

Subject: Re: RFB 2020-494-10-21-JAG Update
From: Joshua Kaltenbach <joshua.kaltenbach@hidalgo.org>
To: Jorge Garza <jorge.garza1@co.hidalgo.tx.us>
Cc: steve.caro@hidalgo.org, Sabrina Solis <sabrina.solis@hidalgo.org>
Date Sent: Thursday, October 29, 2020 3:59:49 PM GMT-05:00
Date Received: Thursday, October 29, 2020 3:59:29 PM GMT-05:00
Attachments: Bus purchase approval.pdf, Bus purchase-legal question.pdf, Bus purchase-legal.pdf

Good afternoon Jorge,

Attached is the signed memo concurring with recommendation. Just to clarify it was confirmed the funding source will now be commissary funds instead of the SCAAP grant. Also attached is the response from legal approving the use of commissary money to pay for the bus.

Thank you

Sgt. Joshua Kaltenbach
Hidalgo County Sheriff's Office
711 El Cibolo Road
Edinburg, Texas 78542
(956)393-6037 Office
(956)648-3094 Cell

----- Original Message -----

From: "Jorge Garza" <jorge.garza1@co.hidalgo.tx.us>
Sent: 10/21/2020 3:47:43 PM
To: "Joshua Kaltenbach" <joshua.kaltenbach@hidalgo.org>
Cc: steve.caro@hidalgo.org, "Sabrina Solis" <sabrina.solis@hidalgo.org>
Subject: RFB 2020-494-10-21-JAG Update

Good Afternoon Sgt.

Attached you will find my summary tabulation sheet for the bids I received for Project Purchase of a prisoner transport bus, Please call me if you have any questions.



JORGE A. GARZA
Contract Specialist II
Hidalgo County Purchasing Department
(956) 318-2626 Ext. 4874
2812 S. Bus. HWY 281
Edinburg, TX 78539



2802 S. Bus. Hwy 281
Edinburg, Texas 78539
Phone: (956) 318-2626
www.co.hidalgo.tx.us/purchasing

MEMORANDUM OF RECOMMENDATION

To: Sgt. Joshua kaltenbach, H.C. Sheriff's Office
Attn: Sabrina Solis, Program Manager
From: Jorge Garza, Contract Specialist II
Hidalgo County Purchasing Department
Date: October 21, 2020
Subject: Recommendation to award for: Bid No.: 2020-494-10-21-JAG
Hidalgo County –“Purchase of A Prisoner Transport Bus”

Attached you will find the tabulation sheet with the sole responsible bidder meeting qualifications as listed in our procurement packet received for the above referenced project. Please review the tabulation sheet, select the vendor to award and/or reject the bid response, and return the signed memo to Jorge.Garza@co.hidalgo.tx.us by no later than **Friday, October 30, 2020 by 12:00 P.M.**, in order to place this item on the agenda for Commissioners' Court approval.

Purchasing's recommendation: Longhorn Bus Sales

- Concur with Recommendations
- Award to a different vendor _____
- Reject all bids received and re-bid
- Cancel Project

Please include the account number(s) for the above reference project.

Account No.: _____

Cpt. David Friedman Cpt. [Signature] HCSD 10/29/2020
PRINTED NAME AUTHORIZED SIGNATURE DEPARTMENT DATE

JAG
Enclosures Tabulation Sheet

From: "Lt Steve Caro" <steve.caro@hidalgo.org>
To: joshua.kaltenbach@hidalgo.org
Subject: Fwd: Commissary Expense - Inmate Long-Transport Bus Purchase
Date: 10/29/2020 2:54:40 PM

Lt. Steve Caro
Administration / Finance Division
711 El Cibolo Road
Edinburg, Texas
Office: (956) 393-6005
Cell: (956) 292-6605

----- Original Message -----

From: "Cpt. David Friedlein" <david.friedlein@hidalgo.org>
Sent: 10/19/2020 8:38:09 AM
To: josephine.ramirez@da.co.hidalgo.tx.us
Cc: "LT Esteban Caro 1375" <steve.caro@hidalgo.org>
Subject: Commissary Expense - Inmate Long-Transport Bus Purchase

Good morning, Chief Ramirez.

Our office is contemplating using Commissary Funds purchase a bus for the secure, long distance transport of inmates from the Hidalgo County Adult Detention Center to prison systems throughout the State of Texas. This is a necessary expense Texas Local Government Code Section 351.0415 states the following:

Sec. 351.0415. COMMISSARY OPERATION BY SHERIFF OR PRIVATE VENDOR.

(a) The sheriff of a county or the sheriff's designee, including a private vendor operating a detention facility under contract with the county, may operate, or contract with another person to operate, a commissary for the use of the inmates committed to the county jail or to a detention facility operated by the private vendor, as appropriate. The commissary must be operated in accordance with rules adopted by the Commission on Jail Standards.

(b) The sheriff or the sheriff's designee:

(1) has exclusive control of the commissary funds;

(2) shall maintain commissary accounts showing the amount of proceeds from the commissary operation and the amount and purpose of disbursements made from the proceeds; and

(3) shall accept new bids to renew contracts of commissary suppliers every five years.

(c) The sheriff or the sheriff's designee may use commissary proceeds only to:

(1) fund, staff, and equip a program addressing the social needs of the inmates, including an educational or recreational program and religious or rehabilitative counseling;

(2) supply inmates with clothing, writing materials, and hygiene supplies;

- (3) establish, staff, and equip the commissary operation and fund the salaries of staff responsible for managing the inmates' commissary accounts;
- (4) fund, staff, and equip both an educational and a law library for the educational use of inmates; or
- (5) fund physical plant improvements, technology, equipment, programs, services, and activities that provide for the well-being, health, safety, and security of the inmates and the facility.

We believe that the purchase of services meets the test under 351.0415 (c) (5). The charter bus services will allow for the safe transport of inmates.

Please review and provide your opinion regarding the use of commissary funds for this project.

Cooperatively,

David D. Friedlein II, MSCJ
Captain - Administration
P.O. Box 1228 Edinburg, Texas 78542
Office 956-393-6082 Fax 956-393-6021
Work Cell 956-457-4770

From: "Lt Steve Caro" <steve.caro@hidalgo.org>
To: joshua.kaltenbach@hidalgo.org
Subject: Fwd: Commissary Expense- Inmate Long-Transport Bus Purchase
Date: 10/29/2020 2:54:29 PM

Lt. Steve Caro
Administration / Finance Division
711 El Cibolo Road
Edinburg, Texas
Office: (956) 393-6005
Cell: (956) 292-6605

----- Original Message -----

From: "David Cantu" <david.cantu@da.co.hidalgo.tx.us>
Sent: 10/19/2020 9:44:21 AM
To: "friedlein, david" <David.friedlein@hidalgo.org>
Cc: "Josephine Ramirez" <josephine.ramirez@da.co.hidalgo.tx.us>, "Victor Garza" <victor.garza@da.co.hidalgo.tx.us>, steve.caro@hidalgo.org
Subject: Commissary Expense- Inmate Long-Transport Bus Purchase

Good Morning Mr. Friedlein,

Our office reviewed the request your office sent regarding the prospective purchase of an inmate long-transport bus and the use of commissary funds. Our office's recommendation is as follows:

You have identified and represented that the use of the long-transport bus would fall within the scope of "fund physical plant improvements, technology, equipment, programs, services, and activities that provide for the well-being, health, safety, and security of the inmates and the facility" under §351.0415(c)(5) Tex. Local Gov't Code. As our office has advised in the past, the use of the commissary funds is guided by the Texas Local Gov't Code. The Local Government Code dictates that the sheriff or the sheriff's designee may use commissary proceeds for a limited number of purposes, including the purchase of "fund physical plant improvements, technology, equipment, programs, services, and activities that provide for the well-being, health, **safety, and security of the inmates and the facility.**" See Tex. Loc. Gov't Code §351.0415(c)(5)

As you have represented that the proposed purchase of the long-transport bus, is intended for the well-being, health, safety, and security of the inmates and the facility; and without further guidance that such a purchase is not permitted by section 351.0415(c)(5), it is within the Sheriff's discretion to use these funds for this purpose.

Again, as we have previously advised, although the sheriff has exclusive control over the funds, the sheriff's determination of the appropriateness of these expenditures is subject to judicial review under an abuse of discretion standard, as well as administrative review by the Commission on Jail Standards.

Please let us know if there are any questions or concerns.

Sincerely,

--

David R. Cantu

Assistant District Attorney
Civil Litigation Division
Office of the Criminal District Attorney
Hidalgo County, Texas
100 E. Cano
Edinburg, Texas 78539
(956) 292-7609
(956) 292-7619 FAX
david.cantu@da.co.hidalgo.tx.us