

Requisition

Req # 00101145

PO #

Date: 12/07/06

Bill To: x
x

Vendor: 224243
IBM CORPORATION
P.O. BOX 676673
DALLAS TX 75267-6673

Ship To: INFORMATION TECHNOLOGY DEPARTMENT
100 N. CLOSNER, 1ST FL
EDINBURG TX 78539

Contact: STEPHANIE
956-292-7010

Contract No:

Special Instructions:

REQ. NO: 120706-1

DO NOT DUPLICATE ORDER

QUANTITY	UOM	DESCRIPTION	UNIT PRICE	AMOUNT
1	EACH	AS PER STATE OF TEXAS APPROVAL TXMAS-3-70030 CONTRACT SOFTWARE IS NEEDED FOR DISASTER RCOVERY PLAN TO PREVENT THE COMPLETE LOSS OF FINANCIAL INFORMATION LDRPS EZ 1 CONCURRENT USER Account No _____ 6-1334-415-00-200-004-0-747 REPORT ROAD HAZARDS 1-866-HCR-SAFE OR 1-866-427-7233	14,132.00 <u>Encumbrance</u> 14,132.00 Freight .00 Total	14,132.00 14,132.00

TXMAS

Authorized By: _____

**AN IBM BUSINESS CONTINUITY AND RECOVERY SERVICES
STATEMENT OF WORK
FOR**

Hidalgo County IT Department

submitted by

IBM

9229 Delegates Row, Suite 500

Indianapolis, IN 46240

December 13, 2006

The information in this Statement of Work shall not be disclosed outside the Hidalgo County IT Department organization and shall not be duplicated, used or disclosed in whole or in part for any purpose other than to evaluate the Statement of Work. If a contract is awarded to IBM as a result of or in connection with the submission of this Statement of Work, Hidalgo County IT Department shall have the right to duplicate, use or disclose the information to the extent provided by the contract. This restriction does not limit the right of Hidalgo County IT Department to use information contained in the Statement of Work if it is obtained from another source without restriction.

IBM Responsibilities

Description: IBM will deliver and can assist with implementation and training for up to eight (8) hours for the following Strohl products:

- **LDRPS™ EZ**



Create thorough actionable business continuity plans quickly and easily with LDRPS. Available in a version to fit any organizations' planning needs and computing environment, LDRPS is the global standard in continuity planning software. LDRPS 10 is available in a License or OnDemand version.

Software	Hidalgo Co. Price
LDRPS EZ 1 Concurrent Users	\$14,132.00
3-Year Maintenance	\$0.00
3-year Total Investment	\$14,132.00

Charges

IBM will provide the above Services at a fixed price of \$14,132. Price includes three years of maintenance at no additional charge.

Applicable federal, state and local taxes are not included in these charges.

Invoices are due upon receipt.



Signature Page

We agree to provide the Services described in this SOW provided you accept this SOW, without modification, by signing in the space below on or before **December 31, 2006**.

Each of us agrees that the complete agreement between us about these Services consists of 1) this Statement of Work and 2) the IBM Customer Agreement, as applicable (or any other equivalent agreement signed by both of us).

Agreed to:

Hidalgo County IT Department

By _____

Authorized Signature

Date

Authorized Name

(Print) _____

Customer Name:

Hidalgo County IT Department

Customer Number: 4264676

Customer Address: 100 N. Closner Blvd.
Edinburg, TX 78541-3563

Agreed to:

International Business Machines Corporation

By _____

Authorized Signature

Date

Authorized Name

(Print) _____

IBM Customer Agreement Number: HQ12291

Statement of Work Number:

IBM Office Number: JHK

IBM Office Address:
IBM Corporation
9229 Delegates Row
Indianapolis, IN 46240



U.S. Department of Justice

Office of Justice Programs

Office of the Comptroller

JUN 08 2006

Washington, D.C. 20531

RECEIVED JUN 13 2006

Mr. Ray Eufracio, CPA
County Auditor
County of Hidalgo
100 E. Cano, 3rd Floor
Edinburg, TX 78539

Dear Mr. Eufracio:

Your audit report for the fiscal year ended December 31, 2002, was forwarded to the Office of Justice Programs by the U.S. Department of Justice, Office of the Inspector General, Dallas Regional Audit Office, in compliance with requirements outlined in Office of Management and Budget Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*.

The report disclosed **one** recommendation and **no** questioned costs. In order to close this audit report, it is required that you address the following recommendation.

1. **Disaster Recovery Plan (Page 274)**

Hidalgo County must provide a copy of its formal disaster recovery plan which will prevent the complete loss of financial information, by ensuring the continuity of data processing services in the event of a disaster.

The corrective action plan should include the following elements for the recommendation:

1. The name and number of the contact person responsible for the corrective action plan.
2. Specific steps taken to comply with the recommendation.
3. Timetable for performance and/or implementation dates for the recommendation.
4. Description of monitoring to be conducted to ensure implementation.

Please note that Federal grant recipients are responsible for ensuring that findings related to the independent audits of Federal funds are closed in a timely manner. The Office of Justice Programs and the Office of the Inspector General are prepared to provide technical assistance, if requested. Grantees who are not in compliance with Federal requirements may be subject to administrative action such as withholding of funds or non-certification of new grant awards.

Please provide this matter your immediate attention and forward a response to me no later than 30 days from the date of this letter at the following address:

U.S. Department of Justice
Office of Justice Programs
Office of the Comptroller
Grants Financial Management Division
Attention: Andrea McIntosh
810 7th Street, NW
Washington, DC 20531

Thank you in advance for your cooperation. If you have any questions, please feel free to contact me at 202-616-2905.

