

**AI-13875**

**21.A.12.**

**Bank Depository/Processing Remittance (Lockbox) Agreements  
CC REGULAR**

**Date:** 02/09/2009  
**Submitted By:** Marty Salazar, PURCHASING DEPT.  
**Submitted For:** Marty Salazar  
**Department:** PURCHASING DEPT.

**Agenda Category:** Purchasing Department      **Purchasing only:** Hidalgo County

**Information**

**CAPTION**

A. Pursuant to Texas Local Government Code, Chapter 116-Depositories for County Public Funds, discussion, consideration and appropriate action to re-open negotiations with the current County depository bank, First National Bank as afforded under Chapter 116, Section .021 (a) for an additional two (2) year renewal; or, in the alternative,

B. Authority for previously designated/appointed committee to commence renegotiations with the current depository, First National Bank as provided under Chapter 116.021(a) for an additional two (2) year renewal with a limited time frame for conclusion of the negotiation; and,

C. In the event that negotiations to renew with the current depository First National Bank prove unsuccessful, authority for Purchasing Department to continue with the scheduled publication under 116.022 & .023 of Notice that Hidalgo County Commissioners Court intends to receive Applications from which to select a depository bank(s);

**BACKGROUND**

**Fiscal Impact**

**Attachments**

Link: [Gov. Code](#)  
 Link: [Depository AD](#)

**Form Routing/Status**

Route Seq	Inbox	Approved By	Date	Status
1	Purchasing Department (Originator)	Marty Salazar	02/06/2009 08:32 AM	APRV
2	Budget & Management		02/06/2009 08:34 AM	NEW
Form Started By: Marty Salazar		Started On: 02/06/2009 07:48 AM		
Final Approval Date: 02/06/2009				

**NOTICE**  
**HIDALGO COUNTY COMMISSIONERS' COURT**  
**INTENDS TO MAKE A DEPOSITORY CONTRACT AND/OR**  
**REMITTANCE PROCESSING (LOCKBOX) AND/OR**  
**OTHER AGREEMENTS (i.e. TRUST ACCOUNT SERVICES)**

**NOTICE:** The selection of County Depositories and the terms of depository contracts are governed by Tex. Loc. Gov't. Code Ann., Chapter 116 (Vernon 1988 and Supp. 1999). The terms of the Depository Agreement with the County Of Hidalgo may also be utilized by Hidalgo County Drainage District No. 1 except as such provisions may differ in accordance with Texas Water Code Chapters 49 & 56 and more specifically detailed in Application Packet.

**APPLICATIONS** may be obtained by calling the Office of the County Judge (956) 318-2600 or the Hidalgo County Purchasing Department 9956) 318-2626, requested via email to: [ramon.vela@co.hidalgo.tx.us](mailto:ramon.vela@co.hidalgo.tx.us), or may be picked up at the Hidalgo County Purchasing Department, 2802 So. Business Hwy 281, New Administration Building, Edinburg, Texas.

**IMPORTANT RELEASE DATE:** APPLICATION PACKETS WILL BE RELEASED ON TUESDAY, FEBRUARY 17, 2009 AT 11:00 A.M.

**SEALED APPLICATIONS** for APPLICATION NO: 2009-065-03-10RVV-"BANK DEPOSITORY AND/OR REMITTANCE PROCESSING (LOCKBOX) AND/OR OTHER AGREEMENTS (i.e.. TRUST ACCOUNT SERVICES)" must be properly addressed and delivered to Juan D. Salinas, III, Hidalgo County Judge, in the Hidalgo County Commissioners' Court meeting room located at 100 E. Cano, First Floor, Atrium Area, Edinburg, Texas. **APPLICATIONS will be accepted until 10:00 a.m. on Tuesday, March 10, 2009** at which time they will be filed, announced and be made part of the minutes of Hidalgo County Commissioners' Court proceedings. Thereafter all APPLICATIONS filed, announced and made part of the minutes of Hidalgo County Commissioners' Court proceedings will be considered, evaluated and selected pursuant to Tex. Loc. Gov't Code, Ann., Chapter 116.024.

