

STATE OF TEXAS § **RESOLUTION ADOPTING PROCUREMENT**
 § **POLICY FOR WILD WING PRESERVE**
COUNTY OF COLORADO § **PROPERTY OWNERS' ASSOCIATION, INC.**

**RESOLUTION OF THE BOARD OF DIRECTORS OF
WILD WING PRESERVE PROPERTY OWNERS' ASSOCIATION, INC.
REGARDING PROCUREMENT POLICY**

Pursuant to Section 209.0052(c) of the Texas Property Code, Wild Wing Preserve Property Owners' Association, Inc., hereinafter referred to as the "Association", acting by and through its Board of Directors, has adopted the following procurement policy to set forth the guidelines for a bid process established by the Association, to wit:

WHEREAS, the Association is required under Texas Property Code §209.0052(c) to create a bid process for any contracts for goods and/or services that exceed \$50,000; and

WHEREAS, the purpose of this policy and procedure document is to ensure the Association receives value for the funds it expends regarding the goods, services and works it procures and procurement will be based on assessment of quality and cost; and

WHEREAS, when procuring goods and services, the Association will operate in a fair, consistent and ethical manner with the key underlying principle being value for funds expended; and

WHEREAS, the Association has adopted the following procurement policy for any contract entered into by the Association that exceeds \$50,000 or any contract that is with an interested board member; and

WHEREAS, all terms used herein shall have the same meaning as set forth in the Declaration of Covenants, Conditions, Restrictions, Easements, Charges, and Liens for Wild Wing Preserve Subdivision, filed in the Official Records of Colorado County, Texas, hereinafter referred to as the "Declaration";

NOW THEREFORE, the Association declares that the following is the procurement policy adopted:

1. General Policy

a. This Procurement Policy applies to contracts and/or purchases that exceed \$50,000 ("Covered Contracts"); however, the Association shall always use good, practical steps to ensure that all contracts entered into by the Association have good value for the funds expended regarding the goods and services procured. All Covered Contracts must be done pursuant to the guidelines set forth in this Procurement Policy. The objective is to promote the honest and efficient procurement of all the goods and services the Association needs on the best terms and conditions

practical. Nothing herein prevents the Board from using this Procurement Policy for any contract, it is just mandated to be used for Covered Contracts.

b. If a Contract is with a company owned by a director, their relatives within the third degree of consanguinity, or company in which any of them have 51% or more interest in profit (an "insider"), then it is required that two other bids be obtained (if reasonably available). The Board member in question is prohibited from accessing other bids and from participation in the Board discussion or vote.

2. Competitive Bidding

For all Covered Contracts, the Association must use competitive bidding. In all such competitive bidding situations, the following general rules shall be observed:

a. Competitive bids will be solicited from the three highest qualified suppliers known to the Association. In the case of extenuating circumstances, expenditures based on fewer than three bids may be authorized by the Board provided the reasons are well documented.

b. Each supplier will be required to submit its lowest and best bid. In general, no supplier will be told anything about any other supplier's bid. Should there be a problem in the procurement such that the Board feels that any supplier misunderstood the requirements or made a mistake and that such supplier should be allowed to rebid, all other suppliers shall be allowed to rebid, too. It is anticipated that this will be an unusual situation.

c. When competitive bids are solicited, the bidders shall be given all the relevant information on which to base their bids, including the technical, legal, and business facets of the procurement.

d. In general, the Association will accept the lowest and best responsive bid. It is recognized that, in some situations, this may be a subjective decision as price is only one of the aspects of the bid to be considered. The Board is charged with the responsibility of making this determination. The Board is under no obligation to select the lowest bid or any bid. The Board shall always analyze the quality of the goods or services that will be received.

e. Comparisons of the purchase costs from different suppliers will be based on value criteria. All quantifiable costs of purchase and subsequent ownership will be taken into account, not just the purchase price alone.

f. The Board shall select suppliers capable of meeting the required levels of quality and delivery.

g. The Board shall consider specification of products and services consistent with their required purpose and performance.

h. The Board shall consider the purchase of products and services that conform with requirements for compatibility and standardization.

i. The rationale or business judgment involved in the selection of the winning bidder shall be noted in writing and maintained in the Board's contract file.

j. Other factors to be considered by the Board are:

- i. Proof of liability insurance (where applicable);
- ii. Proof of appropriate license(s) (where applicable);
- iii. Prior history with the Association;
- iv. Supplier qualification (appropriate resources, references, experience and scale);
- v. Preference for local suppliers; and
- vi. Quality.

3. Competitive Bidding Requirements

Prior to solicitation of competitive bids, the Association, in conjunction with the Management Company, shall prepare a Request for Quote consisting of:

1. Instructions and information to bidders concerning the bid submission requirements, including the time and date set for receipt of the bids and the address where bids are to be delivered.

