



City of Austin
Contract Management Department
Certificate of Exemption

DATE: **March 20, 2015**

DEPT: **Parks and Recreation**

TO: **Contract Management Department
Director or Designee**

FROM: **Marty Stump**

PHONE: **512-974-9460**

Chapter 252 of the Local Government Code requires that municipalities comply with the procedures established for competitive sealed bids or proposals before entering into a contract requiring an expenditure of \$50,000 or more, unless the expenditure falls within an exemption listed in Section 252.022.

This Certification of Exemption is executed and filed with the Contract Management Department as follows:

1. The undersigned is authorized to submit this certification.
2. The undersigned certifies that the following exemption is applicable to this purchase. (Please check which exemption you are certifying)
 - ☐ a procurement made because of a public calamity that requires the immediate appropriation of money to relieve the necessity of the municipality's residents or to preserve the property of the municipality
 - ☐ a procurement necessary to preserve or protect the public health or safety of municipality's residents
 - ☐ a procurement necessary because of unforeseen damage to public machinery, equipment, or other property
 - ☐ a procurement for personal, professional, or planning services
 - ☐ a procurement for work that is performed and paid for by the day as the work progresses
 - ☐ a purchase of land or right-of-way
 - ☒ a procurement of items available from only one source, including: items that are available from only one source because of patents, copyrights, secret processes, or natural monopolies; films, manuscripts, or books; gas, water, and other utility services; captive replacement parts or components for equipment; books, papers, and other library materials for a public library that are available only from the persons holding exclusive distribution rights to the materials; and management services provided by a nonprofit organization to a municipal museum, park, zoo, or other facility to which the organization has provided significant financial or other benefits
 - ☐ a purchase of rare books, papers, and other library materials for a public library
 - ☐ paving, drainage, street widening and other public improvements, or related matters, if at least one-third of the cost is to be paid by or through special assessments levied on property that will benefit from the improvements
 - ☐ a public improvement project, already in progress, authorized by voters of the municipality, for which there is a deficiency of funds for completing the project in accordance with the plans and purposes as authorized by the voters

- a payment under a contract by which a developer participates in the construction of a public improvement as provided by Subchapter C, Chapter 212
- personal property sold: at an auction by a state licensed auctioneer; at a going out of business sale held in compliance with Subchapter F, Chapter 17, Business & Commerce Code; by a political subdivision of this state, a state agency of this state, or an entity of the federal government; or under an interlocal contract for cooperative purchasing administered by a regional planning commission established under Chapter 391
- services performed by blind or severely disabled persons
- goods purchased by a municipality for subsequent retail sale by the municipality
- electricity
- advertising, other than legal notices

3. The following facts as detailed below support an exemption according to Section 252.022 of the Local Government Code for this purchase. Please verify the steps taken to confirm these facts. If you are citing the following exemptions, please provide the additional information requested below. A more detailed explanation of these exemptions is attached.

- **Preserve and Protect the Public Health and Safety** – Describe how this purchase will preserve and protect the public safety of residents.
- **Sole Source** – Describe what patents, copyrights, secret processes, or natural monopolies exist. Attach a letter from vendor supporting the sole source. The letter must be on company letterhead and be signed by an authorized person in company management.
- **Personal Services** – Describe those services to be performed personally by the individual contracted to perform them.
- **Professional Services** – Describe what mainly mental or intellectual rather than physical or manual and/or disciplines requiring special knowledge or attainment and a high order of learning, skill, and intelligence are required to perform this service.
- **Planning Services** – Describe the services primarily intended to guide governmental policy to ensure the orderly and coordinated development of the state or of municipal, county, metropolitan, or regional land areas.

4. Please attach any documentation that supports this exemption.

5. Please provide any evaluation conducted to support the recommendation. Include the efforts taken to ensure the selected vendor is responsible and will provide the best value to the City (Ex: evaluation of other firms, knowledge of market, etc).

Installation of a new 4" natural gas supply line into Zilker Metropolitan Park will provide an energy source that is not available currently within the parks boundaries. The gas line installation will allow current and future facilities the ability to connect to this energy source. Specifically, this project will provide service to the Sunshine Camp, with a tap provided for the relocation of the Zilker Maintenance Barn. The timing of this project will enable the Sunshine Camp to meet its estimated project completion deadline of June 2015 and will provide ready access to the gas line when the Zilker Maintenance Barn and other Parks and Recreation Department Capital Improvement Program projects move into construction phase. Reimbursement to Parks and Recreation Department from the Young Men's Business League will be based upon a proportional cost sharing of actual engineering and construction costs.

Chapter 252 of the Local Government Code requires that municipalities comply with procedures established for competitive sealed bids or proposals before entering into a contract requiring an expenditure of \$50,000 or more, unless the expenditure falls within an exemption listed in Section 252.022. The exemption relevant to this contract is "a procurement of items available from only one source". In order to get gas to the facilities in the park new service pipes must be installed from Texas Gas Service's existing main, making Texas Gas Service the only source for the installation. The installation to the property line is at the expense of Texas Gas Service;

however, the installation of the gas lines within the property line up to the meter must be paid for by the customer. In this case the customer is the City and the Young Men's Business League. Although buried in City property, the entire service and meter set shall become the property of the Texas Gas Service and shall be operated by the Texas Gas Service.


6. Because the above facts and documentation support the requested exemption, the City of Austin intends to contract with Texas Gas Service
which will cost approximately \$ 165,000 (Provide estimate and/or breakdown of cost).

Recommended
Certification

 3/23/15
Originator Date

Approved
Certification

 3/24/15
Department Director or designee Date

 04/02/15
Assistant City Manager /or designee Date

Contract Management

 4/7/15
Contract Relations Division Manager Date

Exemption Authorized
(if applicable)

 4/8/15
Contract Management Department Director or designee Date

3/13/15