One (1) original and ten (10) copies of the Application are required with the proper notation clearly written on the lower left hand corner of the envelope/package. "APPLICATION NO: 2009-065-03-10RVV-"BANK DEPOSITORY AND/OR REMITTANCE PROCESSING (LOCKBOX) AND/OR OTHER AGREEMENTS (i.e.. TRUST ACCOUNT SERVICES)".

**NOTE:** TIME FOR ACCEPTANCE OF APPLICATIONS WILL BE DETERMINED BY THE CLOCK IN COMMISSIONERS COURT ROOM SOUTH WALL.

**NO FACSIMILES OR LATE ARRIVALS WILL BE ACCEPTED FOR FILING. ANY APPLICATIONS RECEIVED AFTER THAT TIME WILL NOT BE OPENED AND WILL BE RETURNED. OVERNIGHT MAIL MUST ALSO BE PROPERLY LABELED ON THE OUTSIDE OF THE EXPRESS ENVELOPE/PACKAGE WITH REFERENCE TO: APPLICATION NO: 2009-065-03-10RVV-"BANK DEPOSITORY AND/OR REMITTANCE PROCESSING (LOCKBOX) AND/OR OTHER AGREEMENTS (i.e.. TRUST ACCOUNT SERVICES)".**

**THE COUNTY AND THE DRAINAGE DISTRICT NO. 1** reserves the right to refuse and reject any/all applications and to waive any/all formalities or technicalities, or to accept the application considered the best and most advantageous to the County.

**BY ORDER OF THE COMMISSIONER'S COURT** on this the 3<sup>rd</sup> day of February, 2009 **AND BOARD OF DIRECTORS OF HIDALGO COUNTY, TEXAS,** on this the 28<sup>th</sup> day of January, 2009.

**JUAN D. SALINAS, III**  
**HIDALGO COUNTY JUDGE**  
**REPORT ROAD HAZARDS @ 1-866-HRC-SAFE OR 1-866-427-7233**

**AI-13535****19.A.5.****Bank Depository and/or Remittance-Processing (Lockbox) Agreement  
CC REGULAR**

**Date:** 01/28/2009  
**Submitted By:** Ramon Vela, PURCHASING DEPT.  
**Submitted For:** Marty Salazar  
**Department:** PURCHASING DEPT.

**Agenda Category:** Purchasing Department      **Purchasing only:** Hidalgo County

**Information****CAPTION**

Presentation for discussion, consideration, action and/or approvals in connection with: Bank Depository and/or Remittance-Processing (Lockbox) Agreement including but not limited to, the following:

A. Options available to Counties under Texas Local Government Code 116-Depository and Subdepository Contracts more specifically contracting terms detailed in Chapter 116.021 (a) (b) (c);

1. Renegotiate current agreement for an additional 2 year term;
2. Selection or designation of negotiating team

B. Authority to Advertise Bank Depository and/or Remittance-Processing (Lockbox) Agreement pursuant to Texas Local Government Code, Chapter 116 (Vernon 1988 and Supp. 1999), "Depositories for County Public Funds" (copies of Chapter 116 and proposed ad copy attached hereto);

C. Approval of the proposed advertising dates for Bank Depository and/or Remittance-Processing (Lockbox) Agreement Specification Packets subject to legal review and therefore the publication dates proposed are:

1. January 31st-February 7th & 14th with acceptance date for bank of applications/proposals/bids at CC agenda meeting of 2-24-09 pursuant to 116; or
2. February 7th, 14th and 21st. with acceptance date for bank applications/proposals/bids at CC meeting of 3-3-09 pursuant to 116

D. Appointment or designation of "Evaluation Committee" to score and evaluate Bank Depository & Remittance-Processing (Lockbox) Bank Applications filed with the Court;

Notes: 1. Historically Hidalgo County Investment Committee (comprised of the County Treasurer,