2. A scope of work, a delivery and performance schedule and any special instructions necessary.

3. A precise statement of product(s) in the case of the purchasing of goods. This should include item identification (part numbers or minimum performance standards).

4. Time frames (beginning and completion dates, schedules, milestones, or length of contract, as appropriate.)

5. If applicable, the contract terms and conditions, including warranty, bonding and/or other requirements.

6. Contact information for suppliers to ask questions.

7. Bid deadline date(s).

8. Projected decision date.

9. Specification of bid minimum criteria:

- i. Proof of liability insurance when appropriate
- ii. Copies of appropriate licenses

10. A statement regarding how the bid award shall be made, specifically, whether that award shall be made to the lowest responsive and responsible bidder or the award shall be made

to the responsive and responsible bidder whose bid represents the best value to the Association by optimizing quality, cost and efficiency.

In order for a bid to qualify as a “competitive bid”, there must be competition among more than one supplier. A single supplier that submits two or three written bids for comparable products, as an attempt to meet the number of bids required by this policy, shall not qualify as having met the “competitively bid” criteria. The Association must receive quotes from more than one supplier in order for the good(s) or service(s) being quoted to meet the criteria of “competitively bid”.

4. Sole Source, Sole Brand and Unique Goods and/or Services

In some cases, goods and services, regardless of cost, may only be available from one supplier. If the Board determines, in its discretion, after research and deliberation that a good or service is only available from a sole source supplier, then the Board may use the sole source supplier without competitively bidding the matter. In making this determination, the Board shall consider the following factors:

1. Sole Source Purchase: The good(s) or service(s) being obtained can only be made and/or supplied from one manufacturer or service provider and no other manufacturer or service provider makes or provides comparable products or services that will meet the Association’s needs.

2. Sole Source Brand: A “Sole Source Brand” means that only a particular brand is acceptable for a particular reason, although the required brand may be obtained from more than one source. Something can be a “Sole Source Brand” and still not a “Sole Source Purchase”, if more than one supplier can provide competitive quotes.

3. Unique: A “unique” good or service is one of a kind in nature and signifies that comparable goods or services do not exist.

Upon making the determination under this section, the Board shall keep records for a period of no less than four years for all requested bids, emails, brochures, proposals, and any other documentation that led to the decision of every Sole Source Purchase, Sole Source Brand Purchase and Unique good or service purchase.

5. Aggregation

In determining whether a contract price is likely to exceed the \$50,000 threshold, aggregation rules should be considered. Contracts for goods and services must not be artificially split in order to avoid the threshold being achieved.

By their signatures below, the President and the Secretary of the Association certify that the foregoing resolution was approved by the Board of Directors of the Association at a duly-called meeting of the Board of Directors, at which a quorum of Directors was present, or by signed, unanimous written consent in lieu of a meeting.

PASSED, ADOPTED AND APPROVED on this the 6th day of August 2022.

WILD WING PRESERVE PROPERTY OWNERS' ASSOCIATION, INC.

By: [Signature]
Davy Roberts, President

ATTEST:

By: [Signature]
Michelle Ferguson, Secretary

STATE OF TEXAS COUNTY OF COLORADO
I hereby certify that this instrument was FILED on the
date and time stamped hereon by me; and was duly
RECORDED to the Volume and Page of the OFFICIAL
RECORDS of Colorado County, Texas and stamped
hereon by me, on

NOV 02 2022

THE STATE OF TEXAS
COUNTY OF BURNET

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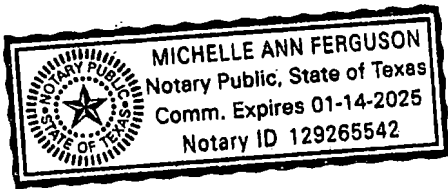


Kimberley Menke
KIMBERLY MENKE
COUNTY CLERK, COLORADO COUNTY, TEXAS

CERTIFICATE OF ACKNOWLEDGMENT

Before me, the undersigned Notary Public, on this day personally appeared Davy Roberts who is personally known to me (or proved to me through a federal or state issued ID with photo and signature of person identified) to be the person whose name is subscribed to the foregoing instrument, and who has acknowledged to me that he is the President of Wild Wing Preserve Property Owners' Association, Inc. and that by authority duly given and as the act of Wild Wing Preserve Property Owners' Association, Inc. executed the instrument for the purposes and considerations expressed.

Given under my hand and seal of office on this the 3rd day of OCTOBER 2022.



[Signature]
Notary Public in and for The State of Texas

AFTER RECORDING, RETURN TO:

Wild Wing Preserve Property Owners' Association, Inc.
P.O. Box 1987
Marble Falls, Texas 78654

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FILED FOR RECORD
COLORADO COUNTY, TX
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KIMBERLY MENKE
COUNTY CLERK