the consultants or subconsultants duty to act solely in the interest of the city.
6. The City Manager shall ensure that any employee, officer, agent, or elected official with a conflict of interest is removed from participating in the procurement, management, or administration of the contract.
7. For the same project, the firm contracted to design cannot be contracted as the construction engineering and inspection firm. The city may choose to include bid phase and construction phase services from the selected firm in the same RFQ, whenever it does not conflict with federal law.

VI. DEBARMENT

The city shall verify suspension and debarment actions and eligibility status of consultants and sub-consultants prior to entering into an agreement or contract by searching:

1. System for Award Management (SAM) – U.S. government official website; and
2. Texas Comptroller of Public Accounts – List of vendors debarred from doing business with the State of Texas.

VII. CONTRACT ADMINISTRATION AND MONITORING

The City Manager shall assign a full-time employee, the Responsible Person in Charge ("RPIC"), who participated in the selection committee, and who is qualified to enforce the contract and ensure that the work delivered under contract is complete, accurate, and consistent with the terms, conditions, and specifications of the contract, to be in responsible charge. The RPIC's responsibilities shall include:

1. Administering inherently governmental activities including, but not limited to, contract negotiation, contract payment, and evaluation of compliance, performance, and quality of services provided by consultant.
2. Being familiar with the contract requirements, scope of services to be performed, and products to be produced by the consultant.
3. Being familiar with the qualifications and responsibilities of the consultant's staff and evaluating any requested changes in key personnel.
4. Scheduling and attending progress and project review meetings, commensurate with the magnitude, complexity, and type of work, to ensure the work is progressing in accordance with established scope of work and scheduled milestones.
5. Ensuring consultant costs billed are allowable in accordance with the Federal cost principles and consistent with the contract terms as well as the acceptability and progress of the consultant's work as noted in the Federal Cost Principles under 48 CFR Part 31 (Federal Acquisition Regulation);
6. Evaluating and participating in decisions for contract modifications; and
7. Documenting contract monitoring activities and maintaining supporting contract records, as specified in 2 CFR 200.334 Retention Requirements for Records.

Disputes and failures will be subject to the provisions of the contract and will be handled as follows:

A. Errors and Omissions

1. At any phase of the project, the RPIC shall notify the consultant of the error or omission in writing within five (5) business days of discovery.
2. The consultant will be allowed fifteen (15) business days to respond to the RPIC and correct failures.
3. Alternatively, the consultant may raise the issue with the City Manager.
4. The consultant will be responsible for costs incurred because of the error or omission in accordance with the professional service agreement and the following schedule:
 - a. Schematic Phase: Consultant shall cover one hundred percent (100%) of cost.
 - b. PS&E Phase: Consultant shall cover one hundred percent (100%) of cost.
 - c. Construction Phase: Consultant shall observe the Professional Service Agreement which says that if the cumulative cost of a change order resulting from an error or omission exceeds two percent (2%) of the original construction contract amount, the consultant shall be obligated to reimburse the city for one hundred percent (100%) of such excess cost. The consultant shall not be required to reimburse the city if the cumulative cost of design error or omission does not exceed two percent (2%) of the original construction contract amount.
5. If the consultant does not respond and correct the failure in a satisfactory manner, the City may institute legal proceedings to collect damages.

B. Violations or Breach of Contract

1. At any phase of the project, the RPIC shall notify the consultant of the violation or breach of contract in writing within five (5) business days of discovery.
2. The consultant will be allowed fifteen (15) business days to respond and correct failures.
3. If the consultant does not respond to and correct failures in a satisfactory manner, the city may take over the project and prosecute the work to completion.

C. Resolving Disputes

1. All disputes in the procurement, management, and administration of engineering and design related consultant services shall be submitted to the RPIC in writing within five (5) business days from onset of the dispute. Each written dispute shall include the following information:
 - a. Name and address of the protester, and the vendor it represents, if different.
 - b. The identification/reference number specified in the RFQ to identify the procurement in question.
 - c. A statement of the grounds for protest; and
 - d. All documentation supporting the protest.
2. A decision and response to the protest will be prepared by the RPIC within a reasonable time after receipt of a properly prepared written protest.
3. Appeals to the RPIC's decision and response shall be made to the city Commission in writing within fifteen (15) business days after RPIC's decision and response are issued.
4. Written appeals shall include all information contained in the original written protest, as well as any newly discovered documentation supporting the protest that was not reasonably available to the protester when the original protest was filed.
5. Subject to all applicable laws governing the city, the decision of the City Commission regarding the appeal shall be final.

VIII. CONTRACT COMPLETION

At contract completion, the city will verify that all work has been completed correctly and satisfactorily, update contract records to reflect results, and archive information, including performance evaluations, for future use and in accordance with 2 CFR 200.334 *Retention Requirements for Records*. All information shall be accounted for by RPIC with a checklist, and made available to TxDOT for their review, concurrence, and use.

A. Performance Evaluation

1. The RPIC shall complete an evaluation summarizing the consultant's performance on a contract within fifteen (15) business days after consultant's final pay application is approved by RPIC. The RPIC may complete interim performance evaluations based on the scope, complexity, and size of the contract. Additional evaluations may be completed to recognize outstanding performance, poor performance, or at the consultant's request based on possible improved performance.
2. The city shall provide the consultant with a copy of the performance evaluation and an opportunity to provide written comments to be attached to the evaluation.
3. Completed performance evaluations shall be archived for consideration as an element of past performance in the future evaluation of the consultant to provide similar services.
4. Performance Evaluations will be submitted to TxDOT for their review and record.



Chapter 4 GLOSSARY

Advertisement (Notice Requirement) – To make a public announcement of the intention to procure goods or services. The Local Government Code requires certain expenditures be published in newspaper published in the municipality at least once a week for two consecutive weeks. The date of the first publication must be before the 14th day before the date set to publicly open the bids and read them aloud. Must state notice of time and place at which bids will be publicly opened and read aloud. (LGC 252.041)

Award – The act of accepting a bid, proposal, or offer; thereby resulting in a contract between the state and a vendor.

Best Value – Bidder providing goods or services at the best value for the City.

Bid – (noun) The response submitted by a bidder to a Request for Bids (RFB). Sometimes the completed document may be referred to as “the bid”. The response to a Request for Proposal (RFP) is called a proposal or offer.

Bid- (verb) To submit a bid response. By submitting a bid response, one person (the vendor/ contractor) gives the buyer the legal power to create a contract with the responding seller in accordance with the bid response.

Bid Bond – An insurance agreement, accompanied by a monetary commitment, by which a third party (the surety) accepts liability that the bidder will proceed with the contract and will replace the bid bond with a performance and payment bonds. The bid bond is an instrument used to stop low bidders from underbidding and then withdrawing their bid. A bid bond is not statutorily required, but is generally used by the City on public works contracts

Bidder – One who submits a response to an invitation for bid or informal quote.

Bond –Written instrument executed by a bidder or contractor and a second party to assure fulfillment of their periodic interest payment until the date of maturity and a fixed sum of money on the designated maturity date to the City.

Centralized Master Bidder’s List (CMBL) – A mailing list, maintained by the Texas Comptroller of Public Accounts, of vendors who have expressed interest and registered to receive notice of bid or proposal opportunities based on the products or services they provide.

Change Order – A change in plans or specifications after the performance of a contract is begun, or if it is necessary to increase the quantity of work to be performed or of materials, equipment, or supplies to be furnished. In reference to construction contracts, it relates primarily to changes caused by unanticipated conditions encountered during construction not covered by the drawings, plans, or specifications of the project.

Commodity – A tangible item that can be turned to commercial advantage; anything that can be processed and resold.

Competitive Sealed Bidding- Preferred method for acquiring goods, services, and construction for public use in which award is made to the lowest responsive and responsible bidder, based solely on the response to the criteria set forth in the RFB; does not include discussions or negotiations with bidders.

Competitive Sealed Proposal- A procurement method by which a city requests proposals, ranks the respondents, negotiates as prescribed, and awards. CSPs may be used for: goods, services including professional services not

listed in GC2254, high technology, insurance, civil engineered construction projects \$1.5 million or less and facilities construction.

