

## MUTUAL BENEFIT AND USE AGREEMENT

**WHEREAS**, it is foreseen that it may be in the public interest to provide for the expedient removal of storm debris within the corporate limits of Hidalgo County, Texas resulting from a future natural or manmade event, and

**WHEREAS**, the Public Health and Safety of all the citizens will be a serious risk; and

**WHEREAS**, the immediate removal of debris for first responders and for the economic recovery of Hidalgo County, Texas and its citizens is a major concern and the primary priority for recovery; and

**WHEREAS**, Hidalgo County, Texas ("County") is a community of interest to the City of Kingsville, Texas ("City") with respect to the emergency debris removal services that may be necessary to affect a recovery from an anticipated storm event or other emergency event; and

**WHEREAS**, the governing bodies of the City of Kingsville, Texas and Hidalgo County, Texas have previously gone through such a process and entered into such an agreement in July 2008; and

**WHEREAS**, the City of Kingsville, Texas has recently selected through competitive process (RFP#2013-05) a firm proficient in providing emergency debris removal services (AshBritt Inc.); and

**WHEREAS**, Hidalgo County, Texas has reviewed the solicitation, proposal, and evaluation related to the selection of the firm by the City of Kingsville, Texas and endorses with the process and selection; and

**WHEREAS**, Hidalgo County, Texas has reviewed the contract for emergency debris removal services between the City of Kingsville, Texas and AshBritt Inc. ("Company") , which was approved by the Kingsville City Commission via Resolution #2013-24 on March 25, 2013, and has found the scope of services, prices, terms and conditions as set out in the Contract to be reasonable, acceptable and of benefit to their citizens; and

**THEREFORE**, having reached concurrence and acceptance of the procurement process and the contract stipulations, Hidalgo County, Texas agrees to enter this cooperative purchasing and mutual benefit and use agreement with the City of Kingsville as authorized by Local Government Code Section 271.102 and enter into a contract with AshBritt Inc. for emergency debris removal services without modification to the original terms, conditions or pricing as the City received. The City and County will each designate a person to act under the direction of, and on behalf of, their respective entity with regard to this agreement. The County will make payments directly to AshBritt under a contract made under the Texas Cooperative Purchasing Program subchapter of the Local Government Code. The County will have the responsibility of determining whether AshBritt has complied with any provision in its contract with the company, including but not limited to those relating to the quality of items and terms of delivery, and shall be responsible for enforcement of its contract against the company, including all cost of enforcement. Having full authority the parties do hereby complete this agreement by signing below:

\_\_\_\_\_  
Ramon Garcia, Hidalgo County Judge

\_\_\_\_\_  
Date

\_\_\_\_\_  
John Noble, COO, AshBritt Inc.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Arturo Guajardo, Jr., Hidalgo County Clerk

Date \_\_\_\_\_

  
\_\_\_\_\_  
Sam R. Fugate, Mayor, City of Kingsville

May 13, 2013  
Date

Zimbra

evangelina.garcia@co.hidalgo.tx.us

---

**RE: Mutual Benefit and Use Agreement-City of Kingsville and Hidalgo County**

---

**From :** Josephine L. Ramirez  
<josephine.ramirez@da.co.hidalgo.tx.us>

Tue, May 07, 2013 03:40 PM

**Subject :** RE: Mutual Benefit and Use Agreement-City of Kingsville  
and Hidalgo County

**To :** 'Evangeline Garcia' <evangelina.garcia@co.hidalgo.tx.us>

**Cc :** 'Martha L. Salazar' <martha.salazar@co.hidalgo.tx.us>, 'Darlene H. Betancourt' <darlene.betancourt@co.hidalgo.tx.us>, oscar montoya <oscar.montoya@co.hidalgo.tx.us>, calvarez@cityofkingsville.com

**Reply To :** josephine ramirez <josephine.ramirez@da.co.hidalgo.tx.us>

Vangie,

I have reviewed the Mutual Benefit and Use Agreement and approve as to the form of the agreement to the extent it complies with Section 271.102 of the Texas Local Government Code.

Josephine Ramirez Solis  
*Assistant Criminal District Attorney*  
County Affairs Section  
**Office of Criminal District Attorney**  
Hidalgo County, Texas  
100 N Closner Rm 303  
Edinburg, TX 78539  
(956) 318-2313 ext. 3823  
(956) 318-2079 FAX  
[josephine.ramirez@da.co.hidalgo.tx.us](mailto:josephine.ramirez@da.co.hidalgo.tx.us)

\*\*\*\*\*  
The information contained in this e-mail may be 1.SUBJECT TO THE ATTORNEY-CLIENT PRIVILEGE; 2.ATTORNEY WORK PRODUCT; and/or 3.CONFIDENTIAL. It is intended only for the individual or entity designated above. Any distribution, copying, or use of or reliance upon the information contained in this e-mail by or to anyone other than the recipient designated above by the sender is unauthorized and strictly prohibited. **IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE ADVISE THE SENDER BY REPLY E-MAIL TO [josephine.ramirez@da.co.hidalgo.tx.us](mailto:josephine.ramirez@da.co.hidalgo.tx.us) AND DELETE THE COMMUNICATION.**  
\*\*\*\*\*

---

**From:** Evangelina Garcia [mailto:evangelina.garcia@co.hidalgo.tx.us]

**Sent:** Tuesday, May 07, 2013 3:04 PM

**To:** josephine ramirez

**Cc:** Martha L. Salazar; Darlene H. Betancourt; oscar.montoya@co.hidalgo.tx.us; calvarez@cityofkingsville.com

**Subject:** Fwd: Mutual Benefit and Use Agreement-City of Kingsville and Hidalgo County

**Importance:** High

Hello Ms. Josie:

As per Marty's direction, please review the attached information received from City Of Kingsville. Back in 2008, we had a mutual agreement in place with the City for the debris removal with their awarded vendor (AshBritt). Since then, they have gone out for new proposals and have contracted same vendor again and we wish to have the mutual agreement in place again for this new term. I am attaching the prior agreement (Mutual Agreement-City Of Kingsville) that we had in place should you wish to review including the proposed agreement sent by City Of Kingsville (MOU-Hidalgo County-AshBritt-May 2013). Marty needs for you to review the new agreement for approval as to form since I pretty much need to get back to the City Of Kingsville on or before tomorrow and allow them to proceed with an agenda item for their May 13, 2013 Court meeting.

Please let me know if you have any questions, if not, I will await your response on your review.

Thank you

----- Forwarded Message -----

From: Courtney Alvarez <[calvarez@cityofkingsville.com](mailto:calvarez@cityofkingsville.com)>

To: evangelina garcia <[evangelina.garcia@co.hidalgo.tx.us](mailto:evangelina.garcia@co.hidalgo.tx.us)>

Sent: Tue, 07 May 2013 14:23:12 -0500 (CDT)

Subject: Mutual Benefit and Use Agreement-City of Kingsville and Hidalgo County

Dear Ms. Garcia,

The City Manager forwarded your request regarding execution of a new "Mutual Benefit and Use Agreement" between Hidalgo County and the City of Kingsville to me. I have taken the language from the prior agreement and added some additional language to (1) provide more detail on the City's procurement process for this service and (2) specify language in the "therefore" section that tracts the language in the Local Government Code for cooperative purchasing contracts such as this one. In practice, nothing will be done differently than was done in the past.

Please review the suggested revisions and let me know if you have any comments or concerns. I believe the City Secretary intends to post the agenda for our May 13<sup>th</sup> City Commission meeting some time tomorrow afternoon. If you would like this item on that agenda, then please provide me with your feedback by tomorrow morning.

Otherwise, the item will need to wait until our next meeting on May 28<sup>th</sup>. I can be reached by email or at (361) 595-8016.

Thanks,  
Courtney Alvarez  
City Attorney  
City of Kingsville

---