

MEMORANDUM OF UNDERSTANDING
Between
Webb County Commissioners Court
and
Water Utilities Department

This Memorandum of Understanding ("MOU") is entered into by and between the Webb County Commissioners Court ("Commissioner's Court") and the Webb County Utilities Department ("Utilities Department"), hereinafter the Parties. In consideration of those mutual undertakings, the Parties agree as follows:

WHEREAS, The County of Webb is designated to accept and administer funds from the federal American Rescue Plan Act ("ARPA"), sections 602 and 603 of the Social Security Act as added by section 9901 of the American Rescue Plan Act of 2021 (the "Act"), Pub. L. No. 117-2 (Mar. 11, 2021); and

WHEREAS, the Webb County Commissioner's Court, in accordance with their powers, appropriated ARPA funds for specific programs and purposes; and

WHEREAS, the Commissioner's Court has the duty to supervise, direct, and control the administration of all departments, offices, and functions of the Webb County government; and

WHEREAS, Webb County departments execute the expenditure of duly appropriated funds under the direction of the Commissioner's Court; and

WHEREAS, the Parties desire to enter into this MOU pursuant to the Coronavirus State and Local Fiscal Recovery Funds final rule effective April, 1, 2022 ("Final Rule") to memorialize their understanding of the work to be performed on conformance thereof; and

NOW, THEREFORE, the Parties agree to the terms and conditions set forth below:

I. Purpose

The purpose of this MOU is to memorialize an agreement to obligate the ARPA State and Local Fiscal Recovery Funds ("Funds") in conformance with the Final Rule for those purposes set forth below.

II. Conditions and Scope

The Webb County Commissioner's Court appropriated funds and agrees to expend the Funds to perform the "Scope of Work," as set forth in Attachment A.

Therefore, Attachment A by and through the authority of the Commissioners Court hereby binds, allocates and imposes as a condition that these funds may only be utilized by the Utilities Department ("Department") to:

1. Carryout the projects detailed in Attachment A.

2. The procurement of goods or services by Department are for the sole completion of the projects in Exhibit A. As such the Scope of Work will be subject to the following conditions found in Attachment A, which details and sets forth the following:
 - a. The specific requirements, including the scope of work and project deliverables; and
 - b. By signing this agreement it constitutes binding Agreement between the Utilizes Department while the Commissioners Court retains rights to oversee the disbursement of funds in strict conformance with the Scope of Work for the projects and deliverables found in Attachment A.

III. Amount

The Commissioners Court agrees to obligate the Funds in an amount not to exceed \$7,485,232.00 to complete the "Scope of Work," as set forth in Attachment A and the Utilities Department agrees to expend the Funds in such amount.

IV. Term

The MOU shall be effective from the date executed below which is on or prior to December 31, 2024 and shall expire on January 1, 2027.

V. Binding Effect

The MOU shall be binding upon and between the Parties hereto and upon any respective successors and assignees of the Parties. The Funds shall only be expended as authorized under Coronavirus State and Local Fiscal Recovery Funds (SLFRF) program; Final Rule effective April 1, 2022.

VI. Obligation of the Parties

The Parties agree to the following obligations under this MOU:

- a. The Webb County Commissioner's Court appropriated funds for the Legislative Initiatives Programs which includes funds for the "Scope of Work," set forth in Attachment A.
- b. The Commissioner's Court directs the Utilities Department to ensure the work is completed and the funds are expended by December 31, 2026.
- c. The Utilities Department shall expend the Funds in amount not to exceed the amount set forth in Paragraph III to pay for the cost of the Scope of Work.
- d. The Utilities Department shall follow federal, state and local procurement and expenditure requirements as mandated by ARPA.
- e. The Water Utilities Department and its Director shall ensure a complete procurement file for each contract necessary to perform the Scope of Work is retained and preserved.

VII. Applicable Law

This MOU shall be governed by and construed in accordance with the laws of the State

of Texas.

Agreed to this the _____ day of _____, 2024.

County Judge

Agreed to this the _____ day of _____, 2024.

Director Utilities

Attachment A Scope of Work

La Presa Booster Pump Station Project

As part of the hydraulic analysis, the pressures in the proposed ARPA transmission main and distribution system were examined. The transmission main can maintain adequate pressures along US-83 but once it reaches the La Presa Community the pressures begin to drop. Due to future water demands from the transmission main and the significant changes in elevation, there are areas that drop below the minimum required pressure of 35 psi. A booster pump station and with a hydro-pneumatic tank has been recommended to improve water pressure in the area and satisfy the future needs of this area.

The Scope of Work for this project will include the following:

- **Ground Storage Tank (GST) and Booster Pump Station (BPS)**
 - A GST and BPS will be proposed to comply with water storage requirements, pumping capacity requirements, emergency storage for Colonia La Presa, and maintain minimum water pressure for the Colonia La Presa and surrounding area.
- **Hydro-pneumatic Tank**
 - A Hydro-pneumatic Tank will be proposed to pressurize the water system in this area and to supplement elevated storage regulatory requirements.
- **Chemical Boosting System**
 - The project will incorporate a residual management system mitigate water quality issues due to projected low demand in initial years of the waterline extension.

La Presa Waterline Extension Phase II

The La Presa Waterline Extension Phase II will extend the 16" transmission main for approximately 1.3 miles to the east extending from the proposed fire station on Mangana Hein Road to the intersection of Mangana Hein Road and Ranch to Market Road 6073A. In addition, this Phase II project will provide a distribution system for approximately 85 parcels with mixed residential and business use. The distribution system for 2.1 miles and will be comprised of six- and eight-inch waterlines for the Colonia La Presa East of Sciaraffa Parkway.

The Scope of Work for this project will include the following:

- **16" Transmission Main (Length of Project: 1.3 Miles)**
 - This project will extend the transmission main along Mangana Hein Road for an approximate distance of 1.3 miles to the intersection of Mangana Hein Road and Ranch to Market Road 6073A.
 - Currently there is a 16" transmission main under construction and it will terminate approximately 1.4 miles from the intersection of Cuatro Vientos Road and Mangana Hein Road at the County's La Presa Fire station.
- **6" and 8" Distribution System (Length of Project: 2.1 Miles)**
 - 8" Water Line extension along Ranch to Market Road 6073A East of Sciaraffa Parkway for approximately 1.35 miles.
 - 6" to 8" Waterline Extension along Ranch Road 6083 D and along existing utility easements for approximately .75 miles.

Budget Breakdown:

La Presa Booster Pump Station Project	\$ 4,011,860.00
Mobilization, Bonds and Insurance	\$ 330,000.00
General Site and Access Improvements	\$ 156,000.00
Yard Piping and Ground Storage Tank Improvements	\$ 1,105,000.00
Pump and Hydro-pneumatic Tank Improvements	\$ 1,482,000.00
Electrical Improvements	\$ 451,360.00
Instrumentation and Controls	\$ 279,500.00
Disinfection Improvements	\$208,000.00
La Presa Waterline Extension Phase II Project	\$ 3,473,372.00
Mobilization, Bonds and Insurance	\$ 319,852.00
Transmission Waterline Improvements (Approx. 1.3 Miles)	\$ 1,215,438.00
Distribution System Waterline Improvements (Approx. 2.1 Miles)	\$ 1,983,082.00
Project Totals:	\$ 7,485,232.00