

AI-21655

25.A.8.

**Award of Bid - "Dead Body Pick-up and Transport Services
CC REGULAR**

Date: 06/22/2010

Submitted By: Yolanda Velasquez, PURCHASING DEPT.

Submitted For: Marty Salazar

Department: PURCHASING DEPT.

Agenda Category: Purchasing Department **Sub-category:** Hidalgo County

Information

CAPTION

Recommending award of bid and approval of agreement to "Olga Amaro dba/Mortuary Transport Services" vendor meeting all specifications and subject to outcome of background checks to be conducted through the District Attorney as stated in procurement packet and contract documents as attached hereto for: Hidalgo County-"Dead Body Pick-up and Transport Services"-Project Number 2010-003-05-26-YZV.

BACKGROUND

Fiscal Impact

FISCAL YEAR: 2010

ACCT. #: 0-1100-421-00-080-003-0-344

FUNDS AVAILABLE Y/N?: Y

MATCHING FUNDS Y/N?: N

BUDGETARY IMPACT:

Available funds in the amount of \$513,399.77 as of 06/18/10.

Attachments

Link: Participation Log-Bid Tabulation and Dept. Recommendation

Link: Roy's Email

Link: CONTRACT

Form Routing/Status

Route Seq	Inbox	Approved By	Date	Status
1	Purchasing Department	Marty Salazar	06/17/2010 03:31 PM	APRV
2	Budget & Management	Erika Zamora	06/17/2010 04:50 PM	APRV
3	Sylvia Solis	Sylvia Solis	06/18/2010 10:16 AM	APRV
4	Auditor's Office		06/18/2010 05:33 PM	NEW
Form Started By: Yolanda Velasquez		Started On: 06/14/2010 02:48 PM		
Final Approval Date: 06/18/2010				

From: Josephine Ramirez [mailto:josephine.ramirez@co.hidalgo.tx.us]
Sent: Thursday, June 03, 2010 5:24 PM
To: 'Martha Salazar'
Cc: homer.vasquez@da.co.hidalgo.tx.us; 'Olga Montero'; 'Darlene Betancourt'
Subject: FW:
Importance: High

In response to your request for an opinion as to the ad placement for bids on an autopsy facility we have considered the following:

The current agreement with Ceballos Funeral Home is expiring and the County would like to continue its use of this facility for the purposes of conducting autopsy related services as it is in the interests of the health, safety and welfare of the community. Autopsy related services are performed at the request of an authorized official pursuant to Chapter 49 of the Texas Code of Criminal Procedure.

Given these facts, a contract for autopsy related services may be exempt from the competitive purchasing requirements in the County Purchasing Act Chapter 262 of the Local Government Code. More specifically, services provided by the autopsy facility may be exempted by order of the Commissioner's Court under section 262.024(a)(2) of the Local Government Code from competitive purchasing requirements as a matter affecting the public health or safety. As these are services that go directly to the investigation of the cause of a death and which may be criminal in nature. This could be construed as an issue that would directly affect the safety of the community.

In support, I would refer you Attorney General Opinion JC-0136 (1999). A county contract for ambulance services was deemed to be exempt from the competitive purchasing requirements as a matter affecting the public health or safety.

As we discussed, we are continuing to review the information provided on the remaining matters.

Josie L. Ramirez
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§ 262.023

LOCAL GOVERNMENT CODE

plies, separate purchases of supplies by an individual department are not considered to be part of a single purchase and single contract by the county if a specific intent to avoid the requirements of this subchapter is not present.

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1, § 57(a), eff. Aug. 28, 1989; Acts 1989, 71st Leg., ch. 1250, § 9, eff. Sept. 1, 1989; Acts 1991, 72nd Leg., ch. 16, § 13.02(b), eff. Aug. 26, 1991; Acts 1993, 73rd Leg., ch. 757, §§ 13, 38, eff. Sept. 1, 1993; Acts 1997, 75th Leg., ch. 442, § 1, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 505, § 2, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 436, § 4, eff. May 28, 2001; Acts 2001, 77th Leg., ch. 1063, § 2, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 1409, § 4, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 1276, § 12.004, eff. Sept. 1, 2003.

V.T.C.A., Local Government Code § 271.041 et seq.

Section 15(a) of Acts 2001, 77th Leg., ch. 1409 provides:

"The changes in law made by this Act apply only to a contract for which requests for bids, requests for proposals, or requests for qualifications are published or distributed after September 1, 2001."

§ 262.0235. Procedures Adopted by County Purchasing Agents for Electronic Bids or Proposals

The county purchasing agent, before receiving electronic bids or proposals, shall adopt rules in conformance with Section 262.011(o) to ensure the identification, security, and confidentiality of electronic bids or proposals.

Added by Acts 2001, 77th Leg., ch. 1063, § 3, eff. Sept. 1, 2001.

* § 262.024. Discretionary Exemptions

(a) A contract for the purchase of any of the following items is exempt from the requirement established by Section 262.023 if the commissioners court by order grants the exemption:

(1) an item that must be purchased in a case of public calamity if it is necessary to make the purchase promptly to relieve the necessity of the citizens or to preserve the property of the county;

(2) an item necessary to preserve or protect the public health or safety of the residents of the county;

(3) an item necessary because of unforeseen damage to public property;

(4) a personal or professional service;

(5) any individual work performed and paid for by the day, as the work progresses, provided that no individual is compensated under this subsection

for more than 20 working days in any three month period;

(6) any land or right-of-way;

(7) an item that can be obtained from only one source, including:

(A) items for which competition is precluded because of the existence of patents, copyrights, secret processes, or monopolies;

(B) films, manuscripts, or books;

(C) electric power, gas, water, and other utility services; and

(D) captive replacement parts or components for equipment;

(8) an item of food;

(9) personal property sold:

(A) at an auction by a state licensed auctioneer;

(B) at a going out of business sale held in compliance with Subchapter F, Chapter 17, Business & Commerce Code; or

(C) by a political subdivision of this state, a state agency of this state, or an entity of the federal government; or

(10) any work performed under a contract for community and economic development made by a county under Section 381.004.

(b) The renewal or extension of a lease or of an equipment maintenance agreement is exempt from the requirement established by Section 262.023 if the commissioners court by order grants the exemption and if:

(1) the lease or agreement has gone through the competitive bidding procedure within the preceding year;

(2) the renewal or extension does not exceed one year; and

(3) the renewal or extension is the first renewal or extension of the lease or agreement.

(c) If an item exempted under Subsection (a)(7) is purchased, the commissioners court, after accepting a signed statement from the county official who makes purchases for the county as to the existence of only one source, must enter in its minutes a statement to that effect.

(d) The exemption granted under Subsection (a)(10) of this section shall apply only to the sealed competitive bidding requirements on food purchases. Counties shall solicit at least three bids for purchases of food items by telephone or written quotation at intervals specified by the commissioners court. Counties

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