Component Purchases - purchases of the component parts of an item that in normal purchasing practices would be purchased in one purchase.

Conflict of Interest- A situation wherein an individual as part of his/her duties make a decision or take action that will affect his/her personal interest.

Contract- A contract is an obligation to do or abstain from doing some act. Essential elements of a contract are: an offer and an acceptance of that offer; the capacity of the parties to contract; consideration to support the contract; a mutual identity of consent; legality of purpose; and sufficient certainty of terms; a legally binding promise, enforceable by law.

Cooperative Buying Agreement (Cooperative Contracts, COOPs) – Competitively awarded contracts in accordance with State of Texas statutes, rules, policies, and procedures, and have been extended for the use of other state agencies and active CO-OP members. A cooperative buying agreement satisfied any state law requiring a local government to seek competitive bids.

Emergency Procurement/Purchase – A situation requiring a department to make a purchase more quickly in order to prevent hazard to life, health, safety, welfare, or property or to avoid undue additional costs.

Evaluation Criteria- Generally used in the Request for Proposal method. Qualitative factors that an evaluation committee will use to evaluate/score a proposal and select the most qualified proposer/respondent. May include such factors as past performance, references, management and technical capability, price, quality and performance requirements.

Evaluation of Bids and Proposals – The process of examining a bid after opening to determine the bidder's responsibility, responsiveness to requirements, and to ascertain other characteristics of the bid that relate to determination of the successful bidder and will meet the needs of the requesting and using department.

Field Purchase Order (FPO) - A small order amount purchasing method. Generally used for small orders under a certain dollar threshold. FPO's must only be used for purchases made with local vendors that have a place of business within the city limits of Harlingen.

Formal Bid – A bid that must be submitted in a sealed envelope and in conformance with a prescribed format, to be received and opened on a specific date and at a specified time. Formal bids must be used for purchases greater than \$50,000 that are not specifically exempt.

Historically Underutilized Business (HUB) – “Is at least 51% owned by an Asian Pacific American, Black American, Hispanic American, Native American and/or American woman and has its principal place of business in Texas, and has an owner residing in Texas with a proportionate interest that actively participates in the control, operations and management of the entity's affairs”. (Texas Comptroller of Public Accounts)

Indemnification - This is a “hold harmless” agreement between the contractor and the City. It is a part of the insurance requirements and must be signed by the contractor before work can begin.

Inter-local Agreement - An agreement between 2 or more legally constituted political subdivisions of the state (county, municipality, school district, etc.) to participate, on voluntary basis, in the procurement of goods and services. Purchases made under an inter-local agreement satisfy any state law requiring the local government to seek competitive bids. Inter-local agreements must be legally executed before procurement begins.

Insurance - A contract between an insurance company and a person or group which provides for a monetary payment in case of a covered loss, accident, death or other insurable exposure. A form of risk mitigation.

Invoice- Document showing the character, quantity, price, terms, nature of delivery and other particulars of goods sold or of services rendered; a bill.

Lowest Responsive and Responsible Bidder: The bidder who fully complied with all of the bid requirements and whose past performance, reputation and financial capability is deemed acceptable and has offered the most advantageous pricing or cost benefit, based on the criteria stipulated in the bid documents.

Maintenance Bond – Guarantees defects in workmanship and/or materials for a specific time period. An extended warranty guaranteed by a surety. (Business, 2002)

National Institute of Governmental Purchasing (NIGP) Commodity/Service Codes – Standardized national classification codes that identify goods and services.

Negotiations – A consensual bargaining process in which multiple parties attempt to reach an agreement on a disputed, or potentially disputed, matter.

Non-resident Bidder – A person who is not a resident of the state.

Notice of Award- A written notification from the public entity to the successful bidder, or respondent stating that there is an award of a contract in accordance with bid or proposal previously submitted, and that effective with receipt the vendor or contractor shall proceed with performance; allows work to start while contract is printed and readied for distribution.

Notice Requirement – See Advertisement

Offer - A response to a solicitation that if accepted, would bind the respondent to perform the resulting contract.

Payment Bond - A financial or contractual instrument, issued by a surety that guarantees that subcontractors will be paid for labor and materials expended on the contract.

Performance Bond - An instrument executed, subsequent to award, by a successful bidder that protects the public entity from loss due to the bidder's inability to complete the contract as agreed. A risk mechanism that secures the fulfillment of all contract requirements.

Personal Property – Tangible or intangible property, other than real property. Moveable property subject to ownership, with exchangeable value.

Personal Services – Services other than professional services as defined by Government Code 2254. Personal services may be exempt from the competitive bid process.

Planning Services – Services primarily intended to guide governmental policy to ensure the orderly and coordinated development of the state or of municipal, county, metropolitan, or regional land areas.

Pre-Bid/ Pre-Proposal Conference (Meeting) - A meeting held by the buyer with potential bidders/respondents, prior to the opening of the solicitation for the purpose of answering questions, clarifying any ambiguities and responding to general issues in order to establish a common basis for understanding all of the requirements of the solicitation. May result in the issuance of an addendum.

Prevailing Wage Rate - The rate of wages, including fringe benefits, paid to a majority of the workers in a geographic area for the same type of work on similar projects. (Nash, Schooner, O'Brien, 1998)

Procurement - The procedures for obtaining goods or services, including all activities from the planning steps and preparation and processing of a requisition, through receipt and acceptance of delivery and processing of a final invoice for payment. The acts of preparing specification, evaluation bids or proposals, making awards and administering contracts are involved.

Professional Services – (GC 2254) Services within the scope of the practice, as defined by state law, of: accounting, architecture, landscape architecture, land surveying, medicine, optometry, professional engineering, real estate appraising; or professional nursing; or services provided in connection with the professional employment or practice of a person who is licensed or registered as: a certified public accountant, an architect, a landscape architect, a land surveyor, a physician, including a surgeon, an optometrist, a professional engineer, state certified or state licensed real estate appraiser, or a registered nurse.

Proposal – An offer submitted by a supplier in response to a Request for Proposal (RFP) intended to be used as a basis to negotiate a contract.

Public Bid Opening - The process of opening and reading bids at the time and place specified in the solicitation and in the presence of anyone who wishes to attend.

Public Works (GC 2253) – A contract for constructing, altering, or repairing a public building or carrying out or completing any public work.

Purchase Agent - An official in charge of the procurement operation, from the determination of needs to follow-up, ensures timely delivery.

Purchase Order – A purchaser's written document to a vendor formalizing all the terms and conditions of a proposed transaction, such as a description of the requested items, delivery schedule, terms of payment, and transportation.

Purchase Requisition - A document created by a requestor authorizing the commencement of purchasing transaction. Typically will include a description of the need and other information that is relative to the transaction. Must be submitted in via Procurement software.

Purchasing Procedure - A mode of conducting purchasing activities.

Reciprocity - The act of buying from or selling to another business in return for sales or purchases from the first organization. A mutual or cooperative interchange of favors.

Reciprocity (in bid evaluation) – If a nonresident bidder's home state grants a preference to its resident bidders, an equal penalty is added to the nonresident bidder's proposal when bidding in Texas. The action is opposite; a preference becomes a penalty, but the amount is equal.

Respondent - A person or entity who submits a response to a solicitation.

Request for Bid (RFB) – A solicitation requesting submittal of a bid in response to the required specifications. RFBs are awarded to the lowest responsible bidder meeting the specifications. Price may not be altered or negotiated.

Request for Information (RFI) – An information gathering tool used to obtain comments, feedback or reactions from potential suppliers (contractors) prior to the issuing of a solicitation. Generally price or cost is not required. Feedback may include best practices, industry standards, technology issues, etc.

Request for Proposal (RFP) – A solicitation requesting submittal of a proposal in response to the required scope of services that usually includes some form of a cost proposal. An RFP requires published evaluation criteria. Price may be negotiated with firms to ensure the best value for the organization. May include a provision for the negotiation of Best and Final Offers. May be a single step or a multi-step process.

Request for Qualifications (RFQ) – The RFQ is used to allow firms and individuals the opportunity to propose demonstrated competence and qualifications for the type of professional services to be performed at fair and reasonable prices. The RFQ process gives the City the opportunity to select the firm that best meets the using department needs without price being the deciding factor in the initial phase of the process.