County Auditor and County Judge) including Purchasing Dept. and County Tax Assessor as

consultant to Evaluation Committee:

2. In recent past County Judge has chosen not participate in Evaluation Committee inasmuch

as a member of Commissioner Court which will select and award;

Evaluation Committee Members:

4. **Presentation for discussion, consideration, and approval to utilize the following cooperative purchasing vendors, for purchases on an "AS NEEDED BASIS" through our membership/participation with the Texas Association of School Boards Cooperative "Buy Board" awarded pricing including, but not limited to, Precincts, Departments, Program, Agencies, etc.:**

Vendors	Contract Description	Contract #
Commercial Security Integration	Radio Communication Pro.	285-08
The PlayWell Group	Parks & Recr. & Field Light Pro. & Inst.	269-07

**with term of authority to purchase from contracts detailed herein commencing upon approval and expiring December 31, 2009.**

On motion of Commissioner Flores, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval.

At this time the Court moved to item #6.

5. **Presentation for discussion, consideration, action and/or approvals in connection with: Bank Depository and/or Remittance-Processing (Lockbox) Agreement including but not limited to, the following:**

**A. Options available to Counties under Texas Local Government Code 116-Depository and Subdepository Contracts more specifically contracting terms detailed in Chapter 116.021 (a) (b) (c);**

**1. Renegotiate current agreement for an additional 2 year term;**

On motion of Commissioner Flores, seconded by Commissioner Garza, the Court made a UNANIMOUS vote of approval.

**2. Selection or designation of negotiating team**

On motion of Commissioner Garza, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval to designate Executive Officer, Tax Assessor Collector, Budget Officer, Auditor, Treasurer, District Clerk and Purchasing.

At this time the Court moved to item #16-A.

On motion of Commissioner Garza, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval to designate the Executive Officer, Budget Officer, District Clerk, County Clerk, Treasurer, Tax Assessor Collector, Auditor and Purchasing to the Negotiating team.

At this time the Court moved back to item #12.

**B. Authority to Advertise Bank Depository and/or Remittance-Processing (Lockbox) Agreement pursuant to Texas Local Government Code, Chapter 116 (Vernon 1988 and Supp. 1999), "Depositories for County Public Funds" (copies of Chapter 116 and proposed ad copy attached hereto);**

NO ACTION taken on this item.

**C. Approval of the proposed advertising dates for Bank Depository and/or Remittance-Processing (Lockbox) Agreement Specification Packets subject to legal review and therefore the publication dates proposed are:**

- 1. January 31st-February 7th & 14th with acceptance date for bank of applications/proposals/bids at CC agenda meeting of 2-24-09 pursuant to 116; or**
- 2. February 7th, 14th and 21st. with acceptance date for bank applications/proposals/bids at CC meeting of 3-3-09 pursuant to 116**

NO ACTION taken on this item on items #1 & 2.

**D. Appointment or designation of "Evaluation Committee" to score and evaluate Bank Depository & Remittance-Processing (Lockbox) Bank Applications filed with the Court; Notes: 1. Historically Hidalgo County Investment Committee (comprised of the County Treasurer, County Auditor and County Judge) including Purchasing Dept. and County Tax Assessor as consultant to Evaluation Committee:**

**2. In recent past County Judge has chosen not participate in Evaluation Committee inasmuch as a member of Commissioner Court which will select and award; Evaluation Committee Members:**

- 1.** \_\_\_\_\_
- 2.** \_\_\_\_\_
- 3.** \_\_\_\_\_
- 4.** \_\_\_\_\_
- 5.** \_\_\_\_\_

NO ACTION taken on this items #1 & 2.

- 6. Requesting authority to advertise and approval of procurement packet (i.e. specifications and draft contract) as attached hereto for: Hidalgo County - "New & Used Guardrail Beam Materials & Installation" Bid No. 2009-009**

On motion of Commissioner Palacios, seconded by Commissioner Flores, the Court made a UNANIMOUS vote of approval.

