



BAYTOWN FIRE, CONTROL, PREVENTION AND EMS DISTRICT

NOTICE OF MEETING

**BAYTOWN FIRE CONTROL, PREVENTION, AND
EMERGENCY MEDICAL SERVICES DISTRICT REGULAR MEETING
TUESDAY, JANUARY 18, 2022
4:30 P.M.**

**BAYTOWN CONFERENCE ROOM, CITY HALL
2401 MARKET STREET, BAYTOWN, TEXAS 77520**

AGENDA

CALL TO ORDER AND ANNOUNCEMENT OF QUORUM

1. MINUTES

- a.** Consider approving the minutes of the Baytown Fire Control, Prevention, and Emergency Medical Services District Regular Meeting held on October 19, 2021.
- b.** Consider approving the minutes of the Baytown Fire Control, Prevention, and Emergency Medical Services District Special Meeting held on November 9, 2021.

2. PROPOSED RESOLUTIONS

- a.** Consider a resolution authorizing an Agreement for Fire Training Facility, Personnel, and Equipment with the City of Baytown.
- b.** Consider a resolution approving the second and final lease/purchase payment from the Baytown Fire Control, Prevention, and Emergency Medical Services District's Fiscal Year 2021-2022 Budget, in order to pay for the purchase and installation of a 12,000-gallon propane tank for the Fire Training Field Industrial Prop.

3. REPORTS

- a.** Present an update regarding the Baytown Fire Training Field.

4. MANAGER'S REPORT

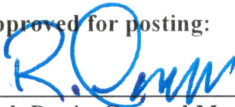
- a. The next Baytown Fire Control, Prevention, and Emergency Medical Services District meeting is scheduled for Tuesday, April 19, 2022, at 4:30 P.M. in the Baytown Conference Room located at City Hall, 2401 Market Street, Baytown, Texas.

5. ADJOURN

PUBLIC NOTICE IS GIVEN THAT IN ADDITION TO ANY EXECUTIVE SESSION LISTED ABOVE, THE DISTRICT RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME AS AUTHORIZED BY THE TEXAS GOVERNMENT CODE SECTIONS 551.071 - 551.090 TO DISCUSS ANY OF THE MATTERS LISTED ABOVE.

THE DISTRICT IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. REASONABLE ACCOMMODATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST. FOR ASSISTANCE PLEASE CALL 281-420-6522, FAX 281-420-6586, OR CONTACT 281-420-6522 VIA RELAY TEXAS AT 711 OR 1-800-735-2988 FOR TYY SERVICES. FOR MORE INFORMATION CONCERNING RELAY TEXAS, PLEASE VISIT: [HTTP://RELAYTEXAS.COM](http://RELAYTEXAS.COM).

Approved for posting:



Rick Davis, General Manager

Posted by:



Angela Jackson, Secretary

(SEAL)

Posted this 14th day of January, 2022 at 5:00 P.M.





**BAYTOWN FIRE CONTROL, PREVENTION,
AND EMS DISTRICT**

1. a.

Meeting Date: 01/18/2022

October 19, 2021 FCPEDMSD Regular Meeting Minutes

Prepared For: Angela Jackson, City Clerk's Office

Prepared By: Raquel Martinez, City Clerk's Office

Information

ITEM

Consider approving the minutes of the Baytown Fire Control, Prevention, and Emergency Medical Services District Regular Meeting held on October 19, 2021.

PREFACE

This item allows the board members to review and approve the minutes of the Baytown Fire Control, Prevention, and Emergency Medical Services District Regular Meeting held on October 19, 2021.

RECOMMENDATION

Attachments

October 19, 2021, FCPEDMSD Draft Minutes

DRAFT
MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS
OF THE BAYTOWN FIRE CONTROL, PREVENTION, AND
EMERGENCY MEDICAL SERVICES DISTRICT

October 19, 2021

The Board of Directors of the Baytown Fire Control, Prevention, and Emergency Medical Services District (FCPEMSD) met in a Regular Meeting on Tuesday, October 19, 2021, at 4:30 P.M., in the Baytown Conference Room of the Baytown City Hall, 2401 Market Street, Baytown, Texas with the following in attendance:

Brenda Bradley-Smith	President
John Adkins	Vice-President
Maurice Watts	Director
Barry L. Hawkins	Director
Richard J. Carr	Director
Rhonda Lopez	Director
Rick Davis	General Manager
Kristin Holmes	Assistant General Counsel
Angela Jackson	Secretary

President Bradley-Smith convened the October 19, 2021, Fire Control, Prevention, and Emergency Medical Services District (FCPEMSD) Board Regular Meeting with a quorum present at 4:30 P.M., all members were present.

1. MINUTES

a. Consider to approve the minutes of the Baytown Fire Control, Prevention, and Emergency Medical Services District Regular Meeting held on July 20, 2021.

A motion was made by Director Barry L. Hawkins and seconded by Director Maurice Watts to approve the meeting minutes of the Baytown Fire Control, Prevention, and Emergency Medical Services District Regular Meeting held on July 20, 2021, as submitted. The vote was as followed:

Ayes: President Brenda Bradley-Smith, Vice President John Adkins, Director Maurice Watts, Director Barry L. Hawkins, Director Richard Carr, and Director Rhonda Lopez

Nays: None

Approved

2. BUSINESS ITEMS

a. Consider the election of the President and Vice President and the appointment of the Secretary.

Secretary Angela Jackson listed the current appointments, which were: Brenda Bradley-Smith as President; John Adkins as Vice President; and the City Clerk as Secretary. Secretary Jackson explained they could take a vote as a slate or individually. Director Watts recommended the slate which the FCPEMSD Board then came into a consensus.

A motion was made by Director Maurice Watts and seconded by Director Barry L. Hawkins to approve the elections of Brenda Bradley-Smith as President, John Adkins as Vice President, and the City Clerk as the Secretary of the FCPEMSD Board. The vote was as followed:

Ayes: President Brenda Bradley-Smith, Vice President John Adkins, Director Maurice Watts, Director Barry L. Hawkins, Director Richard Carr, and Director Rhonda Lopez

Nays: None

Approved

3. DISCUSSIONS

a. Discuss the Fire Department Apparatus Replacement Plan and funding options for future fire apparatus purchases.