Sincerely,



for
Andrea McIntosh
Staff Accountant
Grants Financial Management Division

cc: Robert J. Kaufman
Regional Audit Manager
Dallas Regional Audit Office
TO-80-06-018

Maria Pressley
Audit Liaison
Bureau of Justice Assistance

Cynthia Bowie
Assistant Director, Audit Liaison Division
Office of Community Oriented Policing Services

Requisition

Req # 00101148

PO #

Date: 12/07/06

Bill To: x
x

Vendor: 153915
CDW GOVERNMENT INC.
75 REMITTANCE DRIVE
SUITE 1515
CHICAGO IL 60675-1515

Ship To: Hidalgo County District Attorney
100 North Closser 5th Floor
Edinburg Tx 78539

Contact: ROXANA SEGOVIA
956-318-2300

Contract No:

Special Instructions:

DO NOT DUPLICATE ORDER

QUANTITY	UOM	DESCRIPTION	UNIT PRICE	AMOUNT
80	EACH	968622 HP L1940T MONITORS	256.00	20,480.00
		Account No	Encumbrance	
		6-1222-412-00-080-006-0-665	13,681.97	
		6-1223-412-00-080-007-0-665	6,798.03	
			Freight	.00
			Total	20,480.00
		REPORT ROAD HAZARDS 1-866-HCR-SAFE OR 1-866-427-7233		
		<i>DIR</i>		
		*Discretionary funds - AG Opinion No. 3M 9167 (Attached)		

Authorized By: _____

*21552 Office of the Attorney General
State of Texas

Opinion No. JM 967
October 20, 1988

Re: Competitive bidding requirements on items purchased with funds under article 53.08, now section 102.007, of the Texas Code of Criminal Procedure (RQ-1504)

Mr. Stephen F. Austin, C.P.A.
Hidalgo County Auditor
Hidalgo County Courthouse
Edinburg, Texas 78539

Dear Mr. Austin:

You ask whether expenditures from the so-called "hot check fund" provided for by article 102.007 of the Code of Criminal Procedure are subject to the competitive bidding and competitive proposal requirements generally applicable to county purchases pursuant to sections 262.021 et seq. of the Local Government Code.

Article 102.007 provides for the collection by a county attorney, district attorney, or criminal district attorney of a fee in connection with the collection or processing by his office of a check or similar sight order if the check had been issued or passed in a manner constituting one of the offenses enumerated in that article. Subdivision (e) of article 102.007 provides with respect to the disposition of such fees as follows:

Fees collected under this article shall be deposited in the county treasury in a special fund to be administered by the county attorney, district attorney, or criminal district attorney. Expenditures from this fund shall be at the sole discretion of the attorney and may be used only to defray the salaries and expenses of the prosecutor's office, but in no event may the county attorney, district attorney, or criminal district attorney supplement his own salary from this fund. (Emphasis added.)

Attorney General Opinion MW-439 (1982), dealt with the same question and concluded that since the competitive bidding provisions (then articles 2368a and 1659a) require the commissioners court to administer the procedure and to reject bids or award contracts to the lowest responsible bidders, those provisions could not apply to purchases from the "hot check" fund which are made "at the sole discretion of the attorney."

You point to the statement in a later opinion, Attorney General Opinion JM-313 (1985), that the "attorney must administer the fund within the confines of laws applicable to the use of county funds," and suggest that that opinion may have implicitly overruled the conclusion of MW-439 with respect to the applicability of the competitive bidding and proposal requirements to purchases from the "hot check" fund.

We disagree. Attorney General Opinion JM-313 simply pointed out that although expenditures from the "hot check" fund were not subject to commissioners court approval, the fund was generally subject to statutes regulating the handling of county moneys, citing Attorney General Opinions MW-188 (1980) ("hot check" fund subject to county auditor's power to prescribe accounting and control procedures for making deposits and disbursements), and MW-584 (1982) ("hot check" fund subject to various reporting requirements applicable to county funds).

We find no conflict between JM-313 and MW-439. We adhere to the rationale of MW-439 that to subject "hot check" fund expenditures to the competitive bidding requirements would place ultimate control of these expenditures in the commissioners court which "could, for example, refuse to accept any or all bids in a particular instance and thus interfere with the exclusive right of the designated individuals to administer the fund and to determine when, for what purposes, and under what circumstances expenditures will be made from it." Attorney General Opinion MW-439 (1982), at 6. Such a result would be contrary to the express provision of section 102.007 of the Local Government Code that "[e]xpenditures from this fund shall be at the sole discretion of the attorney."

Though they have undergone subsequent amendment and codification we find nothing in the current provisions of state law regulating these matters which changes the conclusion we reached in MW-439.

* We therefore reaffirm the conclusion of MW-439 that expenditures from the "hot check" fund are not subject to the competitive bidding requirements. ~~Q~~

SUMMARY

Attorney General Opinion JM-313 (1985) did not overrule
Attorney General Opinion MW-439 (1982).
Expenditures from
the "hot check" fund created under Local Government
Code section 102.007

are not subject to the competitive bidding requirements generally applicable to county purchases.

Very truly yours,

*21553 Jim Mattox

Attorney General of Texas

Mary Keller

First Assistant Attorney General

Lou McCreary

Executive Assistant Attorney General

Judge Zollie Steakley

Special Assistant Attorney General

Rick Gilpin

Chairman, Opinion Committee

Prepared by

William Walker

Assistant Attorney General