

Zimbra

yolanda.velasquez@co.hidalgo.tx.us

Fwd: Draft Service Contract for "Professional Energy Consultant Services"

From : Darlene H. Betancourt
<darlene.betancourt@co.hidalgo.tx.us>

Thu, Jan 22, 2015 12:55 PM

 1 attachment

Subject : Fwd: Draft Service Contract for
"Professional Energy Consultant
Services"

To : Yolanda Velasquez
<yolanda.velasquez@co.hidalgo.tx.us>

Ms. Yoli,

See recommended changes by Mr. Crain on the Consulting Svcs draft agreement for Energy Consulting Svcs

Respectfully,

Darlene H. Betancourt, CPPB
Hidalgo County Purchasing Department
2808 S. Business Highway 281
Edinburg, TX. 78539

Phone: 956-292-7000 x-4852

Fax: 956-292-7612

website: www.co.hidalgo.tx.us/purchasing

From: "Steve Crain" <scrain@atlashall.com>

To: "Darlene H. Betancourt" <darlene.betancourt@co.hidalgo.tx.us>

Sent: Thursday, January 22, 2015 11:13:39 AM

Subject: RE: Draft Service Contract for "Professional Energy Consultant Services"

Please change the word "termination" in numbered paragraph 23 to "terminate".

From: Darlene H. Betancourt [mailto:darlene.betancourt@co.hidalgo.tx.us]

Sent: Thursday, January 22, 2015 10:54 AM

To: Stephen L. Crain

Cc: Yolanda Velasquez; Martha Salazar

Subject: Fwd: Draft Service Contract for "Professional Energy Consultant Services"

Good Morning Mr. Crain,

In regard to the recommended changes to the draft consulting services contract which reads as follows;

Consultant(s) agrees to provide the County the consulting services required by Hidalgo County in connection with "Professional Energy Consultant Services" (the Project")

pursuant to Article 262.024 "The Professional Service Procurement Act", Texas Local

Government Code.

Sec. 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;
- (10) any work performed under a contract for community and economic development made by a county under Section [381.004](#); or
- (11) vehicle and equipment repairs.

(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)(8) 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 shall award food purchase contracts to the responsible bidder who submits the lowest and best bid or shall reject all bids and repeat the bidding process, as provided by this subsection. The purchasing officer taking telephone or written bids under this subsection shall maintain, on a form approved by the commissioners court, a record of all bids solicited and the vendors contacted. This record shall be kept in the purchasing office for a period of at least one year or until audited by the county auditor.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1, Sec. 59(c), eff. Aug. 28, 1989; Acts 1989, 71st Leg., ch. 962, Sec. 1, eff. Sept. 1, 1989; Acts 1989, 71st Leg., ch. 1001, Sec. 2, eff. Aug. 28, 1989; Acts 1989, 71st Leg., ch. 1060, Sec. 1, eff. Aug. 28, 1989; Acts 1991, 72nd Leg., ch. 16, Sec. 13.03, eff. Aug. 26, 1991; Acts 1997, 75th Leg., ch. 442, Sec. 2, eff. Sept. 1, 1997; Acts 2001, 77th Leg., ch. 1065, Sec. 1, eff. June 15, 2001.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1272 (H.B. [3517](#)), Sec. 3, eff. September 1, 2007.

If I recall, the above-referenced section 262.024 Texas Local Government Code does not mention Consulting services or the Professional Services Procurement Act, nor does Consulting services fall within the category of the Act, is this an error, please advise

Respectfully,

Darlene H. Betancourt, CPPB
Hidalgo County Purchasing Department
2808 S. Business Highway 281
Edinburg, TX. 78539

Phone: 956-292-7000 x-4852
Fax: 956-292-7612

website: www.co.hidalgo.tx.us/purchasing

From: "Yolanda Velasquez" <yolanda.velasquez@co.hidalgo.tx.us>
To: "Darlene H. Betancourt" <darlene.betancourt@co.hidalgo.tx.us>
Sent: Thursday, January 22, 2015 10:40:04 AM
Subject: Fwd: Draft Service Contract for "Professional Energy Consultant Services"

Hello,

As per our conversation and our concern, attach please find "Contract for Consulting Services" with changes recommended by legal made.

Please forward to legal for review as to form.
Yolanda Velasquez, Buyer III
Hidalgo County Purchasing Dept.
Tel: (956) 318-2626 ext. 4881
yolanda.velasquez@co.hidalgo.tx.us

From: "Stephen L. Crain" <scrain@atlashall.com>
To: "Yolanda Velasquez" <yolanda.velasquez@co.hidalgo.tx.us>
Sent: Thursday, January 22, 2015 9:50:49 AM
Subject: FW: Draft Service Contract for "Professional Energy Consultant Services"

Good morning Yolanda:

See the attached pdf doc989 with Mr. Crain's proposed changes. Please call our office if you have any questions.

Thank you,
Marynel Trevino, Secretary for

Stephen L. Crain & J. Joseph Vale
ATLAS, HALL & RODRIGUEZ, LLP
818 Pecan Blvd. (78501)
P. O. Box 3725
McAllen, Texas 78502
Direct Dial Number (956) 632-8221
Main Number (956) 682-5501
Fax Number (956) 686-6109
E-mail Address scrain@atlashall.com

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This communication does not reflect an intention by the sender or the sender's client or principal to conduct a transaction or make any agreement by electronic means. Nothing contained in this message or in any attachment shall satisfy the requirements for a writing, and nothing contained herein shall constitute a contract or electronic signature under the Electronic Signatures in Global and National Commerce Act, any version of the Uniform Electronic Transactions Act or any other statute governing electronic transactions.

From: Yolanda Velasquez [<mailto:yolanda.velasquez@co.hidalgo.tx.us>]
Sent: Thursday, January 22, 2015 9:11 AM

To: Steve Crain

Subject: Fwd: Draft Service Contract for "Professional Energy Consultant Services"

Importance: High

Good morning Mr. Crain,

As per directive, attach please find copy of "Draft Consulting Contract" for your review. Please advise.

Thanks

Yolanda Velasquez, Buyer III
Hidalgo County Purchasing Dept.
Tel: (956) 318-2626 ext. 4881

yolanda.velasquez@co.hidalgo.tx.us

From: "Martha Salazar" <martha.salazar@co.hidalgo.tx.us>

To: "Stephen L. Crain" <scrain@atlashall.com>

Cc: "Yolanda Velasquez" <yolanda.velasquez@co.hidalgo.tx.us>, "Darlene H. Betancourt" <darlene.betancourt@co.hidalgo.tx.us>

Sent: Tuesday, January 20, 2015 4:28:26 PM

Subject: Fwd: Draft Service Contract for "Professional Energy Consultant Services"

Mr. Crain:

Enclosed for your review & comment is the procurement packet for the already approved for advertising project: Professional Energy Consultant Services. We need your recommendation as to the appropriate form of agreement (draft attached) and have also provided 2 samples of Exhibit C. One with PL and one without. The first ad will publish this Saturday, Jan. 24th. We await your response and any recommendations so as to prepare the packets for distribution.

Thanks,
Marty S.

From: "Yolanda Velasquez" <yolanda.velasquez@co.hidalgo.tx.us>

To: "Martha Salazar" <martha.salazar@co.hidalgo.tx.us>

Cc: "Darlene H. Betancourt" <darlene.betancourt@co.hidalgo.tx.us>

Sent: Tuesday, January 20, 2015 3:59:07 PM

Subject: Fwd: Draft Service Contract for "Professional Energy Consultant

Services"

Good afternoon Mrs. Marty,

As per conversation, I have attached a copy of the insurance requirements for legal review/recommendation.

Thanks

Yolanda Velasquez, Buyer III
Hidalgo County Purchasing Dept.
Tel: (956) 318-2626 ext. 4881

yolanda.velasquez@co.hidalgo.tx.us

From: "Darlene H. Betancourt" <darlene.betancourt@co.hidalgo.tx.us>
To: "Martha Salazar" <martha.salazar@co.hidalgo.tx.us>
Cc: "Yolanda Velasquez" <yolanda.velasquez@co.hidalgo.tx.us>
Sent: Tuesday, January 20, 2015 2:43:20 PM
Subject: Fwd: Draft Service Contract for "Professional Energy Consultant Services"

Ms. Marty,

Has Mr. Crain responded or provided information on the above-mentioned draft contract and suggested insurances? Yoli has advised me the 1st ad is pending to be advertised this coming weekend (January 24th), please advise

Respectfully,

Darlene H. Betancourt, CPPB
Hidalgo County Purchasing Department
2808 S. Business Highway 281
Edinburg, TX. 78539

Phone: 956-292-7000 x-4852
Fax: 956-292-7612

website: www.co.hidalgo.tx.us/purchasing

From: "Darlene H. Betancourt" <darlene.betancourt@co.hidalgo.tx.us>
To: "Martha Salazar" <martha.salazar@co.hidalgo.tx.us>

Cc: "Yolanda Velasquez" <yolanda.velasquez@co.hidalgo.tx.us>
Sent: Friday, January 16, 2015 2:01:54 PM
Subject: Fwd: Draft Service Contract for "Professional Energy Consultant Services"

Ms. marty,

Attached you will find a draft consulting services agreement previously utilized for consulting services project. This particular draft agreement would be for the Consulting Svcs related to Energy Consulting requested by the County Judges office. Additionally attached you will find the requirements for the project for Mr. Crain's review.

Yoli has advised me the project will advertise commencing tomorrow (January 17th & 24th), however, the draft will be included in the packets to be distributed after Monday.

Also, would these types of services require higher limits of insurance coverages other than Exhibit "c", please advise

Respectfully,

Darlene H. Betancourt, CPPB
Hidalgo County Purchasing Department
2808 S. Business Highway 281
Edinburg, TX. 78539

Phone: 956-292-7000 x-4852
Fax: 956-292-7612

website: www.co.hidalgo.tx.us/purchasing

From: "Yolanda Velasquez" <yolanda.velasquez@co.hidalgo.tx.us>
To: "Darlene H. Betancourt" <darlene.betancourt@co.hidalgo.tx.us>
Sent: Friday, January 16, 2015 1:22:24 PM
Subject: Draft Service Contract for "Professional Energy Consultant Services"

Good afternoon Mrs. Darlene,

Can you please forward to legal "Draft Contract" for above mentioned project for review as to form.

Thanks

Yolanda Velasquez, Buyer III
Hidalgo County Purchasing Dept.
Tel: (956) 318-2626 ext. 4881
yolanda.velasquez@co.hidalgo.tx.us



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