Fire Chief Kenneth Dobson presented the item, and began by mentioning they had been focusing on their fleet program at the Fire Department. They had challenges with some of the older reserved units and had been looking at ways to improve. He added there were also issues with the mechanic shops and such. Moreover, Chief Dobson relayed that they were looking at options to obtain new apparatuses quicker than normal by collecting money and building up their account. Chief Dobson recognized Siddons Martin as the company that worked with them to create some of the options he was about to present to the Board.

Chief Dobson first noted some of the benefits of the lease purchase, such as: a flexible payment structure (preferred three years); a one-year deferment option; possibility to order engines immediately; savings on the price increases of materials and annual increases; improves the unit reliability (frontline and reserve); and allowed them to be closer to their apparatus rotation cycle plan.

The actions they have taken, as Chief Dobson imparted, were maintenance screens for all of their units with Siddons Martin. He noted they had added a new mechanic. They currently had four mechanics and needed to fill a vacancy. Chief Dobson further discussed they also planned a new maintenance garage once the new safety facility was built. Furthermore, in the future, they were going to order their apparatuses fully equipped.

Chief Dobson then relayed the options provided by Siddons Martin. Option One included ordering one pumper which would cost \$814,000, and noted what they would pay in interest would be less than what they would pay on the increase. Option Two included ordering two pumpers at the same time some time at the end of the year and the rate decreases slightly. Option Three included ordering one pumper during the present year and then one the next year. Chief Dobson's presentation slides contained the costs, payments, and the difference of the price from the different engines. Director Carr asked if whether the \$846,000 number was the cost of the pumper, and Chief Dobson confirmed for the pumper they would order next year; however, \$814,000 was the cost for each pumper if they would order two of them now. Chief Dobson then proceeded to list Option Four, which included ordering one pumper per year for the next three years (2021, 2022, and 2023) and what that would look like over the next five years in payments.

Chief Dobson communicated they had met with Finance and that they were looking at numbers to see what option they should go with, and noted that Staff preferred Option Two, which consisted of them ordering two pumpers immediately. Chief Dobson noted that in the next few years the debt payment for the training facility would be coming off, which would get the District in a better position. He mentioned, however, that they were looking for ways to utilize fire control funding for those capital items so they would not have to pull from the City's General Fund. However, they would still have a gap, and Chief Dobson further referenced the current situations with the engines in his presentation.

General Manager Rick Davis interjected that there were two other possible funding sources. He noted grants were possible in the future to help with costs, and also, they had not factored in the revenue they would realize from the use of their Fire Training Field. Nonetheless, the General Manager Davis's directive to the Finance Director was to make sure the revenue money stayed within the District so that can help pay for apparatus funding that they had displaced by virtue of building Phase Three.

Chief Dobson resumed and reiterated they were still going to work with Finance for those funding options and specified it may be between Option One and Two. Vice President Adkins inquired if they could stay at the 4% inflation, as the rate is going up. Chief Dobson agreed that may see increases throughout the year on material costs separate, or in addition to the 4% inflation rate. In conclusion, Chief Dobson recapped that this was where they wanted to be in regards with their apparatus.

Director Carr asked what they would do with an eight-year-old fire truck, whether they park, sell, etc., and Chief Dobson answered that once they get a replacement, the eight-year frontline would then become a reserve truck and the oldest truck in reserves would then be auctioned off. Although that was the goal, they do want to get better with that process as they had really old trucks in reserve. The agreements they had with Siddons Martin for preventative maintenance, was that they could occasionally provide them with a loaner truck, which is a great benefit to the City.

With there being no more questions, Chief Dobson noted that once they figured out where they were going and everyone is comfortable with the numbers, then they would come back with their findings.

4. PROPOSED RESOLUTIONS

a. Consider a resolution to approve an amendment to the Baytown Fire Control, Prevention, and Emergency Medical Services District's Fiscal Year 2021-2022 Budget, in order to transfer monies from Contingency/New Initiatives (20701-99001) to Outside Contracts (20701- 85011) for Change Order No. 1 for the Industrial Exterior Gas-Fired Training Props and Thermal Lining Project for the Fire Training Center.

Chief Dobson presented the item and clarified it would be the last change order for the project as everything had been completed except for the industrial props. Chief Dobson then asked Assistant Chief Derrick Gaskins to further explain, who indicated that the problem with the industrial props was when they came down to fit them in the concrete it needed to be water tight to hold water. In summary, the concrete was not perfect; therefore, what they needed to do was to come in and re-do some of that concrete so their props could hold water and function as designed. He noted there were nine industrial props that needed to get repaired, which added extra costs and prompted the need for the change order. General Manager Davis commented that the discrepancy was due to mis-configurations since the contractor that provided the props was not the same as the contractor who poured the concrete, and commented that would be avoided in the future.

A motion was made by Vice President John Adkins and seconded by Director Richard J. Carr to approve Resolution No. 84, related to Item 4.a. The vote was as followed:

Ayes: President Brenda Bradley-Smith, Vice President John Adkins, Director Maurice Watts, Director Barry L. Hawkins, Director Richard Carr, and Director Rhonda Lopez

Nays: None

Approved

RESOLUTION NO. 84

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BAYTOWN FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT AMENDING THE BAYTOWN FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT'S FISCAL YEAR 2021-2022 BUDGET BY REPROGRAMMING ONE HUNDRED TWO THOUSAND THREE HUNDRED AND NO/100 DOLLARS (\$102,300.00) FROM CONTINGENCY/NEW INITIATIVES TO OUTSIDE CONTRACTS FOR CHANGE ORDER NO. 1 FOR THE INDUSTRIAL EXTERIOR GAS-FIRED TRAINING PROPS AND THERMAL LINING PROJECT FOR THE FIRE TRAINING CENTER; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

b. Consider a resolution authorizing an Interlocal Agreement for Funding of Change Order No. 1 with the City of Baytown for the Industrial Exterior Gas-Fired Training Props and Thermal Lining for the Fire Training Center.

A motion was made by Vice President John Adkins and seconded by Director Maurice Watts to approve Resolution No. 85, related to Item 4.b. The vote was as followed:

Ayes: President Brenda Bradley-Smith, Vice President John Adkins, Director Maurice Watts, Director Barry L. Hawkins, Director Richard Carr, and Director Rhonda Lopez

Nays: None

Approved

RESOLUTION NO. 85

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BAYTOWN FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT AUTHORIZING AND DIRECTING THE PRESIDENT TO EXECUTE AND THE SECRETARY TO ATTEST TO AN INTERLOCAL AGREEMENT FOR FUNDING OF CHANGE ORDER NO. 1 WITH THE CITY OF BAYTOWN FOR THE INDUSTRIAL EXTERIOR GAS-FIRED TRAINING PROPS AND THERMAL LINING FOR THE FIRE TRAINING CENTER; AUTHORIZING PAYMENT BY THE BAYTOWN FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT IN AN AMOUNT NOT TO EXCEED ONE HUNDRED TWO THOUSAND THREE HUNDRED AND NO/100 DOLLARS (\$102,300.00); MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

c. Consider a resolution authorizing an interlocal agreement with the City of Baytown for the funding of a 2022 Ford F-450 Diesel 4X2 Regular Cab Chassis and Frazer Type I 14' Ambulance.

Chief Dobson presented the item and noted that this was their annual ambulance purchase and they were going to use the same company, Frazer, as they had last year. Vice President Adkins questioned what had happened to buying the ambulance with the box and you would get a new chassis, is that not an option anymore. Assistant Chief Dana Dalbey replied that the problem was that the prices started coming so close together on those remounts, and chassis had changed so much over the past eight years that it had become difficult. However, now that they are ordering the same box, which would be their fifth one in a row, they would be the same.

A motion was made by Vice President John Adkins and seconded by Director Barry L. Hawkins to approve Resolution No. 86, related to Item 4.c. The vote was as followed:

Ayes: President Brenda Bradley-Smith, Vice President John Adkins, Director Maurice Watts, Director Barry L. Hawkins, Director Richard Carr, and Director Rhonda Lopez

Nays: None

Approved

RESOLUTION NO. 86

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BAYTOWN FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT AUTHORIZING AND DIRECTING THE PRESIDENT TO EXECUTE AND THE SECRETARY TO ATTEST TO AN INTERLOCAL AGREEMENT WITH THE CITY OF BAYTOWN FOR FUNDING THE PURCHASE OF A 2022 FORD F-450 DIESEL 4X2 REGULAR CAB CHASSIS AND FRAZER TYPE I 14' AMBULANCE; AUTHORIZING PAYMENT BY THE BAYTOWN FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT IN AN AMOUNT NOT TO EXCEED TWO HUNDRED FORTY-EIGHT THOUSAND SIX HUNDRED EIGHTY-FIVE AND NO/100 DOLLARS (\$248,685.00); MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDG FOR THE EFFECTIVE DATE THEREOF.

d. Consider a resolution to approve the Baytown Fire Control, Prevention, and Emergency Medical Services District's Investment Policy and Strategy Statement in accordance with the Public Funds Investment Act, Section 2256.005(e) for (i) the addition of an investment officer and (ii) the addition and deletion of broker/dealers.

A motion was made by Director Barry L. Hawkins and seconded by Director Maurice Watts to approve Resolution No. 87, related to Item 4.d. The vote was as followed:

Ayes: President Brenda Bradley-Smith, Vice President John Adkins, Director Maurice Watts, Director Barry L. Hawkins, Director Richard Carr, and Director Rhonda Lopez

Nays: None

Approved

RESOLUTION NO. 87

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BAYTOWN FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT ADOPTING THE BAYTOWN FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT'S INVESTMENT

POLICY AND STRATEGY STATEMENT; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

Finance Director Victor Brownlees presented the item and noted this was purely an administrative change to add the name of the City's Financial Controller as an approved investment officer to work alongside him, as currently, he is the only approved investment officer. The Board does require a certain amount of training to be able to serve as a City investment officer. Mr. Brownlees further noted that as the appointed Treasurer by the City's Charter, he is needing some assistance.

President Bradley-Smith asked to clarify if they were adding and deleting brokers/dealers, to which Director Brownlees responded they were not, and there was also no change to the strategy itself or any costs associated with the change.

5. REPORTS

a. Present an update regarding the Baytown Fire Training Field.

Assistant Chief Gaskins provided an overview of the Phase II Construction update and noted that the final punch list for the building was completed by their contractor, Comex, which now they were entering the warranty phase. Carullo was their industrial fire prop manufacturer and are 95% complete and the last 5% was the concrete work, and they are test firing to make sure everything is working properly, which most of it was pre-manufactured and on site. He noted that they did have an issue with their Texas Railroad Commission inspection since the installer of the tank used previous paperwork and the Texas Railroad Commission informed them they could not. They had to re-file everything and it took about six weeks to get all that back through the state, and they received their final inspection on the 16th of September. He further noted that they are currently obtaining quotes for the initial filling of the tank and working through the legality of getting that done through the City and buying propane in bulk. Director Brownlees noted he had signed that paperwork that afternoon, and Assistant Chief Gaskins thanked him and added that they would go out for bids for the remainder of that and assured them they would not go over their cap. Also, he noted that Carullo had stated that once the change order was approved it would take them approximately two weeks to finish the project once they get on location.

Assistant Chief Gaskins stated that they had a new Fire Administration Assistant, Margaret Vargas, who has an office at the new fire training facility.

Lastly, Assistant Chief Gaskins indicated that since July 20th, which was their last meeting date, they have had ten different organizations or agencies use the facility, which includes various City of Baytown departments. Also, he noted some portions of the training center had been utilized about 28 days or times, and that is without the industrial props being in place.

b. Receive the Baytown Fire Control Prevention and EMS District Financial and Investment Reports for the Quarter Ending September 30, 2021.

Director Brownlees presented the item and noted that they had ended the year in a better position in sales tax revenue. He indicated that the spreadsheet that Chief Dobson referred to earlier in the meeting, indicated that the annual sales tax revenue was about \$2.2 million. Director Brownlees believed the numbers Chief Dobson presented in terms of projection were much more conservative, so that would give them more room to maneuver. He also quickly commented that he also preferred Option Two of the options for funding the future fire apparatus purchases presented by Chief Dobson. In summary, Director Brownlees stated they were in a very healthy position on the expenditure side. They were able to put more money in capital in that last year, and projected they may be able to do more the next year. Also, the District's investments had been growing in the last quarter.

