

**RESOLUTION REGARDING ADOPTION OF
BID PROCESS POLICY
THE BAL HARBOUR ASSOCIATION**

WHEREAS, the By-Laws governing The Bal Harbour Association (“the Association”), as well as the Association’s Articles of Incorporation, the respective Declaration of Covenants, Conditions and Restrictions encumbering all properties governed by the 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 7th day of February, 2022.

THE BAL HARBOUR ASSOCIATION

CERTIFICATION

“The undersigned, being a Director of The Bal Harbour Association, hereby certify that the foregoing Resolution Regarding Adoption of Bid Process Policy was adopted by the Board of Directors of The Bal Harbour Association, at a meeting of such Directors at which a quorum was present, or as otherwise authorized by law.”

By: Tricia Lotz
Director, The Bal Harbour Association

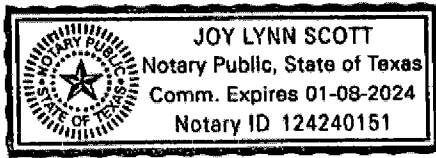
Print Name: Tricia Lotz

RP-2022-70421

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

Before me, the undersigned authority, on this day personally appeared Gracia Lotz, a Director of The Bal Harbour Association, 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 7th day of February, 2022.





Notary Public, State of Texas

RP-2022-70421

**THE BAL HARBOUR ASSOCIATION
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:

- The anticipated cost of a proposed contract will exceed Fifty Thousand (\$50,000.00) dollars.

Bid Package Requirements:

The Board's request for bids may include such information as the Board deems necessary, which may include some or all of the following:

- 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 must contain sufficient information necessary for the Board to reasonably evaluate the proposal(s) and make an informed decision regarding same. Such information may include some or all of the following:

- 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.

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.

- Only one supplier is available in the Association's geographic area.

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.
- Other vendors are not available in the Association's geographical area

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. The renewal of an existing contract does not necessitate the seeking of bids, unless the price of the renewing contract is to be increased by an amount which the Board reasonably considers to be significant. The Board may, at its discretion, seek bids from any renewing contract, without regard to whether the price is to be increased.

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
02/08/2022 02:08 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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