

**RESOLUTION REGARDING ADOPTION OF
BID PROCESS POLICY
SPRING CREEK OAKS COMMUNITY IMPROVEMENT ASSOCIATION, INC.**

WHEREAS, the By-Laws governing Spring Creek Oaks Community Improvement Association, Inc. ("the Association"), as well as the Association's Articles of Incorporation, the respective Declaration of Covenants, Conditions and Restrictions for those properties governed by Spring Creek Oaks Community Improvement Association (the "Declarations") and all amendments and/or supplements thereto, and the Texas Business Organizations Code, authorize the Association, acting through its Board of Directors, to exercise all powers reasonable and necessary for the governance and operation of the Association;

WHEREAS, the Texas Property Code provides that the Association may exercise other powers necessary and proper for the governance and operation of the Association;

WHEREAS, Chapter 209 of the Texas Property Code was amended to add Section 209.0052(c), addressing contracts for services that will cost more than \$50,000.00; and

WHEREAS, the Board of Directors of the Association ("the Board") has determined that in keeping with the new laws, the adoption of the below-stated Bid Process Policy is in the best interest of the community and its members.

NOW, THEREFORE, BE IT RESOLVED that the attached Bid Process Policy is hereby adopted on behalf of the Association, to become effective upon being recorded in the office of the County Clerk.

Adopted on this 14 day of September 2021.

SPRING CREEK OAKS COMMUNITY IMPROVEMENT ASSOCIATION, INC.

CERTIFICATION

"The undersigned, being a Director of Spring Creek Oaks Community Improvement Association, Inc., hereby certify that the foregoing Resolution Regarding Adoption of Bid Process Policy was adopted by the Board of Directors of Spring Creek Oaks Community Improvement Association, Inc., at a meeting of such Directors at which a quorum was present, or as otherwise authorized by law."

By: *Laura Juneck*
Director, Spring Creek Oaks Community
Improvement Association, Inc.

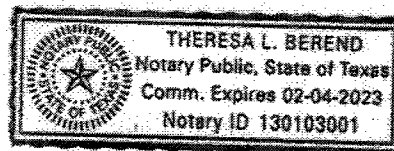
Print Name: Laura Juneck

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

Before me, the undersigned authority, on this day personally appeared Laura Juneck, a Director of Spring Creek Oaks Community Improvement Association, Inc., a Texas non-profit corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he/she had executed the same as the act of said entity for the purpose and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 14th day of September, 2021.

Theresa L. Berend
Notary Public, State of Texas



RP-2021-540996

**SPRING CREEK OAKS COMMUNITY IMPROVEMENT ASSOCIATION, INC.
BID PROCESS POLICY**

The Board of Directors will actively seek bids within the parameters of this Policy to manage Association expenditure and budget controls. Bidding will be in accordance with the guidelines set forth within this Policy.

A Competitive Bid procedure will be used when:

- There is a reasonable expectation that the cost of work may exceed Ten Thousand (\$10,000.00) dollars.
- The total anticipated cost of a proposed contract will exceed Fifty Thousand (\$50,000.00) dollars.

Bid Package Requirements:

The Board's request for bids will include all or some the following information:

- Outline / Scope of Work to be performed.
- A targeted work completion date.
- A request for itemization of materials and labor necessary to complete the project.
- A request for copies of current liability insurance coverage and/or bonding, State and Local licenses, permits, and Workers Compensation Insurance coverage.
- A list of references if the Association has not had prior experience with the bidder.
- A possible penalty for late completion relative to the bidders promised completion date. If qualified bidders exist, and are willing to submit bids when requested, at least three bids should be solicited.

Bid Package Submittal Requirements from Vendor:

The Bidder's response will contain:

- An estimated total cost of the project with a breakdown of materials and labor costs.
- An estimated start and completion date.
- Any possible deviations from the contract with respect to cost and/or completion date, e.g. weather delays, unforeseen obstacles such as ground conditions.
- Required information on insurance and/or bonding, licenses, permits, Workers Compensation Insurance coverage.
- A list of references if the bidder has no prior experience with the Association.
- Copy of proposed vendor contract, which must include invoice and payment terms.

Note: The above bid requirement documentation may vary based on the scope and nature of the project.

Direct Source, Sole Source, or Competitive Bid Exceptions will be considered when:

- Time does not allow for the collection and reviews of bids.
- Emergency work makes time a critical factor.

- The item or service does not permit soliciting competitive bids, including but not limited to purchases needed to address major facility failures, damages due to disasters, or purchases necessary to address immediate safety and security issues.
- Only one supplier can meet necessary delivery date within the requirements of established standards, design, quality, or compatibility with existing equipment.

Bid Award / Selection:

- The Board of Directors shall have the discretion of accepting a bid higher than the low bid if justified based on contractor qualifications, and/or ability to timely perform.
- The selection justification must be documented by the Board or Committee requesting the bid and kept on file with the accepted bid in accordance with the Association document retention policy.
- The Board shall have the discretion of accepting that bid or going out for bids again if only one bid meets all specifications.
- The Board shall have the discretion of tabling the project or going out for bids again if no bids are received.
- If only one bid meets all specifications, the Board shall have the discretion of accepting that bid or seeking additional bids.

The requirement for three bids may be waived depending on the circumstances, including but not limited to:

- Work is an emergency.
- The association has a long-standing relationship with a particular vendor who is especially knowledgeable about the scope of the project.
- Changing of vendors would disrupt existing warranties.
- Other vendors are not willing to bid on the project.

A Rejection Notice may be sent to the bid participants who were not awarded the bid and documented as part of the Association files.

If a conflict of interest exists, the respective Board Member and/or Committee Member must remove themselves from the bid selection process.

Other Considerations:

In the event of a situation (1) determined to be an emergency by a majority of the Board, or (2) an act of God, the bid process may be omitted upon a majority vote of the Board of Directors.

Note:

This Bid Policy is a financial tool and administrative guideline when considering Association expenditures.

- The Board at all times will exercise its judgment and discretion to make reasonable and prudent decisions on behalf of the Association and its Membership.
- The Board or Committee will retain the authority to make a final Bid / Direct Source determination based on circumstances.

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Pages 5
09/21/2021 02:38 PM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
TENESHIA HUDSPETH
COUNTY CLERK
Fees \$30.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically
and any blackouts, additions or changes were present
at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or
use of the described real property because of color or
race is invalid and unenforceable under federal law.
THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in
File Number Sequence on the date and at the time stamped
hereon by me; and was duly RECORDED in the Official
Public Records of Real Property of Harris County, Texas.



Teneshia Hudspeth
COUNTY CLERK
HARRIS COUNTY, TEXAS

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