Requisition – An internal document the end user completes to request goods or services.

Resident Bidder – A person whose principal place of business is in this state, including a contractor whose ultimate parent company or majority owner has its principal place of business in this state.

Respondent – A person or entity which submits a response to a solicitation.

Responsible – See Bidder or Respondent.

Responsible Bidder/ Respondent – A bidder who has the capability in all respects to perform fully the contract requirements, and the experience, integrity, perseverance, reliability, capacity, facilities, equipment and credit which will also assure good faith performance.

Responsive – See Bidder, Responsive or Respondent, Responsive

Responsive Bidder/Respondent - A contactor, business entity or individual who has submitted a bid or proposal that fully conforms in all material respects to the RFB/RFP and all of its requirements, including all form and substance.

Responsive Bidder - A bidder who has submitted a bid that fully conforms in all material respects to the RFB and all of its requirements, including all form and substance.

Retainage – Part of a public works contract payment withheld by the City to secure performance of the contract usually under a construction contract. Upon completion of all contract requirements, retained amounts must be paid promptly. (Harney, 1992)

Reverse Auctions – A real-time bidding procedure that is conducted at a pre-scheduled time and Internet location in which multiple suppliers, anonymous to each other, submit bids for designated goods and services.

Sealed Bid - A formal submission from a bidder/respondent submitted in response to an invitation to bid. It is submitted in a sealed envelope to prevent its contents from being revealed before the time and date set for the bid opening.

Schedule – A list of multiple award contracts from which agencies may purchase goods and services.

Scheduled Purchase – A purchasing method used for ordering goods in bulk.

Scope of Work (SOW) – A written description of the contractual requirements for materials or services contained within a Request for Proposal. The SOW can be compared to specifications within an Invitation for Bid. SOW should establish a clear understanding of what is needed, encourage competition, satisfy the departmental need, and provide the best value for the citizens.

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

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

Single Source – A procurement in which there are other products that perform the same function, but a single source is necessary for a particular justifiable reason. Usually, multiple distributors can provide competitive quotes for the single sourced product. For example, there are numerous brands of computers; however the Panasonic Toughbook may be a single source due to a particular function that is not offered by competitors. A single source will require written justification as to the business need for the single source. *Experience is not an acceptable justification.*

Sole Source – A good or service available from one source. The procurement is usually protected by patents, copyrights, secret processes or natural monopolies.

Solicitation – The process of notifying prospective vendors of an opportunity to provide goods or services to the state. Solicitations may be conducted via telephone, fax, mail, e-mail, or in person.

Specification – Any description of the physical, functional, or performance characteristics, or of the nature of a supply, service or construction item. A specification includes, as appropriate, requirement for inspecting, testing, or preparing a supply, service or construction item for delivery.

Statement of Work – A statement outlining the specific services a contractor is expected to perform, generally indicating the type, level and quality of service, as well as the time schedule required.

Subrogation - The substitution of one person in the place of another with reference to a lawful claim, demand, or right, so that the one substituted succeeds to the rights of the other in relation to the debt or claim and its rights, remedies, and securities. (Black's Law Dictionary, 1427, 1990).

Supplier (Vendor) – A seller of commodities and/or services.

Surplus Property – A designation that applies to property no longer needed and is designated for disposal.

Tabulation of Bids/Responses - The recording of responses to bids and proposals for the purposes of comparison, analysis, and record keeping.

Terms and Conditions - Standard boilerplate language that includes standard clauses and rules which apply to bids and offers formally solicited that maybe incorporation into the final contract.

Term Contract - A type of contract in which a source of supply is established for a specified period of time for specified services or supplies; usually characterized by an estimated or definite minimum quantity, with the possibility of additional requirements beyond the minimum, all at a predetermined unit price.

Vendor (Supplier) – A supplier/seller of commodities and/or services.

Sources: NIGP Public Procurement Dictionary of Terms (Revised for 2010), Institute of Supply Management Glossary of Key Supply Management Terms, and Texas Comptroller of Public Accounts website (www.window.state.tx.us)



Chapter 5

STATE LAW REFERENCES & STATUTES

Nothing in this article excuses noncompliance with state law.

State law references-Conflicts of interest, Texas Local Government Code ch. 171; bribery, Texas Penal Code § 36.02; gifts to public servants, Texas Penal Code § 36.08 et seq.; tampering with government records, Texas Penal Code § 37.10; impersonating public servant, Texas Penal Code § 37.11; misuse of official information, Texas Penal Code § 39.06; disrupting meetings or processions, Texas Penal Code § 42.05; official oppression, Texas Penal Code § 39.03; abuse of official capacity, Penal Code § 39.02; nepotism, Texas Government Code ch. 573; disclosure of interest in property, Texas Government Code § 553.002.

Code of Federal Regulations: Appendix II to Part 200 - Contract Provisions for Non-Federal Entity Contracts Under Federal Awards

Part 200: Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards § 200.0 – 200.521

Appendix II to Part 200: Contract Provisions for Non-Federal Entity Contracts Under Federal Awards

Note: Specific references to federal or state statutes are current as of March 31, 2023, and may change. Periodically, federal and state statute references will be administratively updated to be properly reflected. Please refer to the entire federal regulation or applicable statute to ensure accurate references.



Chapter 6

FORMS

1. Purchasing Authority/Account Access Request Form
2. Bid Request Form
3. Check Requisition Form
4. Request for Quotation Form
5. Emergency Purchase Request Form
6. Sole Source Form
7. Vendor Application Form
8. Conflict of Interest Questionnaire Form (Form CIQ)
9. Request for Employee Vendor File / Change Form
10. Certificate of Interested Parties Form (Form 1295)

City of Harlingen
Purchasing Department
404 S. 54th St.
Harlingen, TX 78550
Phone: (956) 216-5316
Fax: (956) 427-8711



PURCHASING AUTHORITY / ACCOUNT ACCESS REQUEST FORM

Please complete this form to request any changes to an employee's Purchasing Module user profile. When you have completed this form, return via City mail or fax this request to the Finance Director. No changes can be made without submitting this form.

Department Head Approval: _____ Date: _____

Department: _____

ACCOUNT NUMBER							Account Description
	Fund	Dept.	Div.	Acct.	Elem.	Obj.	
From							
To							
Excluded							
Excluded							
Excluded							
Excluded							

PURCHASING ACCESS BY USER ID

Please list the employee and the level of authority authorized. Indicate if the employee is to be added or deleted.

(Only employees from the EXECUTIVE and PROFESSIONAL/MANAGERIAL job families can be given authority for approval of purchase orders and field purchase orders.)

Employee Name:

User ID:

Authority Level (Check all that apply):

Add or Delete (Check One):

Inquiry	☐
Purchase Requisition Entry	☐
Purchase Requisition Approval	☐
Stock Requisition Entry	☐
Stock Requisition Approval	☐
Field Purchase Order Entry	☐
Field Purchase Order Approval	☐
Receipt Processing	☐

ADD ☐

DELETE ☐

Finance Director Approval: _____	Date: _____
----------------------------------	-------------



BID REQUEST FORM

DATE: ____/____/____

DEPARTMENT DIRECTOR APPROVAL _____

DEPARTMENT: _____

ACCOUNT NUMBER: _____

ADVERTISING ACCOUNT NUMBER: _____

*(Department advertising account number must be included before Bid Request Form is processed)

DESCRIPTION OF ITEM(S) TO BE PURCHASED:

ALL CONSTRUCTION CONTRACTS NEED APPROVAL FROM THE CITY ATTORNEY AND RISK MANAGEMENT BEFORE BID ADVERTISEMENT

CITY ATTORNEY _____ RISK MANAGEMENT _____

FOR FINANCE DEPARTMENT USE ONLY

- (1) FINANCE DEPARTMENT
BUDGET BALANCE \$ _____
- DATE: _____
- INQUIRED BY: _____
- (2) FINANCE DIRECTOR APPROVAL _____ / ____/____

PURCHASING DEPARTMENT

BID NO _____

OPENING DATE: ____/____/____

PUBLISHING DATES: FIRST WEEK ____/____/____ SECOND WEEK: ____/____/____

Please attach bidder's list, specifications, plans, contracts, etc. to this form.
Purchasing will assign a bid number, advertise the notice and mail out invitations



**CITY OF HARLINGEN
CHECK REQUISITION**

ISSUED TO:

Vendor Name: _____

Vendor No. _____

Mailing Address: _____

_____ **New Vendor**

_____ **One Time Vendor**

Fund: _____

Federal ID#: _____

ACCOUNT NO.	INVOICE NO.	AMOUNT
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

TOTAL:

\$

EXPLANATION: _____

Special Handling Instructions:

_____ **Hold Check for Pick-up**

Signature: _____

Dept. Director

_____ **Date**

Approved By: _____

Acct. Dept.

_____ **Date**



REQUEST FOR QUOTATION

DATE: _____

Dept. _____

TO: _____

P.O. Box 2207 / 118 E. Tyler Ave.

Harlingen, TX 78551

Attn: _____

Phone: (956) - _____

Phone: _____

Fax: (956) - _____

Fax: _____

Email: _____

Email: _____

Reason: _____

Item	QTY	UOM	DESCRIPTION	UNIT PRICE	TOTAL
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13			Please note any other charges:		
14			Other:		
15			Other:		

*Please indicate "NO BID" if you do not carry a specific item, or use terms like "No Charge," "Discount," etc.

SUBTOTAL: _____

Signed by: _____

FREIGHT: _____

TOTAL: _____

If you are unable to participate and submit a quote at this time, please explain why and sign.

May we contact you for future quotes?

____ YES

____ NO

Whenever an article or material is defined by describing a product or by using the name of a manufacturer, the term "or equal", if not inserted, shall be implied. The specified article or material shall be understood as descriptive, not restrictive. The City of Harlingen reserves the right to award on a per total or line item method or reject all.



EMERGENCY PURCHASE REQUEST FORM

DATE: _____

TO: _____ CITY MANAGER

FROM: _____

SUBJECT: Emergency Situation: _____

1. Summary Of Emergency Situation: _____

2. Options Available:

1. _____

Financial Consequences:

2. _____

Financial Consequences:

3. Possible Monetary Losses If Purchase Is Not Made Immediately: _____

4. Price Quotations:

(1.)

(2.)

(3.)

APPROVAL:

DEPARTMENT HEAD

CITY MANAGER

FINANCE DIRECTOR

DATE

DATE

DATE

P.O. NO.



REQUEST FOR SOLE SOURCE PROCUREMENT

Date: _____

To: Purchasing Office

FROM: _____

1. Request approval for Sole Source Procurement of goods and/or services for the reasons as described in section 3 herein.

2. Describe Item/Service to be purchased. Include cost, name, and telephone number of vendor and other descriptive information.

3. Definition of Sole Source Procurement Condition (check one or more items). This procurement is necessary because:

_____ (A.) public exigency or emergency;

_____ (B.) items that are available from only one source because of patents, copyrights, secret process, or natural monopolies;

_____ (C.) electricity, gas, water, and other utility services.

_____ (D.) captive replacement parts or components for equipment are paramount consideration or use of other than OEM parts jeopardizes warranty and/or insurance coverage.

_____ (E.) film, manuscripts, books, papers, and other materials that are available only from the persons holding exclusive distribution rights to the materials; and

_____ (F.) advertising, other than legal notices;

4. Summary of Sole Source Procurement Condition:

5. _____ I certify a Sole Source Procurement exists for item(s) that are normally bid competitively. Please forward this request to the Purchasing Division.

Department Approval

Department

Date

6. Solicitations:

Name of vendor Indicate MBE/WBE Total Bid

Person Contacted (or) HUB Vendor Amount

Telephone Number

A. _____

B. _____

C. _____

7. Purchasing Division Comments:

Purchasing Manager Date



Purchasing Department
404 S. 54th St., Harlingen TX 78550
(956) 216-5316 / Fax: (956) 427-8711
Email: Purchasing@harlingentx.gov

Vendor Application Form

*By submitting this form, you are authorizing the City of Harlingen staff, officials, or representatives to purchase goods, supplies, equipment, or services from your company. **You acknowledge that you will: accept Purchase Orders; accept our Payment Terms of NET 30 DAYS; and will submit an invoice to Invoices@harlingentx.gov for payment processing.** This vendor application must include a signed and dated CIQ Form, and W-9 Form in order to be complete and valid. Initial Here _____

Date: _____

Federal I.D. or SSN #: _____

☐ **NEW Vendor File**

☐ **Update Existing Vendor File, Vendor #: _____**

Have you been contacted by City of Harlingen Staff? ☐ YES ☐ NO (select one)

If YES, please provide name of City Representative: _____ Dept.: _____

1. Name and physical address of new vendor for bid or quote solicitation opportunities.

Company Name: _____

Contact Name: _____

Physical Address: _____

Phone Number: () _____ Fax#: () _____ City State / Zip Code

Email Address: _____ Website: _____

2. Remittance address of vendor, if different from above. Please note: THE COMPANY NAME ABOVE MUST MATCH THE NAME ON THE INVOICES for payment processing purposes.

MAKE CHECKS PAYABLE TO: _____

Mail check to Address: _____

City State / Zip Code

3. Type of Company or Organization (check one):

_____ Individually Owned _____ Partnership _____ Non-Profit Organization

_____ Corporation, Incorporated under the Laws of the State of _____

4. **Do you require a 1099 Form?** ☐ YES ☐ NO (select one)

5. How long in present business: _____ Years _____ Months

6. Please list the types of goods, supplies, equipment, or services that you provide. _____

7. Does your company participate in Cooperative Contract Pricing? YES / NO (circle one)

☐ BuyBoard (TASB) ☐ ASC ☐ Choice Partners ☐ GSA ☐ H-GAC
☐ OMNIA Partners ☐ Sourcwell ☐ TCI ☐ TIPS ☐ TXMAS
☐ TXSmartBuy ☐ TXDIR ☐ Other: _____

CO-OP Contract #: _____ Effective Dates: _____ to _____

8. Name and Title of Person(s) authorized to sign bids, offers, and contracts.

Name Title Contact Number

9. Name and Title of Person(s) authorized to provide quotes, proposals, and pricing information.

Name Title Contact Number

10. Type of business/company:

☐ Manufacturer ☐ Factory Representative ☐ Dealer
☐ Construction ☐ Limited Contractor ☐ Unlimited Contractor
☐ Service Provider – Define Establishment type: _____

11. This application must be accompanied by a W-9 Form and CIQ Form in order to be set up as a vendor for the City of Harlingen. All forms must be signed and dated.

I hereby certify that the information supplied herein is true and correct.

Print Name and Title

Signature

Please mail all invoices to: City of Harlingen – Finance Dept.

Attention: Accounts Payables

P.O. Box Address: P.O. Box 2207, Harlingen, TX 78551

Physical Address: 118 E. Tyler Avenue, Harlingen TX 78550

Contact by Phone#: (956) 216-5050

Or, Email Invoices to: Invoices@harlingentx.gov

Purchasing Department Only

Date Received: _____

_____ W-9 Form on File

_____ CIQ Form on File

Entry Date: _____

Vendor No. Issued: _____

Entered By: _____

Requested By: _____

Dept.: _____

**Request for Taxpayer
Identification Number and Certification**

► Go to www.irs.gov/FormW9 for instructions and the latest information.

**Give Form to the
requester. Do not
send to the IRS.**

Print or type.
See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.	
2 Business name/disregarded entity name, if different from above	
3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. ☐ Individual/sole proprietor or single-member LLC ☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► _____ Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. ☐ Other (see instructions) ► _____	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3). Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ (Apply to accounts maintained outside the U.S.)
5 Address (number, street, and apt. or suite no.) See instructions.	Requester's name and address (optional)
6 City, state, and ZIP code	
7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number	
or	
Employer identification number	

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person ►	Date ►

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding*, later.

CONFLICT OF INTEREST QUESTIONNAIRE

For vendor doing business with local governmental entity

FORM CIQ

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY

Date Received

1 Name of vendor who has a business relationship with local governmental entity.

2 ☐ Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 Name of local government officer about whom the information is being disclosed.

Name of Officer

4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

☐ Yes

☐ No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

☐ Yes

☐ No

5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.

6 ☐ Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7

Signature of vendor doing business with the governmental entity

Date

CONFLICT OF INTEREST QUESTIONNAIRE
For vendor doing business with local governmental entity

A complete copy of Chapter 176 of the Local Government Code may be found at <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm>. For easy reference, below are some of the sections cited on this form.

Local Government Code § 176.001(1-a): "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

- (A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
- (B) a transaction conducted at a price and subject to terms available to the public; or
- (C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

Local Government Code § 176.003(a)(2)(A) and (B):

- (a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

(2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor;

(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor.

Local Government Code § 176.006(a) and (a-1)

- (a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

- (1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);
- (2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or
- (3) has a family relationship with a local government officer of that local governmental entity.

(a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

(1) the date that the vendor:

- (A) begins discussions or negotiations to enter into a contract with the local governmental entity; or
- (B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

(2) the date the vendor becomes aware:

- (A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);
- (B) that the vendor has given one or more gifts described by Subsection (a); or
- (C) of a family relationship with a local government officer.



Purchasing Department
404 S. 54th St.
Harlingen, TX 78550
(956) 216-5316, Fax (956) 427-8711

Request for Employee Vendor File/Change

Requested by: _____ Date: _____

Department: _____

Please note: Requests for Employee Vendor Files should only be for the purpose of employee reimbursements. All purchases eligible for reimbursements must be pre-approved by the Department Director. Unauthorized purchases may not be reimbursed.

☐ **NEW Vendor File**

☐ **Change to Existing Employee Vendor File, Vendor #: _____**

Employee #: _____ Dept: _____

Employee Name: _____

Mailing Address: _____

City, State, Zip Code: _____

Phone Number: () _____

Email Address: _____

All vendor files are entered by the Purchasing Office. Please send a copy of the completed form to the Purchasing Office and reference the employee vendor file number on all check requisitions before submitting the employee reimbursements to the Finance Department.

Purchasing Department Only

Date Received: _____

Vendor No. Issued: _____

Entry Date: _____

Entered By: _____

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.

2 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

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **July 3, 2024**

Agenda Item:
Consideration and possible action to approve the proposed by-laws for the Keep Harlingen Beautiful Board and to authorize the City Attorney to make any corresponding changes to Articles of Incorporation. Attachment (<i>City Attorney</i>)
Prepared By: Mark Sossi, City Attorney
Brief Summary:
Funding (if applicable):
Are funds specifically designated in the current budget for the full amount (Yes/No):
*If no, specify source of funding and amount requested:
Finance Director's approval (Yes/No/NA):
Staff Recommendation:
City Manager approval: 
Comments:
City Attorney's approval:

**BYLAWS OF
KEEP HARLINGEN BEAUTIFUL, INC.**

ARTICLE I. OFFICES

1.01 Principal Office The principal office of the corporation in the State of Texas shall be located in the City of Harlingen, County of Cameron.

1.02 Registered Office The corporation shall have and continually maintain in the State of Texas a registered office, and a registered agent whose address is identical with such registered offices, as required by the Texas Non-Profit Corporation Act. The registered office may, but need not be, identical with the principal office in the State of Texas, and the address of the registered office may be changed from time to time by the Board of Directors.

ARTICLE II. MEMBERS

2.01 The corporation shall have no members.

ARTICLE III. BOARD OF DIRECTORS

3.01 General Powers. Regular The affairs of the corporation shall be managed by a Board of Directors subject to such limitations as are imposed by law, the articles of incorporation, or these bylaws.

3.02 Number, Tenure, and Qualifications. The number of Directors of the Corporation shall be 18. Directors shall be appointed by the City Commission for three-year terms. The tenure of each Director shall run concurrent with the term of office of the appointing member of the city commission. Directors shall be elected for three (3) year, staggered terms so that approximately one-half of the Directors shall be appointed concurrently with the election for their appointing Mayor or Commissioner.

elected each year. Directors shall be nominated by a majority vote of the Board of Directors in accordance with the nominations received from the Nominating Committee and recommended to the City Commission for appointment. The Commission shall vote to appoint the Directors nominated by the Board.

3.03 Each Director shall be at least eighteen (18) years of age and be of good moral character and demonstrate an interest in the general welfare of Harlingen. Directors shall be selected for their knowledge of the beautification, charitable, benevolent, civil and educational needs of the community. In addition, the Board of Directors may appoint one or more Advisory Directors, who shall not have voting privileges, for such terms as the Board may deem advisable. A representative of the Mayor, the City Commissioners, the City Manager, the Chamber of Commerce, and the Harlingen Consolidated Independent School District will serve as ex-officio members of the Board but shall not be entitled to vote at the meetings.

3.04 Regular Meetings. Regular meetings of the Board of Directors shall be held at a time and place determined by the Board. At least one meeting shall be held each month.

3.05 Special Meetings. Special Meetings of the Board of Directors may be called by or at the request of the President or any two directors. The person or persons authorized to call special meetings of the Board may fix any place, either within or outside the State of Texas, as the place for holding any special meetings of the Board called by them.

3.06 Notice. Notice of any special meeting of the Board of Directors shall be given at least seven (7) business days previous thereto by written notice delivered personally, or sent by mail or email, to each Director to his or her address or email address, as shown by the records of the corporation. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail so addressed with

postage prepaid. Notices regarding meetings may be sent via electronic mail which will be deemed to be delivered when the email is transmitted. Any Director may waive notice of any meeting. The attendance of a Director at any meeting shall constitute a waiver of notice of such meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. The business to be transacted at any special meeting will be specified in the notice.

3.07 Quorum of Board of Directors A quorum of the Board of Directors shall be defined as five directors.

3.08 Voting. A director shall vote in person.

3.09 Manner of Acting. The act of a majority of the Directors present at a meeting at which a quorum is present shall be the act of the Board of Directors, unless the act of a greater number is required by law or by these bylaws.

3.10 Public Meetings Act. The Board will comply with the notice requirements of the Texas Open Meetings Act. The Articles of Incorporation will be determinative of quorum requirements.

3.11 City Commission Presentation. At least once a year, the Board will present its activities to the City Commission at a meeting of the City Commission. A members of the Board must be present to answer any questions posed by the City Commission.

3.12 Removal. Directors are expected to participate actively in guiding the corporation. Members who miss three (3) consecutive Board Meetings or four (4) Board meetings in a fiscal year, without active participation in committee projects or special assignments during that time period, will be removed from the Board. The Elective Commission of the City of Harlingen shall have the authority to remove without further action, unless the Board, upon written notice of extenuating

circumstances, determines that one or more absences shall be excused. Directors pursuant to a request to do so submitted by the Board of Directors. Any questions regarding the sufficiency of participation in committee projects or special assignments will be determined by a majority vote of a quorum of the Executive Committee.

3.13 Vacancies. Any occurring in the Board of Directors shall be filled in accordance with the procedure for appointing Directors set forth in Section 3.02 herein. A Director appointed to fill a vacancy shall be appointed for the unexpired term of his or her predecessor.

3.14 Compensation. Directors shall not receive any compensation for their services as Directors; but, by resolution of the Board of Directors, any Director may be reimbursed for expenses incurred in conducting business of the organization and may be indemnified for expenses and costs, including attorney's fees, actually and necessarily incurred by him in connection with a claim asserted against him by action in court or otherwise by reason of his being or having been such Director, except in relation to matters as to which he shall have been guilty of negligence or misconduct in respect of the matter in which indemnity is sought. Nothing herein contained shall be construed to preclude any Director from serving the corporation in any other capacity and receiving compensation, therefore.

ARTICLE IV. OFFICERS AND EXECUTIVE COMMITTEE

4.01 Officers. Officers of the corporation by and through its executive committee, shall be President, Vice President and a Secretary of Treasurer and as such other officers as may be elected in accordance with the provisions of this Article. All officers shall be members of the Board of Directors. Any two or more offices may be held by the same person, except the offices of President and Secretary.

4.02 Election and Term of Offices. At the January Meeting of the Board of Directors, nominations may be made by the Board before the January meeting. The officers of the corporation shall be elected annually by the Board of Directors. Officers shall assume their official duties on February 1 and shall serve for term of one (1) year or until their successors are elected and qualified.

4.03 Removal. Any officer elected or appointed by the Board of Directors may be removed by a majority vote of the Board of Directors whenever, in its judgment, the best interests of the corporation would be served thereby.

4.04 Vacancies. A vacancy in any office, because of death, resignation, or otherwise, shall be filled by the Board of Directors for the unexpired portion of the term.

4.05 President. The President shall be the principal executive officer of the corporation and shall in general supervise and control all of the business and affairs of the corporation. The President may sign any deeds, mortgages, bonds, contracts, or other instruments which the Board of Directors have authorized to be executed, except in cases where the signing and execution there of shall be expressly delegated by the Board of Directors, or by these bylaws or by statute to some other officer or agent of the corporation; and, in general he shall perform all duties incident to the office of President and such other duties as may be prescribed by the Board of Directors from time to time. The President shall preside at the Executive Committee and Board meetings.

4.06 Vice President. In the absence of the President or in the event of his inability or refusal to act, the Vice President shall perform the duties of the President, and when so acting shall have all the powers of and be subject to all the restrictions upon the President. Any Vice-President shall perform such other duties as from time to time may be assigned to him by the President.

4.07 Treasurer. If required by the Board of Directors, the Treasurer shall give a bond for the faithful discharge of his duties in such sum and with such surety or sureties

as the Board of Directors shall determine. He shall have charge and custody of and be responsible for all funds and securities of the corporation; receive and give receipts for monies due and payable to the corporation from any source whatsoever, and deposit all the monies in the name of the corporation in such banks, trust companies, or other depositories as shall be selected by the Board of Directors, and in general perform, all the duties as from time to time may be assigned to him by the Executive Committee or by the Board of Directors.

4.08 Secretary. The Secretary shall keep the minutes of the meetings of the Board of Directors and the Executive Committee; see that all notices are duly given in accordance with the provisions of these bylaws or as required by law; be the custodian of the corporate records; and in general perform all duties incident to the office of Secretary and such other duties as from time to time may be assigned to him or her by the Executive Committee or by the Board of Directors. Upon approval of the minutes, they shall be sent to the City Secretary of the City of Harlingen to be kept in the same manner as City Commission meetings.

ARTICLE V. COMMITTEES

5.01 Executive Committee. The Executive Committee shall consist of the President, the Vice-President (whether one or more), the Treasurer, Secretary, and the immediate past President of the Board of Directors. The Executive Committee shall have all the powers of the Board of Directors between meetings of the Board. The actions of the Executive Committee shall be submitted to the Board of Directors for ratification at its next meeting. However, the Executive Committee shall not have the authority of the Board of Directors in reference to amending, altering, or repealing the bylaws; amending the articles of incorporation; adopting a plan of merger or adopting a plan of consolidation with another corporation; authorizing the voluntary

dissolution of the corporation or revoking proceedings; therefore, adopting a plan for the distribution of the assets of the corporation; or amending, altering, or repealing any resolution of the Board of Directors which by its terms provides that it shall not be amended, altered, or repealed by such committee and the delegation thereto of authority shall not operate to relieve the Board of Directors, or any individual Directors, of any responsibility imposed on the Board or such Director, of any individual Director, of any responsibility imposed on the Board or such Director by law. Meetings of the Executive Committee shall be held at a time and place to be determined by the committee, subject to call by any member of the Executive Committee.

5.02 Committees. The Executive Committee shall appoint the chairman of each committee, with the approval of the Board of Directors. The chairman of the Committees shall be members of the Board of Directors. They shall direct and control the work to be done by their committees and shall make monthly reports at Board meetings.

5.03 Nominating Committee. The Nominating Committee shall be appointed by the Executive Committee, with the approval of the Board of Directors. The Nominating Committee shall consist of 3 members, all of which must be currently serving on the Board of Directors. The principal functions of this committee shall be to nominate individuals to fill vacancies on the Board of Directors and to propose slates of candidates for election to the various offices of the corporation. It may also perform other related functions.

5.04 Public Relations Committee. The Public Relations Committee and its chairman shall be appointed by the Executive Committee, with the approval of the Board

of Directors. The Public Relations Committee shall consist of two current Board members and such other representatives of the community with public relations expertise and media contact as the Executive Committee deems appropriate. The Public Relations Committee shall perform such duties as are appropriate to gain public recognition and support for the corporation's program

5.05 Education Committee. The Education Committee and its Chairman shall be appointed by the Executive Committee with approval by the Board of Directors. The Education Committee shall consist of two current Board members and such other representatives from the community as the Executive Committee deems appropriate. The Education Committee shall perform such duties to insure the adequate education of the general public in solid waste management, anti-litter awareness, and beautification.

5.06 Beautification Committee. The Beautification Committee and its chairman shall be appointed by the Executive Committee with approval by the Board of Directors. The Beautification Committee shall consist of two current Board members and any other representatives from the community as the Executive Committee deems appropriate. The Beautification Committee shall perform such duties as are appropriate to ensure that the general public is aware of Beautification needs in Harlingen and shall plan and implement programs to meet these needs.

5.07 Other Committees. The Board of Directors may create such other committees as are deemed necessary and appropriate by the Board. Such committees may be designated by a resolution adopted by a majority of the Directors present at a meeting at which quorum is present. Except as otherwise provided in such resolution, the Executive Committee of the corporation shall approve the members of each such committee. Any members thereof may be removed by the Executive Committee whenever

in its judgement the best interests of the corporation shall be served by such removal.

5.08 Terms of Office. Each member of a committee shall continue as such until the next annual meeting of the Board of Directors of the Corporation and until his or her successor is appointed, unless the committee shall be sooner terminated, or unless such member be removed from such committee, or unless such member shall cease to qualify as a member thereof.

5.09 Vacancies. Vacancies in the membership of any committee may be filled by appointments made by the same manner as provided in the case of the original appointments.

5.10 Quorum. Unless otherwise provided in these bylaws or in the resolution of the Board of Directors designating a committee, a majority of the whole committee shall constitute a quorum and the act of a majority of the members present at a meeting at which a quorum is present shall be the act of the committee.

5.11 Rules. Each committee may adopt rules for its own government not inconsistent with the bylaws or with rules adopted by the Board of Directors.

ARTICLE VI. MISCELLANEOUS

6.01 Books and Records. The Corporation shall keep correct and complete books and records of account with respect to all financial transactions (including income and expenditures) of the corporation in accordance with generally accepted accounting principles. Based on these records, the Board Directors shall annually prepare or approve a report of the financial activity of the corporation for the preceding fiscal year. The report must conform to generally accepted accounting principles, and must include a statement of support, revenue and expenses, changes in fund balances, a statement of functional

expenses, changes in fund balances, a statement of functional expenses, and balance sheets of all funds. *All* records, books and annual reports of financial activity of the corporation shall be kept at the registered or principal office of the corporation in the State of Texas for at least (3) years after the closing of each fiscal year and shall be available to the public for inspection and copying during normal business hours. The corporation may charge for the reasonable expense of preparing a copy of a record or report and shall also keep minutes of the proceedings of its Board of Directors.

6.02 Budget and Annual Audit. The Board of Directors shall prepare a proposed budget of funds for the upcoming fiscal year in its July meeting. This budget shall be subject to approval by the Elective Commission of the City of Harlingen. Further the Board of Directors may order an audit of the corporation's financial records at the end of each fiscal year which audit shall be approved by the Elective Commission of the City of Harlingen.

6.03 Contracts. The Board of Directors may authorize an officer or officers, agent or agents of the corporation, in addition to the officers so authorized by these bylaws, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the corporation. Such authority may be general or confined to specific instances.

6.04 Checks and Drafts. All checks, drafts, order for the payment of money, notes or other evidences of indebtedness issued in the name of the corporation shall be signed by such officer or offices, agent, or agents of the corporation and in such manner shall as from time to time be determined by resolution of the Board of Directors. In absence of such determination by the Board of Directors, such instruments shall be signed by the Treasurer and countersigned by the President or Vice-President of the corporation.

6.05 Funds. All funds of the corporation shall be deposited from time to time to the credit of the corporation in such banks, trust companies, or other depositories as

the Board of Directors may select.