- 7. Presentation for discussion, consideration and action to exercise the County's option to renew/extend for an additional one (1) year period as provided in the current contract agreement (under the same rates, terms and conditions). Effective date of renew/extension is February 24, 2009.**

On motion of Commissioner Flores, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval.

On motion of Commissioner Flores, seconded by Commissioner Palacios, the Court made a UNANIMOUS vote of approval rescind prior motion.

NO ACTION taken on this item.

At this time the Court moved to item #9.

tion of which the governing body is the commissioners court may require that a minimum of 25 percent of the work be performed by the bidder and, notwithstanding any other law to the contrary, may establish financial criteria for the surety companies that provide payment and performance bonds.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1019, § 1, eff. Aug. 28, 1989; Acts 2001, 77th Leg., ch. 669, § 78, eff. Sept. 1, 2001.

**§ 262.0255. Additional Notice and Bond Provisions Relating to Purchase of Certain Equipment**

(a) A notice of a proposed purchase of earth-moving, material-handling, road maintenance, or construction equipment under Section 262.025 may include a request for information about the costs of the repair, maintenance, or repurchase of the equipment.

(b) The commissioners court may require the bidder to furnish, to the county in a contract for the purchase of the equipment, a bond to cover the repurchase costs of the equipment.

Added by Acts 1991, 72nd Leg., ch. 416, § 1, eff. Sept. 1, 1991.

**§ 262.0256. Pre-bid Conference for Certain Counties or a District Governed by Those Counties**

*Text of section as amended by Acts 2003, 78th Leg., ch. 660, § 1*

(a) This section applies only to a county with a population of 2.8 million or more.

(b) The commissioners court of the county or the governing body of a district or authority created under Section 59, Article XVI, Texas Constitution, if the governing body is the commissioners court of the county in which the district is located, may require a principal, officer, or employee of each prospective bidder to attend a mandatory pre-bid conference conducted for the purpose of discussing contract requirements and answering questions of prospective bidders.

(c) After a conference is conducted under Subsection (b), any additional required notice for the proposed purchase may be sent by certified mail, return receipt requested, only to prospective bidders who attended the conference. Notice under this subsection

is not subject to the requirements of Section 262.025.

Added by Acts 2001, 77th Leg., ch. 255, § 1, eff. May 22, 2001. Amended by Acts 2003, 78th Leg., ch. 660, § 1, eff. Sept. 1, 2003.

*For text of section as amended by Acts 2003, 78th Leg., ch. 725, § 1, see § 262.0256, post.*

**§ 262.0256. Pre-bid Conference**

*Text of section as amended by Acts 2003, 78th Leg., ch. 725, § 1*

The commissioners court of a county or the governing body of a district or authority created under Section 59, Article XVI, Texas Constitution, if the governing body is the commissioners court of the county in which the district is located, may require a principal, officer, or employee of each prospective bidder to attend a mandatory pre-bid conference conducted for the purpose of discussing contract requirements and answering questions of prospective bidders.

Added by Acts 2001, 77th Leg., ch. 255, § 1, eff. May 22, 2001. Amended by Acts 2003, 78th Leg., ch. 725, § 1, eff. Sept. 1, 2003.

*For text of section as amended by Acts 2003, 78th Leg., ch. 660, § 1, see § 262.0256, ante.*

**§ 262.026. Opening of Bids**

(a) The county official who makes purchases for the county shall open the bids on the date specified in the notice. The date specified in the notice may be extended if the commissioners court determines that the extension is in the best interest of the county. All bids, including those received before an extension is made, must be opened at the same time. The commissioners court may adopt an order that delegates the authority to make extensions under this subsection to the county official who makes purchases for the county.

(b) Opened bids shall be kept on file and available for inspection by anyone desiring to see them.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 1999, 76th Leg., ch. 505, § 3, eff. Sept. 1, 1999.

**§ 262.027. Awarding of Contract**

(a) The officer in charge of opening the bids shall present them to the commissioners court in session. Except as provided by Subsection (c), the court shall: