



Central Texas Regional
Mobility Authority

AGENDA ITEM #12 SUMMARY

Approve amendments to CTRMA policies to delegate to the Executive Director the authority to approve procurement and execute certain contracts and to approve and execute settlement agreements concerning damage claims against CTRMA, in each instance when the amount involved does not exceed \$50,000.

Approve amendments to CTRMA policies to delegate to the Executive Director the authority to approve procurement and execute certain contracts and to approve and execute settlement agreements concerning damage claims against CTRMA, in each instance when the amount involved does not exceed \$50,000.

Department: Executive Director

Associated Costs: None

Funding Source: N/A

Board Action Required: Yes

Description of Matter:

When the Board adopted policies governing procurement of goods and services, state law established procurement procedures and requirements for Texas counties where a procurement would cause the expenditure of county funds in excess of \$25,000. That same \$25,000 amount was used by the CTRMA Board when it adopted CTRMA procurement policies that establish a more involved procurement process and require Board approval of a contract for goods or services.

In 2009, the Legislature revised county procurement policies to apply when a county would spend more than \$50,000. The Executive Director recommends that the Board revise CTRMA's procurement policies to match state law policy as applied to counties, and require Board approval of a procurement process and contract only when CTRMA funds will be spending more than \$50,000 on a procurement or contract.

Similarly, the Damage Claim Recovery Policy adopted by the Board in December, 2010, requires Board action to approve settlement of a claim by CTRMA for damages to its turnpike facilities if the damage claimed exceeds \$25,000. The Executive Director recommends revising that policy to require Board approval of a settlement only if the damages claimed by CTRMA to its property exceed \$50,000.

**GENERAL MEETING OF THE BOARD OF DIRECTORS
OF THE
CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY**

RESOLUTION NO. 11-___

**AMENDING CTRMA POLICIES TO DELEGATE TO THE EXECUTIVE DIRECTOR
THE AUTHORITY TO APPROVE PROCUREMENT AND EXECUTE CERTAIN
CONTRACTS AND TO APPROVE AND EXECUTE SETTLEMENT AGREEMENTS
CONCERNING DAMAGE CLAIMS BY CTRMA, IN EACH INSTANCE WHEN THE
AMOUNT INVOLVED DOES NOT EXCEED \$50,000.**

WHEREAS, by enacting Resolution No. 03-13 on February 26, 2003, the Board of Directors adopted policies and procedures governing procurement of goods and services; and

WHEREAS, by enacting Resolution No. 06-08 on January 31, 2006, the Board amended the policies and procedures governing procurements of goods and services (the "Procurement Policies"); and

WHEREAS, by enacting Resolution No. 10-103 on December 8, 2010, the Board adopted a damage claim recovery policy (the "Damage Claim Recovery Policy"); and

WHEREAS, in these policies the Board authorized the Executive Director to initiate procurements and enter into certain contracts when the expenditure of CTRMA funds does not exceed \$25,000 and to settle claims resulting from damage to a CTRMA transportation project where the settlement amount to be paid to CTRMA was less than \$25,000; and

WHEREAS, the Procurement Policies and Damage Claim Recovery Policy were modeled on the policy in state law governing purchasing requirements for a Texas county when an expenditure of county funds exceeded \$25,000; and

WHEREAS, state law governing purchasing requirements for a Texas county was amended in 2009 to apply only when the expenditure of county funds exceeded \$50,000; and

WHEREAS, the Board has determined that it is in the interests of CTRMA to delegate to the Executive Director the authority to initiate procurements and execute contracts for goods and services and for consulting services and to settle damage claims asserted by CTRMA when the amount involved does not exceed \$50,000.

NOW THEREFORE, BE IT RESOLVED that the Procurement Policies are hereby amended as shown on Attachment A to this resolution, and the Procurement Policies are hereby revised to fully incorporate the attached revisions for all purposes.

BE IT FURTHER RESOLVED that the Damage Claim Recovery Policy is hereby amended as shown on Attachment B to this resolution, and the Damage Claim Recovery Policy is hereby revised to fully incorporate the attached revisions for all purposes.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 7th day of December, 2011.

Submitted and reviewed by:

Approved:

Andrew Martin
General Counsel for the Central
Texas Regional Mobility Authority

Ray A. Wilkerson
Chairman, Board of Directors
Resolution Number: 11-____
Date Passed: 12/7/11

ATTACHMENT A TO RESOLUTION 11-

Amend only the following cited sections of the Procurement Policies (changes shown in legislative format for purposes of this Attachment):

7.1 Approval of Board. Every procurement of general goods and services costing more than fifty thousand dollars (\$50,000.00) ~~twenty five thousand dollars (\$25,000.00)~~ shall require the approval of the Board, evidenced by a resolution adopted by the Board. A large procurement may not be divided into smaller lot purchases to avoid the dollar limits prescribed herein.

7.2. Purchase Threshold Amounts. The Authority may procure general goods and services costing fifty thousand dollars (\$50,000.00) ~~twenty five thousand dollars (\$25,000.00)~~ or less by such method and on such terms as the Executive Director determines to be in the best interests of the Authority. General goods and services costing more than fifty thousand dollars (\$50,000.00) ~~twenty five thousand dollars (\$25,000.00)~~ shall be procured using competitive bidding or competitive sealed proposals. A large procurement may not be divided into smaller lot purchases to avoid the dollar limits prescribed herein.

8.3. Contract Amounts. The Authority may procure consulting services anticipated to cost no more than fifty thousand dollars (\$50,000.00) ~~twenty five thousand dollars (\$25,000.00)~~ by such method and on such terms as the Executive Director determines to be in the best interests of the Authority. Without limiting the foregoing, the Executive Director may procure consulting services anticipated to cost no more than fifty thousand dollars (\$50,000.00) ~~twenty five thousand dollars (\$25,000.00)~~ pursuant to a “single-source contract,” if the Executive Director determines that only one prospective consultant possesses the demonstrated competence, knowledge, and qualifications to provide the services required by the Authority at a reasonable fee and within the time limitations required by the Authority. Consulting services anticipated to cost more than fifty thousand dollars (\$50,000.00) ~~twenty five thousand dollars (\$25,000.00)~~ shall be procured by the Authority's issuance of either a Request for Qualifications (“RFQ”) or a Request for Proposals (“RFP”) as the Authority deems appropriate.

8.9. Single-Source Contracts. If the Executive Director determines that only one prospective consultant possesses the demonstrated competence, knowledge, and qualifications to provide the services required by the Authority at a reasonable fee and within the time limitations required by the Authority, consulting services from that consultant may be procured without issuing a RFQ or RFP. Provided, however, that the Executive Director shall justify in writing the basis for classifying the consultant as a single-source and shall submit the written justification to the Board. The justification shall be submitted for Board consideration prior to contracting with the consultant if the anticipated cost of the services exceeds fifty thousand dollars (\$50,000.00) ~~twenty five thousand dollars (\$25,000.00)~~. If the anticipated cost of services does not exceed fifty thousand dollars (\$50,000.00) ~~is less than twenty five thousand dollars (\$25,000.00)~~, the Executive Director, with the prior approval of the Executive Committee, may enter into a contract for services and shall submit the justification to the Board at its next regularly scheduled board meeting.

ATTACHMENT B TO RESOLUTION 11-

Amend only the fifth paragraph of **III. Collection of Damage Claims** of the Damage Claim Recovery Policy to read as follows (changes shown in legislative format for purposes of this Attachment):

A damage claim ~~of less than \$25,000.00~~ that does not exceed \$50,000.00 may be compromised or settled in the best interests of CTRMA with the approval of the Executive Director. A damage claim that ~~equals or exceeds \$50,000.00~~ 25,000.00 may be compromised or settled only with the approval of the Board of Directors.