



**SOLICITATION OF BIDS POLICY
For**

HIDEAWAY ON THE GULF PROPERTY OWNERS ASSOCIATION

THE STATE OF TEXAS §
 § **KNOW ALL PERSONS BY THESE PRESENTS:**
COUNTY OF BRAZORIA §

WHEREAS HIDE-A-WAY ON HTE GULF PEOPETY OWNERS ASSOCIATION, INCORPORATED (the “Association”) is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (collectively referred to as the “Declarations”).

WHEREAS Section 209.0052 of the Texas Property Code was amended by the 87th Texas Legislature and allows property owners associations to adopt reasonable guidelines to regulate the competitive bidding process for services within the community.

WHEREAS the Board of Directors of the Association (“Board”) desires to establish a policy for Solicitation of Bids consistent with Section 209.0052 of the Texas Property Code, and to provide clear and definitive guidance to homeowners and the Association Board of Directors.

WHEREAS this policy applies to Hide-A-Way on the Gulf neighborhood in Brazoria County, Texas.

NOW THEREFORE, BE IT RESOLVED THAT:

The following **POLICY REGARDING SOLICITATION OF BIDS** is hereby adopted:

Purpose and Intent: This document sets forth minimum standards for Hide-A-Way on the Gulf Property Owners Association regarding the approved process for soliciting bids for goods and services within the community. The Hide-A-Way neighborhood Board of Directors shall actively solicit bids within the governing parameters of this Policy to fulfill its fiduciary responsibilities to the Community.

Authority: The Board of Directors, pursuant to.

- Texas Property Code, Section 209.0052.

hereafter known as the “Governing Documents” of the Association, has the authority to adopt and publish rules and regulations governing the appropriate Solicitations of Bid process for goods and services required within the community.

- Policy Conflict:** This stated Solicitation of Bid policy shall automatically subordinate to any City, County, State or Federal rules and regulations regarding the competitive bid process within the community where and when this policy is in direct conflict with those rules and regulations.
- Applicability:** The parameters contained within this Solicitation of Bids policy shall govern the fiduciary responsibilities of the Hide-A-Way on the Gulf Property Owners Association Board of Directors when third-party goods and services are required for the community with a monetary value of more than \$10,000.00.
- Minimum Number of Solicited Bids:** A minimum of three (3) competitive bids from third-party contractors for applicable goods or services shall be solicited.
- Bid Package Requirements:** The Board of Director’s request for quotation (RFQ) may include any or all the following items.
- Brief outline or summary of Scope of Work (SOW) to be performed by the contractor.
 - A targeted work start / work completion date, if feasible.
 - A request to the contractor to provide an itemized listing of all materials and/or labor required to complete the project.
 - A request to the contractor to provide copies for current liability insurance coverage and/or bonding certificate(s), State and/or Local licenses, permits and Workers Compensation Insurance (WCI) coverage.
 - A request to the contractor to provide a list of references where similar type work has been completed within the last three (3) years;
- Contractor(s) Submittal:** All contractor submittal packages shall address each element of the bid request. At the discretion of the Board, a non-responsive

submittal may be rejected, or the affected contractor may be asked to provide further information to satisfy bid process requirements.

Direct Source/Sole Source:

The requirements of this policy, to obtain multiple bids may be waived if any of the circumstances listed below apply.

- If the work is in response to an emergency, affects immediate community safety, health, or welfare, presents an immediate security risk to the community or is an “Act of God,” and required lead time to secure competitive bids is not practical and would place the community at greater risk. Under these circumstances, the Board may, by majority vote, omit solicitation for competitive bids.
- Other contractors are not willing to provide a bid for a specific community project.
- The goods or service requested by the Homeowners Association does not permit solicitation of competitive bids.
- Only one contractor can meet Homeowner Association requested delivery / completion dates based on the requirements set forth in the scoping document, industry standards, design, quality, or compatibility requirements.
- Lead time required for securing competitive bids would be detrimental to the Association.

Bid Evaluation Process:

All bids received by the Board from solicited contractors shall be evaluated on the following minimum basis (basis is not meant to be all inclusive).

- Timely receipt of requested bid.
- Contractor ability to meet requested project schedule and budget requirements.
- Contractor ability to meet minimum requirements set forth in the scoping documents.
- Final contract price for requested goods and services.
- Ability to warranty work.

Basis for Selection and Award of Bid:

The winning bidder shall be selected on the following basis.

- Timely submission of requested bid documents. Bid documents not received by the requested submission date shall be acknowledged by the Association as a “NO BID” by the contractor unless prior communication between contractor and Association has occurred where the

contractor has requested an extension. If an extension is granted that extension shall apply to all active bidders.

- Ability to meet schedule and/or budget requirements as set forth by the scoping document.
- Ability to provide required labor, tools, equipment, and material to execute project scope of work.

The Board of Directors shall have the discretion too.

- Accept a bid higher than the lowest bidder, if justified, based on contractor qualifications, safety, or ability to meet schedule, or execute work.
- Justification for choosing a bidder other than the lowest bidder shall be documented and retained for permanent record based on the Associations record retention policy.
- If after thorough bid evaluation only one contractor meets all project requirements, the Board, at its discretion, may accept the bid of said contractor or by a majority vote, go out for bid again.

Award Notification: The winning bidder shall be notified by phone from the Association Board that they are the successful bidder. A rejection email shall be sent to all other bid participants who were not the successful bidder.

Conflict of Interest: In the unlikely event that a Conflict of Interest or a perceived Conflict of Interest could exist between a current Board member and any contractor that has been requested to bid on an Association project, the Board member of interest shall immediately disclose the Conflict of Interest or perceived Conflict of Interest to all Association Board members. That disclosure shall be in written form and retained for record per the Associations record retention policy. The Board member of interest shall excuse themselves from participating in the bid process where any Conflict of Interest may exist or be perceived to exist.

Exclusions: This Solicitation of Bid policy shall not apply to any Association expenditure(s), project(s) or contract(s) that were executed prior to the acceptance of this policy.

Note: This Solicitation of Bid policy is a financial tool and administrative guideline to be used by the Association Board of

Directors when considering Association expenditures. The Board shall always exercise good judgement and discretion to make the best decision possible on behalf of the Hide-A-Way on the Gulf Property Owners Association and its Membership.

Approved and adopted this 28th day of December, 2023, by the Board of Directors of HIDE-A-WAY ON HTE GULF PROPERTY OWNERS ASSOCIATION, INCORPORATED.

HIDE-A-WAY ON HTE GULF PROPERTY OWNERS ASSOCIATION, INCORPORATED

Lynda Beth Hudgins
Signature of President

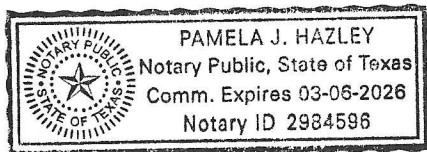
Print Name: Lynda Beth Hudgins

THE STATE OF TEXAS §

COUNTY OF BRAZORIA §

THIS INSTRUMENT was acknowledged before me on this the 28th day of December 2023, by Lynda Beth Hudgins

Pamela J. Hazley
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS



FILED and RECORDED

Instrument Number: 2023057600

Filing and Recording Date: 12/29/2023 02:10:12 PM Pages: 6 Recording Fee: \$42.00

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Brazoria County, Texas.



A handwritten signature in black ink that reads "Joyce Hudman".

Joyce Hudman, County Clerk
Brazoria County, Texas

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