President Bradley-Smith questioned when they would contemplate purchasing the units. Chief Dobson responded they were hoping to have a special meeting in a month or so as they are expecting a price increase on materials towards the end of the year, so they wanted to get ahead of that.

6. MANAGER'S REPORT

a. The next Baytown Fire Control, Prevention, and Emergency Medical Services District meeting is scheduled for Tuesday, January 18, 2022, at 4:30 P.M. in the Baytown Conference Room located at City Hall, 2401 Market Street, Baytown, Texas.

General Manager Davis announced that it appears they may be scheduling a special meeting prior to the next regularly scheduled meeting on January 18, 2022, and gave the Board his best holiday wishes. President Bradley-Smith expressed wanting a tour of the new facility to which General Manager Davis stated that would be happy to schedule that in the near future.

7. ADJOURN

A motion was made by Vice President John Adkins and seconded by Director Richard J. Carr to adjourn the October 19, 2021, FCPEMSD Board Meeting at 4:59 P.M. The vote was as followed:

Ayes: President Brenda Bradley-Smith, Vice President John Adkins, Director Maurice Watts, Director Barry L. Hawkins, Director Richard Carr, and Director Rhonda Lopez

Nays: None

Approved

Angela Jackson, Secretary
City of Baytown



**BAYTOWN FIRE CONTROL, PREVENTION,
AND EMS DISTRICT**

1. b.

Meeting Date: 01/18/2022

November 9, 2021, FCP EMSD Special Meeting Minutes

Prepared For: Angela Jackson, City Clerk's Office

Prepared By: Raquel Martinez, City Clerk's Office

Information

ITEM

Consider approving the minutes of the Baytown Fire Control, Prevention, and Emergency Medical Services District Special Meeting held on November 9, 2021.

PREFACE

This item allows the board members to review and approve the minutes of the Baytown Fire Control, Prevention, and Emergency Medical Services District Special Meeting held on November 9, 2021.

RECOMMENDATION

Attachments

November 9, 2021, Special FCP EMSD Draft Minutes

DRAFT
MINUTES OF THE SPECIAL MEETING OF THE BOARD OF DIRECTORS
OF THE BAYTOWN FIRE CONTROL, PREVENTION, AND
EMERGENCY MEDICAL SERVICES DISTRICT

November 9, 2021

The Board of Directors of the Baytown Fire Control, Prevention, and Emergency Medical Services District (FCPEMSD) met in a Special Meeting on Tuesday, November 9, 2021, at 4:30 P.M., in the Baytown Conference Room of the Baytown City Hall, 2401 Market Street, Baytown, Texas with the following in attendance:

Brenda Bradley Smith	President
John Adkins	Vice-President
Maurice Watts	Director
Barry L. Hawkins	Director
Rhonda Lopez	Director
Richard Carr	Director
Rick Davis	General Manager
Kristin Holmes	Assistant General Counsel
Angela Jackson	Secretary

President Brenda Bradley Smith convened the November 9, 2021, Fire Control, Prevention, and Emergency Medical Services District (FCPEMSD) Board Special Meeting with a quorum present at 4:30 P.M., all members were present.

1. PROPOSED RESOLUTIONS

a. Consider a resolution approving an amendment to the Baytown Fire Control, Prevention, and Emergency Medical Services District's Fiscal Year 2021-2022 Budget, in order to transfer monies from Contingency/New Initiatives (20701-99001) to Capital (20701-80001) for the purchase of equipment for the new Engine 3.

Fire Chief Kenneth Dobson presented agenda item 1 a. and stated that Resolution No. 88 approves an amendment to the Baytown Fire Control, Prevention, and Emergency Medical Services District's Fiscal Year 2020-2021 Budget, in order to transfer \$55,000 from Contingency/New Initiatives (20701-99001) to Capital (20701-80001) for the purchase of reserve equipment for the new Engine 3, which should be delivered around April 2022. Chief Dobson concluded by entertaining the Board with any questions they might have.

A motion was made by Director Barry L. Hawkins, and seconded by Director Maurice Watts approving Resolution No. 88, regarding agenda item 1.a. The vote was as follows:

Ayes: President Brenda Bradley Smith, Vice President John Adkins, Director Maurice Watts, Director Barry L. Hawkins, Director Rhonda Lopez, Director Richard Carr

Nays: None

Approved

RESOLUTION NO. 88

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BAYTOWN FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT AMENDING THE BAYTOWN FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT'S FISCAL YEAR 2021-2022 BUDGET BY REPROGRAMMING FIFTY-FIVE THOUSAND AND NO/100 DOLLARS (\$55,000.00) FROM CONTINGENCY/NEW INITIATIVES (20701-99001) TO CAPITAL (20701-80001) FOR THE PURCHASE OF EQUIPMENT FOR THE NEW ENGINE 3; AND PROVIDING FOR THE EFFECTIVE

b. Consider a resolution authorizing an Interlocal Agreement for the Funding of Two (2) Pierce Velocity Pumper Trucks and Equipment for Engine 3.

Fire Chief Kenneth Dobson presented agenda item 1 b. and stated that Resolution No. 89 authorizes an Interlocal Agreement with the City of Baytown for the funding by the District of two (2) Pierce Velocity Pumper Trucks and equipment for Engine 3 in the following amounts:

Item	Funding
2 Pierce Velocity Pumper Trucks	\$1,573,353.00
Equipment for Engine 3	\$55,000
Total	\$1,628,353.00

Fire Chief Kenneth Dobson Stated that a presentation was presented to the Board at their October 19, 2021 meeting to discuss the possibility of a lease to purchase option for the pumper trucks and stated that after further discussions, staff has opted to seek an alternate process. Finance Director Victor Brownless further elaborated that due to the current interest rate it would be better for the General Fund to purchase the pumper trucks and alternatively have the Fire Control Prevention Emergency Medical Services District (FCPEMSD) pay it back to the General Fund over a three-year time frame, which Staff believes is a wiser decision in the long run considering the current interest rate. General Rick Davis also added that this alternative solution would also keep the debit off of the books, which helps the credit ratings. Furthermore, he stated that Aquatics also had a similar transaction in the past as well which proved successful.

Director Maurice Watts questioned if Staff believed this was the best route to go as far as financing and Chief Dobson concurred and stated that it would be a cost savings on the finance side, as well as a prepayment savings of \$50,000, and if they wait until next year the commodity cost will increase significantly. General Manager Davis stated that costs are only going to get worse, before it gets better, and that the City is fortunate to have the capabilities to do so.

