

From: [Butch Grote](#)
To: BDaigh@Wilco.Org; JEanie_Wellsngland@Wilco.Org
Cc: [Danny Stabeno](#); [Dave Tovar](#); [Gloria Brown](#); [Pat Crews-Weight](#)
Subject: Re: TxDOT's DBE Program Memorandum of Understanding and Williamson County
Attachments: [WilliamsonCountyOldMOU02012011.pdf](#)

Greetings Mr. Daigh / Mr. England,

A recent review of the existing MOU between Williamson County and TxDOT revealed an error regarding an FHWA reporting requirement in section 5(k) where it states the following (see attached file):

"The County will submit DBE quarterly progress reports to FHWA through the division administration of the Texas Division of FHWA."

These reports should actually be sent to TxDOT and not FHWA. This language has been corrected on the new automated MOU form listed at the link below.

We would suggest that Williamson County review and submit a new MOU form, review the processes, forms and attachments so that you can ensure you have up-to-date forms and processes in place along with the correct verbiage in the MOU.

(Standard form letter below)

Texas Dept of Transportation has a new automated process for the Local Government Entities DBE Program Memorandum of Understanding (MOU). The MOU documents are located at the following website: http://www.dot.state.tx.us/business/business_outreach/mou.htm

You're receiving this information because your local TxDOT office has indicated that you either have or will be participating in a TxDOT federally funded construction project. In order to do so, you must enter into an agreement with TxDOT adopting their federally approved DBE program for the State of Texas

At this website you will find the MOU Instructions and Requirements, TxDOT's MOU Form 2395 and MOU Attachments file.

In addition, at this same website you can verify the status of your MOU by clicking on the link to "Current list of Local Government Entities with an MOU". If your local government entity has a "Pending" status it means that the request is in the final stages of TxDOT's Executive Director signing the final agreement. Once it has been signed by the Executive Director, your entity will receive a fully executed original copy and the "Pending" status will be removed and the final date entered in for the "Date MOU Executed" field.

If your local government entity's name does not appear on the list, it means that TxDOT is waiting on information from your entity such as: Agenda and Minutes, Resolution, Signed MOU, Other supporting documentation.

After successfully downloading and reviewing all of the above documents, complete and sign two (2) originals of the MOU by someone in an official capacity with the authority to bind the entity to the MOU agreement and then return to the address below:

Texas Dept. of Transportation
Office of Civil Rights
Attn. - Local Government MOUs
125 E 11th Street
Austin, TX 78701

The enforcement date of the MOU will be the actual date and time that it has been fully executed by

the TxDOT Executive Director. The agenda and minutes approving the adoption of the DBE Program must accompany the signed duplicate counterpart originals of the MOU when presented to TxDOT Executive Director for signature. The originals must be signed by someone who has contract signature authority and can legally bind the Local Government Entity.

If there is no such statute, ordinance, or delegation of authority, the Local Government Entity will need to convene a special meeting and pass such a resolution or ordinance and send those documents to TxDOT. The MOU cannot be fully executed prior to the authorization and confirmation of those documents.

If this is a city, we'll need to receive a copy of the ordinance, city charter or other legal authority that gives the City Manager the authority to bind the City to the terms and conditions of the MOU; or

That the mayor has the authority to delegate signature authority, and we'll need a letter from the Mayor acknowledging that authority. If the Mayor has delegated signature authority, the execution date on the MOU cannot be prior to the date on the Mayor's signature authority letter. A legal citing of the state law or statute granting this authority will also be required and need to be sent to TxDOT.

Best regards,

Butch Grote

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