6.06 Gifts. The Board of Directors may accept on behalf of the corporation any contribution, gift, bequest or devise for the general purposes or for any special purpose of the corporation.

6.07 Fiscal Year. The fiscal year of the corporation shall be October 1 to September 30.

6.08 Waiver of Notice. Whenever any notice is required to be given under the provisions of the Articles of incorporation or bylaws of the corporation, a waiver thereof in writing signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

6.03 Parliamentary Authority. Robert's Rules of Order, newly revised, shall govern this Board of Directors when applicable.

ARTICLE VII. AMENDMENTS TO BYLAWS

7.01 These bylaws may be altered, amended, or repealed and new bylaws may be adopted by a majority of the Directors present at any regular meeting or at any special meeting. At least seven (7) business days written notice shall be given of an intention to alter, amend, or repeal these bylaws or to adopt new bylaws at such meeting and copies of such proposed alternatives, amendments, or items to be repealed shall be included with said written notice. All such alterations and amendments shall become effective at such time as they are approved by the Elective Commission of the City of Harlingen.

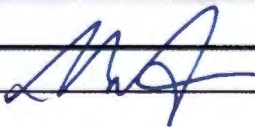
ARTICLES OF INCORPORATION

ARTICLE NINE

Five directors shall constitute a legal quorum of the entire Board of Directors.

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **July 3, 2024**

Agenda Item: Consideration and possible action to approve a resolution suspending the July 12, 2024, effective date of the proposal by Texas Gas Service Company, A division of One Gas, Inc.-Rio Grande Valley Service Area, to implement interim grip rate adjustments for gas utility investment in 2023 and requiring delivery of this resolution to the company and legal counsel. Attachment <i>(City Manager)</i>
Prepared By:
Brief Summary: On May 13, 2024, Texas Gas Service Company made Interim Rate Adjustment or "GRIP" filings with the cities in its Rio Grande Valley Service Area. The Company is seeking recovery of \$3,654,076 in invested capital. The current filing will increase rates to residential customers by \$3.03 per month. This will increase the current residential customer charge from \$18.00 to \$21.03 per month.
Funding (if applicable): Are funds specifically designated in the current budget for the full amount (Yes/No): *If no, specify source of funding and amount requested: Finance Director's approval (Yes/No/NA):
Staff Recommendation:
City Manager approval: 
Comments:
City Attorney's approval: 

RESOLUTION NO. 2024- _____

A RESOLUTION BY THE CITY OF HARLINGEN, TEXAS SUSPENDING THE JULY 12, 2024, EFFECTIVE DATE OF THE PROPOSAL BY TEXAS GAS SERVICE COMPANY, A DIVISION OF ONE GAS, INC. – RIO GRANDE VALLEY SERVICE AREA, TO IMPLEMENT INTERIM GRIP RATE ADJUSTMENTS FOR GAS UTILITY INVESTMENT IN 2023 AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

WHEREAS, the City of Harlingen, Texas (“City”) is a gas utility customer of Texas Gas Service Company, a Division of ONE Gas, Inc. – Rio Grande Valley Service Area, (“TGS” or “the Company”) and a regulatory authority with an interest in the rates and charges of TGS; and

WHEREAS, TGS made filings with the City and the Railroad Commission of Texas (“Railroad Commission”) on May 13th, 2024, proposing to implement interim rate adjustments (“GRIP Rate Increases”) pursuant to Texas Utilities Code § 104.301 on all customers served by TGS, effective July 12, 2024; and

WHEREAS, it is incumbent upon the City, as a regulatory authority, to examine the GRIP Rate Increases to determine its compliance with the Texas Utilities Code.

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

1. The July 12, 2024, effective date of the GRIP Rate Increases proposed by TGS is hereby suspended for the maximum period allowed by Texas Utilities Code § 104.301(a) to permit adequate time to review the proposed increases, analyze all necessary information, and take appropriate action related to the proposed increases.

2. A copy of this Resolution shall be sent to TGS, in care of Judy J. Hitchye at judy.hitchye@onegas.com, and to Thomas Brocato, legal counsel to the City, at Lloyd Gosselink, 816 Congress Ave., Suite 1900, Austin, Texas 78701 or.

Signed this _____ day of _____, 2024.

City of Harlingen, Texas

Norma Sepulveda, MAYOR

ATTEST:

Amanda C. Elizondo, City Secretary

**CUSTOMER NOTICE OF INTERIM RATE ADJUSTMENT
RGVSA INCORPORATED AND ENVIRONS IRA FILED MAY 13, 2024**

Pursuant to Texas Utilities Code Section 104.301, Texas Gas Service Company, a Division of ONE Gas, Inc., (the "Company"), filed an application for an Interim Rate Adjustment with the Railroad Commission of Texas on May 13, 2024. This proposed Interim Rate Adjustment applies to the Rio Grande Valley Service Area ("RGVSA") incorporated cities and environs areas of Alamo, Alton, Brownsville, Combes, Donna, Edcouch, Edinburg, Elsa, Harlingen, Hidalgo, La Feria, La Joya, La Villa, Laguna Vista, Los Fresnos, Lyford, McAllen, Mercedes, Mission, Palm Valley, Palmhurst, Palmview, Penitas, Pharr, Port Isabel, Primera, Progreso, Rancho Viejo, Raymondville, Rio Hondo, San Benito, San Juan, Santa Rosa, and Weslaco, Texas, the unincorporated cities of Bayview, Laguna Heights, Monte Alto, Olmito, and San Carlos and the unincorporated areas of Jim Hogg and Starr counties, Texas, and provides for the recovery of additional capital investment incurred from January 1, 2023 through December 31, 2023. The request is for capital investment not included in any previous rate case or rates for service and is subject to refund.

The Company proposes to increase the customer charge used to calculate the customer's monthly bill by the amount listed below. The proposed Interim Rate Adjustment effective date is July 12, 2024.

TABLE 1

Rate Schedule	Current Monthly Customer Charge	Proposed 2024 Interim Rate Adjustment	Adjusted Monthly Customer Charge	Increase Per Bill
Residential - Small	\$18.00	\$3.03	\$21.03	\$3.03
Residential - Large	\$33.00	\$3.03	\$36.03	\$3.03
Commercial - Small	\$75.00	\$24.46	\$99.46	\$24.46
Commercial - Large	\$230.00	\$24.46	\$254.46	\$24.46
Industrial	\$850.00	\$203.34	\$1,053.34	\$203.34
Public Authority	\$200.00	\$23.52	\$223.52	\$23.52
Electric Generation	\$230.00	\$24.46	\$254.46	\$24.46
Commercial Transportation	\$500.00	\$24.46	\$524.46	\$24.46
Industrial Transportation	\$1,000.00	\$203.34	\$1,203.34	\$203.34
Public Authority Transportation	\$2,500.00	\$23.52	\$2,523.52	\$23.52
Electric Generation Transportation	\$500.00	\$24.46	\$524.46	\$24.46

*Average bill usage per Case No. 14399. Average bills exclude revenue-related taxes and include cost of gas (except transportation). The 2023 cost of gas 12-month average is \$4.09 per Mcf.

Persons with questions or who want more information about this filing may contact TGS at 1-800-700-2443. A copy of the filing will be available for inspection during normal business hours at TGS's offices at 5602 E. Grimes Rd., Harlingen, Texas 78550 or on TGS's website at <https://www.texasgasservice.com/RateInformation/RioGrandeValley>.

Any affected person within the environs may file written comments or a protest concerning this proposed Interim Rate Adjustment with Gas Services, Market Oversight Section, Railroad Commission of Texas, PO Box 12967, Austin, Texas 78711-2967. Please reference Case No. 00017353 in your written comment or protest.

Las personas que tengan preguntas o que deseen más información sobre esta presentación pueden comunicarse con Texas Gas Service al 1-800-700-2443. Una copia de la presentación estará disponible para inspección durante las horas normales de oficina en la oficina de Texas Gas Service en 5602 E. Grimes Rd., Harlingen, Texas 78550 o en el sitio web de Texas Gas Service en <https://www.texasgasservice.com/RateInformation/RioGrandeValley>.

Cualquier persona afectada dentro de los alrededores puede presentar comentarios por escrito o una protesta relacionada con esta propuesta de Ajuste de tarifa provisional con servicios de gas, Sección de Supervisión del Mercado, Comisión de Ferrocarriles de Texas, PO Box 12967, Austin, Texas 78711-2967. Consulte el numero Case No. 00017353 en su comentario o protesta por escrito.

**AGENDA ITEM
EXECUTIVE SUMMARY**

101

Meeting Date: **July 3, 2024**

Agenda Item:

Consideration and possible action to approve an ordinance on first reading amending Chapter 36 of the Harlingen Code of Ordinances establishing prohibited activities in the City Parks.

Prepared By (Print Name): Javier Mendez

Title: Director of Parks and Recreation

Signature: *Javier Mendez*

Brief Summary:

Summary:

Staff is requesting to amend the Harlingen Code of Ordinances, more particularly Chapter 36, adding section (g) Prohibited Activities in the Parks and (h) enforcement. Staff are recommending establishing these rules to provide protection and safety for the public, city employees and public property.

Previously a draft ordinance with similar language was presented at the City Commission meeting on May 1, 2024, for consideration, and we received several suggestions, but was eventually tabled. We have modified the previous ordinance to only include:

(g) Prohibited Activities in the Parks:

- 1.) To ride or drive any motorcycle, automobile, or other motorized vehicle upon any sidewalk, hiking or jogging trail, or within the city park. **Further applicable restrictions are cited in Section 36-107.**
- 2.) It shall be unlawful for persons to play golf or practice golf within the city parks of the city. Any person driving a golf ball by striking it with a golf club within a city park, except in areas designated as a golf course shall be deemed to have violated this section and shall be subject to a fine, upon conviction.
- 3.) To swim, bathe, wade in, or pollute the water of any pond, lake or stream.
- 4.) To camp overnight unless otherwise approved by the City Commission for an event.
- 5.) To sell or offer for sale any food, drinks, confections, merchandise or services, except pursuant to a permit issued by, or pursuant to, a written agreement with the City.
- 6.) To practice, carry on, conduct, or solicit for any trade, occupation, business or profession without proper permit.

Practicing and playing certain games.

- 1.) No organized group shall conduct or participate in any tournament, camp, or organized sporting activity which has not been specifically authorized by the City Commission or City Manager, or which conflicts with a scheduled activity authorized by the City. For example, it shall be unlawful to play or practice golf because of potential turf damage and safety concerns, hit baseballs or softballs in areas where other park users are endangered or engage in other activities that create risk to persons or property (disc golf, cricket, polo, lacrosse, archery and hockey are examples). Such games may be played, or activities undertaken in park areas set apart and/or designated for such purposes by the parks and recreation department.

(h) Enforcement

1. The City of Harlingen Police Department shall have the authority to eject from the park or facility and may be prohibited violator from future access to the parks or facility if person(s) found to be in violation of this Chapter, as it exists or may be amended, or any other ordinances applicable to parks and recreation usage, as it/they exist or may be amended.
2. A person who violates any provisions of this ordinance shall be subject to potential citation and Municipal Court fines up to \$200. The Harlingen Police Department shall be authorized to enforce this ordinance.

This draft ordinance was presented to the Parks and Recreation Advisory Board on March 26, 2024, and the board recommended approval.

Are funds specifically designated in the current budget for the full amount ☒ Yes ☐ No*

*If no, specify source of funding and amount requested:

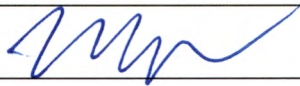
Finance Director's approval: ☒ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff is recommending approval of the amendment to the Ordinance.

City Manager's approval:  ☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:  ☒ Yes ☐ No ☐ N/A

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 36, PARKS AND RECREATION, ARTICLE V., PUBLIC CONDUCT IN AND USE OF PARKS & RECREATION FACILITIES, DIVISION 1 GENERALLY, AMENDING SECTION 36-106 – PARK RULES AND POLICIES, BY ADDING PROHIBITED ACTIVITIES IN CITY PARKS AND FACILITIES AND PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF (\$200.00) TWO HUNDRED DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE, PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE AND ORDAINING OTHER MATTERS RELATING TO THE FOREGOING.

WHEREAS, the City of Harlingen, Texas is a home-rule municipality established by its Charter and the laws of Texas; and

WHEREAS, a standard and enforceable set of rules and regulations is important to provide the protection and safety of the public and city employees.

WHEREAS, having reviewed and considered the recommended rules and regulations, the City Commission of the City of Harlingen, Texas, finds it in the public interest to enact the proposed ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HARLINGEN, TEXAS THAT:

SECTION 1. This Ordinance shall be in full force and effect from and after its final passage and any publication required by law.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HARLINGEN, TEXAS:

Chapter 36, Parks and Recreation, Article V, Public Conduct in and use of Parks and Recreation facilities, Division 1 Generally of the Code of Ordinances of the City of Harlingen, Texas by amending and adding Park Rules and Policies: (g) Prohibited Activities in the Parks, and (h) Enforcement.

The amendment shall read as follows:

(g) Prohibited Activities in the Parks:

- 1.) To ride or drive any motorcycle, automobile, or other motorized vehicle upon any sidewalk, hiking or jogging trail, or within the city park. **Further applicable restrictions are cited in Section 36-107.**
- 2.) It shall be unlawful for persons to play golf or practice golf within the city parks of the city. Any person driving a golf ball by striking it with a golf club within a city park, except in areas designated as a golf course shall be deemed to have violated this section and shall be subject to a fine, upon conviction.
- 3.) To swim, bathe, wade in, or pollute the water of any pond, lake or stream.
- 4.) To camp overnight unless otherwise approved by the City Commission for an event.
- 5.) To sell or offer for sale any food, drinks, confections, merchandise or services, except pursuant to a permit issued by, or pursuant to a written agreement with the City.
- 6.) To practice, carry on, conduct, or solicit for any trade, occupation, business or profession without proper permit.

Practicing and playing certain games.

1.) No organized group shall conduct or participate in any tournament, camp, or organized sporting activity which has not been specifically authorized by the City Commission or City Manager, or which conflicts with a scheduled activity authorized by the City. For example, it shall be unlawful to play or practice golf because of potential turf damage and safety concerns, hit baseballs or softballs in areas where other park users are endangered or engage in other activities that create risk to persons or property (cricket, polo, lacrosse, archery and hockey are examples). Such games may be played or activities undertaken in park areas set apart and/or designated for such purposes by the parks and recreation department.

(h) Enforcement

1. The City of Harlingen Police Department shall have the authority to eject from the park or facility and may be prohibited violator from future access to the parks or facility if person(s) found to be in violation of this Chapter, as it exists or may be amended, or any other ordinances applicable to parks and recreation usage, as it/they exist or may be amended.

2. A person who violates any provisions of this ordinance shall be subject to potential citation and Municipal Court fines up to \$200. The Harlingen Police Department shall be authorized to enforce this ordinance.

This Ordinance shall be in full force and effect as of July 3, 2024.

Mayor Norma Sepulveda

Attested By:

Amanda Elizondo,
City Secretary

**TAGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **July 3, 2024**

Agenda Item:

Consideration and possible action to authorize the City Manger to approve a lease agreement with Yamaha Carts and Vantage Tag Systems to lease 74 golf carts and a utility range cart to be used at Tony Butler Golf Course for FY 2024-2025.
Attachment (*Golf*)

Prepared By: Jeff Hart

Title: Director of Golf

Signature: *Jeff Hart*

Summary:

Summary

There was an error in the original Yamaha proposal brought before the city council and this is why this item is up for consideration again. The trade in was overestimated at \$ 272,000.00. A lease for 74 Yamaha carts with Vantage GPS systems and a utility range cart. The 4-year lease with trade in of 74 carts (\$208,500 trade value) and a utility range picker would be \$2035 a month. The Vantage Tag Text gps system with kill switch that was recommended by the Advisory board is option B for \$15.75 a month per cart. The lease cost for 74 carts would be an additional \$1165.50 a month for a total lease of \$3200.50 a month. The range utility cart would be given to use on the course throughout the lease.

Staff Recommendation:

Staff recommends that you accept this proposal.

City Manager's approval:

☐ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:

☐ Yes ☐ No ☐ N/A