A motion was made by Director Maurice Watts, and seconded by Director Richard Carr approving Resolution No. 89, regarding agenda item 1.b. The vote was as follows:

Ayes: President Brenda Bradley Smith, Vice President John Adkins, Director Maurice Watts, Director Barry L. Hawkins, Director Rhonda Lopez, Director Richard Carr

Nays: None

Approved

RESOLUTION NO. 89

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BAYTOWN FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT AUTHORIZING AND DIRECTING THE PRESIDENT TO EXECUTE AND THE SECRETARY TO ATTEST TO AN INTERLOCAL AGREEMENT WITH THE CITY OF BAYTOWN FOR FUNDING THE PURCHASE OF TWO (2) PIERCE VELOCITY PUMPER TRUCKS AND EQUIPMENT FOR ENGINE 3; AUTHORIZING PAYMENT IN AN AMOUNT NOT TO EXCEED ONE MILLION SIX HUNDRED TWENTY-EIGHT THOUSAND THREE HUNDRED FIFTY-THREE AND NO/100 DOLLARS (\$1,628,353.00); MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

2. **MANAGER'S REPORT**

a. **The next Baytown Fire Control, Prevention, and Emergency Medical Services District meeting is scheduled for Tuesday, January 18, 2022, at 4:30 P.M. in the Baytown Conference Room located at City Hall, 2401 Market Street, Baytown, Texas.**

General Manager Rick Davis reminded the Board of their next meeting scheduled for January 18, 2022, and invited the Board to a Groundbreaking Ceremony for the new Public Safety Facility, which is scheduled for, Monday, November 15, 2021, at 3:00 P.M.

6. **ADJOURN**

With there being no further business to discuss, President Bradley Smith adjourned the November 9, 2021, Fire Control, Prevention, and Emergency Medical Services District (FCPEMSD) Board Regular Meeting at 4:37 P.M.

Angela Jackson, Secretary
City of Baytown



**BAYTOWN FIRE CONTROL, PREVENTION,
AND EMS DISTRICT**

2. a.

Meeting Date: 01/18/2022

Agreement for Fire Training Facility, Personnel, and Equipment with the City of Baytown

Prepared For: Trevor Fanning, Legal

Prepared By: Trevor Fanning, Legal

Information

ITEM

Consider a resolution authorizing an Agreement for Fire Training Facility, Personnel, and Equipment with the City of Baytown.

PREFACE

This proposed resolution authorizes an Agreement for Fire Training Facility, Personnel, and Equipment with the City of Baytown ("City").

Pursuant to the Agreement, the City will be responsible for managing various programs of the FCPEMSD including the construction and operation of the fire training facility, the employment of an EMS QA/QI Lieutenant, and the procurement of fire technology and emergency response equipment. As with the previous agreement, the proposed agreement allows for a reimbursement to the City for a portion of the costs incurred by the City in administering the programs of the FCPEMSD.

This agreement is similar to the previous agreement, to which the entities agreed in 2006, 2011, and 2017, and shall continue for a period of five years, which is the period for which the FCPEMSD was continued by the voters in 2020. The City approved this agreement at its meeting on December 9, 2021.

RECOMMENDATION

Staff recommends approval.

Fiscal Impact

Fiscal Year: FY 22-24

Acct Code: various

Source of Funds (Operating/Capital/Bonds): Operating

Funds Budgeted Y/N: y

Amount Needed:

Fiscal Impact (Additional Information):

Attachments

Resolution - Interlocal with City of Baytown

Exhibit A - Interlocal Agreement

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BAYTOWN FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT AUTHORIZING AND DIRECTING THE PRESIDENT TO EXECUTE AND THE SECRETARY TO ATTEST TO AN INTERLOCAL AGREEMENT FOR FIRE TRAINING FACILITY, PERSONNEL, AND EQUIPMENT WITH THE CITY OF BAYTOWN; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF BAYTOWN FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT:

Section 1: That the Board of Directors of the Baytown Fire Control, Prevention, and Emergency Medical Services District hereby authorizes and directs the President to execute and the Secretary to attest to an Interlocal Agreement for Fire Training Facility, Personnel, and Equipment with the City of Baytown. A copy of such agreement is attached hereto as Exhibit "A" and is incorporated herein for all intents and purposes.

Section 2: This resolution shall take effect immediately from and after its passage by the Board of Directors of the Baytown Fire Control, Prevention, and Emergency Medical Services District.

INTRODUCED, READ and PASSED by the affirmative vote of the Board of Directors of the Baytown Fire Control, Prevention, and Emergency Medical Services District this the 18th day of January, 2022.

BRENDA BRADLEY SMITH, President

ATTEST:

ANGELA JACKSON, Secretary

APPROVED AS TO FORM:

TREVOR FANNING, Interim General Counsel

Exhibit "A"

AGREEMENT FOR FIRE TRAINING FACILITY, PERSONNEL, AND EQUIPMENT

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This Agreement for Fire Training Facility, Personnel, and Equipment (the "Agreement") is made by and between the CITY OF BAYTOWN, a municipal corporation located in Harris and Chambers Counties, Texas, (the "City") and the BAYTOWN FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT, a fire control, prevention, and emergency medical services district created under Chapter 344 of the Texas Local Government Code, as amended, (the "Act") and located in Harris and Chambers Counties, Texas, (the "District"). For and in consideration of the mutual covenants herein contained, it is agreed as follows:

Section 1. Representations and Warranties of District.

- a) The District is engaged in an on-going effort to provide new resources to finance programs of the District consistent with Section 344.151 of the Act.
- b) The District covenants that it shall actively work to productively coordinate its activities with the City in an effort to reduce duplication of services.
- c) The District represents and warrants that it has been properly created and is duly authorized pursuant to the Act to enter into this Agreement.

Section 2. Description of Programs.

The City, with the assistance of the District as herein specified, agrees to develop, organize and manage the following programs, including entering into and administering all contracts incident thereto:

- a) *Fire Training Facility.* This facility will provide funding to support Phase III of the Fire Training Facility (the "Facility") as well as operational expenses of the Facility for training required by the Texas Commission on Fire Protection and the Baytown Fire Department (the "Department").

Plans and specifications for each phase of the fire training facility shall be approved by the District or its designee prior to the facility being advertised for bids. The plans and specifications may not be thereafter changed by the District to increase the price unless the District provides additional funds therefor. Likewise once the plans and specifications are approved by the District, the City may not thereafter make significant changes to the same which would increase the construction price unless (i) the City provides the necessary funds therefor and the City has obtained the approval of the District or (ii) the District determines such changes are necessary and agrees in writing to pay for the increase in the construction price.

- b) *Fire & EMS Personnel (Training, QA/QI).* This program will expand the training opportunities of the Department and will provide appropriate staffing levels at the Facility to manage operations and training at the Facility

Additionally, this program will also fund an EMS QA/QI Lieutenant position who will provide adequate oversight of EMS responses through continuous monitoring of medical documentation for quality assurance and appropriate patient care. Quality Assurance/Quality Improvement (QA/QI) is required by the State of Texas for EMS agencies.

- c) *Fire Technology and Emergency Response Equipment.* This program will provide resources necessary for the acquisition of additional and/or replacement medical equipment.
- d) *Administration.* This program will provide reimbursement for a portion of the costs incurred by the City in administering the fire control, prevention, and emergency medical services programs.

Persons filling any of the positions created, in part, by the District's programs mentioned hereinabove shall be employees of the City; and, therefore, subject to the City's personnel policies and procedures and entitled to the benefits offered by the City to other similarly situated employees, as determined by the City in its sole discretion. As such, the City shall be responsible for the supervision and control of such employees.

Section 3. Program Reports.

The City shall prepare and submit to the District within 30 days after the end of each fiscal year during the term of this Agreement a verbal or brief written report describing the services performed by the City pursuant to this contract during the previous year along with a summary of expenditures for the previous fiscal year.

Section 4. Funds to be provided by the District.

For and in consideration of the services to be provided by the City in furtherance of the District's programs listed in Section 2, the District shall provide the funds to the City for the actual costs of such programs for each year of the Agreement. Expenditures will be budgeted on an annual basis and the District shall be responsible for the actual program costs.

Unless otherwise provided, all payments required to be made herein shall be payable on or before 30 days after the District receives the sales and use tax levied pursuant to the provisions of the Act from the State comptroller. While the District receives such funds from the State on a quarterly basis, the District's obligations under this Agreement are on a yearly basis. As such, any funds received by the District during an agreement year and/or any prior year shall be applied to the actual expenses incurred during each year, regardless of when they are received.

The City understands and agrees that the District's obligation for payment under this Agreement shall at no time exceed the amount of sales and use tax revenue received by the District. If adequate funds are not received, the District shall have the obligation to pay the revenues

actually received and the City shall be obligated to expend only to the extent that such revenues cover the programs enumerated hereinabove.

Section 5. Term.

This Agreement shall be effective for a period commencing on the Effective Date, and ending five years after the date the District first levies taxes for District purposes as authorized pursuant to its continuation election held on November 3, 2020, unless sooner terminated by either party hereto pursuant to the terms hereof or unless the District is dissolved prior to such time.

Section 6. Termination for Cause.

A party may terminate its performance under this contract only upon default by the other party. Default by a party shall occur if the party fails to perform or observe any of the terms and conditions of this Agreement required to be performed or observed by that party. Should such a default occur, the party against whom the default has occurred shall have the right to terminate all or part of its obligations under this contract as of the 30th day following the receipt by the defaulting party of a notice describing such default and intended termination, provided: (1) such termination shall be ineffective if within said 30-day period the defaulting party cures the default, or (2) such termination may be stayed, at the sole option of the party against whom the default has occurred, pending cure of the default.

Upon the termination of this Agreement, both parties shall be relieved of their respective obligations herein stated. This Agreement shall not be subject to termination for convenience.

Section 7. Force Majeure.

Any prevention, delay, nonperformance, or stoppage due to any of the following causes shall excuse nonperformance for the period of any such prevention, delay, nonperformance, or stoppage, except the obligations imposed by this Agreement for the payment of funds allocated for the District's programs. The causes referred to above are strikes, lockouts, labor disputes, failure of power, acts of God, acts of public enemies of this State or of the United States, riots, insurrections, civil commotion, inability to obtain labor or materials or reasonable substitutes for either, governmental restrictions or regulations or controls, casualties or other causes beyond the reasonable control of the party obligated to perform.

Section 8. Refund and Payment upon Termination.

Upon termination of this Agreement pursuant to Section 6 hereof due to an uncured default by the City, the City hereby agrees to refund all unexpended, unappropriated monies previously paid by the District to the City pursuant to this Agreement. If at the time of termination the District owes the City monies, the District shall remit to the City the appropriate amount computed as of the effective date of the termination.

Section 9. Parties in Interest.

This contract shall bind and benefit the City and the District and shall not bestow any rights upon any third parties.

Section 10. Non-waiver.

Failure of either party hereto to insist on the strict performance of any of the agreements herein or to exercise any rights or remedies accruing thereunder upon default or failure of performance shall not be considered a waiver of the right to insist on and to enforce, by an appropriate remedy, strict compliance with any other obligation hereunder or to exercise any right or remedy occurring as a result of any future default or failure of performance.

Section 11. Compliance with Applicable Laws.

The parties hereto shall comply with all rules, regulations, and laws of the United States of America, the State of Texas, and all laws, regulations, and ordinances of the City of Baytown as they now exist or may hereafter be enacted or amended.

Section 12. Choice of Law; Venue.

This contract is subject to and shall be construed in accordance with the laws of the State of Texas, the laws of the federal government of the United States of America and all rules and regulations of any regulatory body or officer having jurisdiction. This contract is performable in Harris County, Texas.

Section 13. Notices.

All notices required or permitted hereunder shall be in writing and shall be deemed delivered when actually received or, if earlier, on the third day following deposit in a United States Postal Service post office or receptacle with proper postage affixed (certified mail, return receipt requested) addressed to the respective other party at the address described below or at such other address as the receiving party may have theretofore prescribed by notice to the sending party:

District
Baytown Fire Control, Prevention, and Emergency Medical Services District
Attn: President, Board of Directors
P.O. Box 424
Baytown, TX 77522-0424
Fax: (281) 420-6586

City
City of Baytown
Attn: City Manager
P.O. Box 424
Baytown, Texas 77522-0424

Section 14. Audits.

The City and the District may, at any reasonable time, conduct or cause to be conducted an audit of the other parties' records and financial transactions. The cost of said audit will be borne by the entity requesting the audit. The City and the District shall make available all of its records in support of the audit.

Section 15. Ambiguities.

In the event of any ambiguity in any of the terms of this contract, it shall not be construed for or against any party hereto on the basis that such party did or did not author the same.

Section 16. Captions.

The captions of the sections and subsections, if any, of this Agreement are for convenience and ease of reference only and do not define, limit, augment or describe the scope, content or intent of this Agreement or of any part or parts of this Agreement.

Section 17. Entire Agreement.

This Agreement contains all the agreements of the parties relating to the subject matter hereof and is the full and final expression of the agreement between the parties. Any oral representations or modifications concerning this instrument are of no force or effect excepting a subsequent modification in writing signed by all the parties hereto.

Section 18. Assignment or Transfer of Rights or Obligations.

The City shall not sell, assign, or transfer any of its rights or obligations under this Agreement in whole or in part without prior written consent of the District.

Section 19. Severability.

All parties agree that should any provision of this Agreement be determined to be invalid or unenforceable, such determination shall not affect any other term of this Agreement, which shall continue in full force and effect.

Section 20. Authority.

The officers executing this Agreement on behalf of the parties hereby represent that such officers have full authority to execute this Agreement and to bind the party he/she represents.

IN WITNESS WHEREOF, the parties have made and executed this Agreement on the ____ day of _____, 2022, in multiple copies, each of which shall be an original.

CITY OF BAYTOWN

**BAYTOWN FIRE CONTROL,
PREVENTION AND EMERGENCY
MEDICAL SERVICES DISTRICT**

RICHARD L. DAVIS, City Manager

BRENDA BRADLEY SMITH, President

ATTEST:

ATTEST:

ANGELA JACKSON, City Clerk

ANGELA JACKSON, Secretary



**BAYTOWN FIRE CONTROL, PREVENTION,
AND EMS DISTRICT**

2. b.

Meeting Date: 01/18/2022

Consider Approval of 2nd Payment for Purchase of Propane Tank

Prepared For: Kenneth Dobson, Fire

Prepared By: Dana Dalbey, Fire

Information

ITEM

Consider a resolution approving the second and final lease/purchase payment from the Baytown Fire Control, Prevention, and Emergency Medical Services District's Fiscal Year 2021-2022 Budget, in order to pay for the purchase and installation of a 12,000-gallon propane tank for the Fire Training Field Industrial Prop.

PREFACE

This resolution approves the second and final lease/purchase payment for the Baytown Fire Control, Prevention, and Emergency Medical Services District's Fiscal year 2021-2022 Budget (20701-84042) in the amount of \$77,980.

The funding for this purchase is the final payment for installation, crane rental, and, railroad commissions fees associated with propane storage for the Fire Training Field Industrial Prop. The tank was installed in 2021.

RECOMMENDATION

Staff recommends approval.

Fiscal Impact

<u>Fiscal Year:</u>	2021/2022
<u>Acct Code:</u>	20701-84042
<u>Source of Funds (Operating/Capital/Bonds):</u>	Capital
<u>Funds Budgeted Y/N:</u>	Y
<u>Amount Needed:</u>	\$77,980
<u>Fiscal Impact (Additional Information):</u>	

Attachments

Resolution - Approval of 2nd Payment for Purchase of Propane Tank
Invoice

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BAYTOWN FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT APPROVING THE SECOND AND FINAL PAYMENT FROM THE BAYTOWN FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT'S FISCAL YEAR 2021-2022 BUDGET FOR THE LEASE/PURCHASE AND INSTALLATION OF A 12,000-GALLON PROPANE TANK FOR THE BAYTOWN FIRE TRAINING FIELD INDUSTRIAL PROP IN AN AMOUNT NOT TO EXCEED SEVENTY-SEVEN THOUSAND NINE HUNDRED EIGHTY AND NO/100 DOLLARS (\$77,980.00); MAKING OTHER PROVISIONS RELATED THERETO; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF BAYTOWN FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT:

Section 1: The Board of Directors of the Baytown Fire Control, Prevention, and Emergency Medical Services District hereby approves the second and final payment from the Baytown Fire Control, Prevention, and Emergency Medical Services District's Fiscal Year 2021-2022 Budget for the lease/purchase and installation of a 12,000-gallon propane tank for the Fire Training Field Industrial Prop in an amount not to exceed SEVENTY-SEVEN THOUSAND NINE HUNDRED EIGHTY AND NO/100 DOLLARS (\$77,980.00).

Section 2: This resolution shall take effect immediately from and after its passage by the Board of Directors of the Baytown Fire Control, Prevention, and Emergency Medical Services District.

INTRODUCED, READ and PASSED by the affirmative vote of the Board of Directors of the Baytown Fire Control, Prevention, and Emergency Medical Services District on this the 18th day of January, 2022.

BRENDA BRADLEY SMITH, President

ATTEST:

ANGELA JACKSON, Secretary

APPROVED AS TO FORM:

TREVOR FANNING, Interim General Counsel

PROPANE
SPECIALTY SERVICES
10105 N State Hwy 80
Leesville, Tx. 78122

Invoice

Date	Invoice #
1/5/2022	14052

PAST DUE

Bill To
CITY OF BAYTOWN

Ship To

Project Name	Project #	P.O. Number	Terms	Due Date
	FIRE STATION			1/5/2022

Description	Qty.	Price Each	Amount
Propane tank to be placed on existing housekeeping slab. Install 1- refurbished Trinity 12000 WG propane skid tank. S/N: Install MEC or equal internal valves, relief valves, breakaway coupling, vent pipes, rain caps, thermometer, combination valve, pressure gauges, liquid level gauge, all piping within guard rail to be above ground schedule 80 seamless pipe, pipe fittings to be 2000 & 3000 psi, stainless steel flex lines, stainless steel 1000 WOG full port ball valves, bulkhead/truck unloading station, pneumatic system, emergency shut off valves to be pneumatically controlled, 3" ID guard railing around tank and equipment, regulatory signage. Crane services to load and unload propane tank. Freight from Leesville, Texas to Baytown. Exiting pipe to be cathodically protected with 32# bags of magnesium anode and 3000 psi isolation unions. All work in compliance with TRRC LP Gas regulations and standards and adopted NFPA 58 and 70.	0.52696	147,980.87141	77,980.00

Standard Warranty

All materials, parts and workmanship to carry a 1 year warrant unless otherwise stated. No warranty is issued on used equipment/parts that are installed or serviced. PSS does not make any warranties that extend to damage to product due to deterioration from improper operation, maintenance, abnormal temperatures, pressure conditions, operation or equipment in improper manner, or due to acts of God. Any repairs or replacements without the expressed written consent from PSS will relieve PSS from any further obligation.

For your convenience, we accept Visa, Mastercard and Discover.

Mail payments to: P.O. Box 149 Leesville, Tx 78122

Phone #	E-mail	Web Site
830-424-3702	pss@propanespecialty.com	www.propanespecialty.com

Thank you for your business!

Subtotal	\$77,980.00
Sales Tax (0.00)	\$0.00
Total	\$77,980.00
Payments/Credits	\$0.00
Balance Due	\$77,980.00

PROPOSAL

March 10, 2021

Carla Hommel
City of Baytown
Contract Coordinator
2401 Market Street
Baytown, Texas 77520
Carla.Hommel@baytown.org

RE: Propane Fuel Tank installation for Fire Training Facility

BuyBoard Contract: 590-19

Propane Specialty Services LLC respectfully submits the following proposal for your review and consideration.

General Scope of Work

Propane Specialty Services (PSS) to provide the materials and labor for the following:

- Propane tank to be placed on existing housekeeping slab.
- Install 1- Refurbished Trinity 12000 WG propane skid Tank.
- Install MEC or equal internal valves, relief valves, breakaway coupling, vent pipes, rain caps, thermometer, combination valve, pressure gauges, liquid level gauge, ,all piping within guard rail area to be above ground schedule 80 seamless pipe, pipe fittings to be 2000 and 3000 psi, stainless steel flex lines, stainless steel 1000 WOG full port ball valves, bulkhead/truck unloading station, pneumatic system, emergency shut off valves to be pneumatically controlled, 3" I.D guard railing around tank and equipment, regulatory signage,
- Crane services to load and unloading propane tank on Truck.
- Freight from Leesville, Texas to Baytown, Texas.
- Existing Pipe to be cathodically protected with 32 lb. bags of magnesium anode and 3000 psi isolation unions.
- All work to be in compliance with local and Texas Railroad Commission LP Gas regulations and standards, adopted NFPA 58,30A and 70.

	\$155,151.00
Government Discount:	\$ <u>7,171.00</u>
	\$147,980.00

Lease/Purchase Tank 2021:	\$60,000.00
Balance of Lease/Purchase Jan. 2022:	\$87,980.00

Comments/Credits

Fire Safety Analysis is not included in the quote above. If required, the cost is additional.

Maintenance Services

PSS offers various maintenance packages to accommodate the needs of all customers. The maintenance agreement outlines maintenance frequency, fee schedule and scope of work. Maintenance agreements are drawn up separately from repair work or installation contracts. A draft copy can be provided upon request or interest.

Additional Work

There are no additional or hidden costs in the above proposal. Any work that is not specifically contained in this proposal will be considered additional work to be performed at an additional charge.

Payment Terms

A payment in the amount of lease/purchase, 2021 would be due 10days from date of completion. Balance of lease/purchase due by January 15, 2022.

Taxes

Any applicable taxes are ***not included*** in this proposal unless specifically noted. Any applicable taxes will be assessed in accordance with the local tax rate. **If tax exempt, an exemption certificate is required at the time of acceptance and prior to commencement of work. No sales tax to be added. Exempt entity.**

Warranty

All above mentioned materials, parts and workmanship to carry a 1 year warranty from the date of completion. Propane Specialty Services does not make any warranties which extend to damage to the product due to deterioration from improper operation or maintenance, abnormal temperature and pressure conditions, operation of equipment in improper manner, or due to acts of God. Any repairs or replacements without the written consent of PSS will relieve PSS from any further obligation.

Exclusion/Exceptions/Special Provisions

- ▶ This proposal is valid for 15 days from date of proposal.
- ▶ This proposal includes up to 2 hours of training and one standard PSS supplied Operations and Maintenance manual. Additional training can be provided at an additional cost. Additional manuals can be provided at \$250.00 per manual. Specialized manuals to add customer required specifications, to incur additional cost.
- ▶ Permitting provided by PSS is basic permit application, submittal and permit fee. **Any additional local requirements, such as engineering, fire safety analysis, etc required**

for the permitting process are the responsibility of the customer and must be acquired before PSS can apply for permit.

- ▶ Any additional equipment required by local government entities not specifically outlined in this proposal is considered additional and will incur an additional cost.
- ▶ This proposal **does not** include any type of engineering, concrete work, bonding, electrical, hydrotesting, roadways, curbs etc. unless specifically noted in the proposal above.
- ▶ No changes to scope of work or equipment proposed to be changed or added without a change order.
- ▶ Where work by PSS is delayed or changed by others on construction projects, PSS to bill additional labor costs and any related construction costs/losses due to delay.
- ▶ Cancellation of contract will result in restocking charges of 25% to 100% of cost depending on whether item is a stock or special-order item. Freight charges to be applicable. Time, travel, and other related expenses to be applicable as well.

Confidentiality and Non-Disclosure

City of Baytown and its agents agree to treat all information in this proposal as proprietary and confidential information of PSS and shall not disclose such information to any other person or entity except as authorized herein and shall safeguard the information at least to the same extent that it would its own proprietary and confidential information. In their efforts to protect the information from disclosure. City of Baytown and its agents shall immediately notify PSS of any request by any third party in its efforts to protect the information from disclosure.

Respectfully Submitted by:

2021031010

3/10/2021

City of Baytown

Proposal No.

Date

Prepared for

Javier Ramirez

Submitted by (Signature)

General Manager, PSS

Acceptance

The conditions and specifications set forth are satisfactory and are hereby accepted. Propane Specialty Services is authorized to perform the work as specified and may use this form as a binding purchase order of the equipment and services described in the above proposal.

Signature of Authorized Company Representative

Name, printed

Title

Date