

Directions for Completing

Capital Contracting Office Certification of Exemption Form

(The following steps must be completed prior to forwarding form to Capital Contracting Office)

1. Enter date of request in MM/DD/YYYY format
2. Enter Department requesting exemption
3. Enter Originator of certification
4. Enter phone number of Originator
5. Select one of the exemptions that apply to this procurement
6. Complete the Exemption Form providing any additional information required for the chosen exemption
7. Enter Vendor's Company Name
8. Enter Total Aggregate Amount
9. Obtain signature of:
 - Person requesting exemption (Originator)
 - Department Director or designee
 - Assistant City Manager or designee (for all other exemptions where the purchase > \$50,000)
10. Forward completed form to Capital Contracting Office:
 - Contract Relations Division Manager reviews and signs document
 - Capital Contracting Officer or designee (only required if purchase > \$50,000)



**City of Austin
Capital Contracting Office
Certificate of Exemption**

DATE: 07/20/2020

DEPT: Public Works Department

TO: Capital Contracting Officer
or Designee

FROM: Angela N. Johnson, P.E., Ph.D., Interim City Engineer

PHONE: (512) 974-8779

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 Capital Contracting Office 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

- ☐ 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).

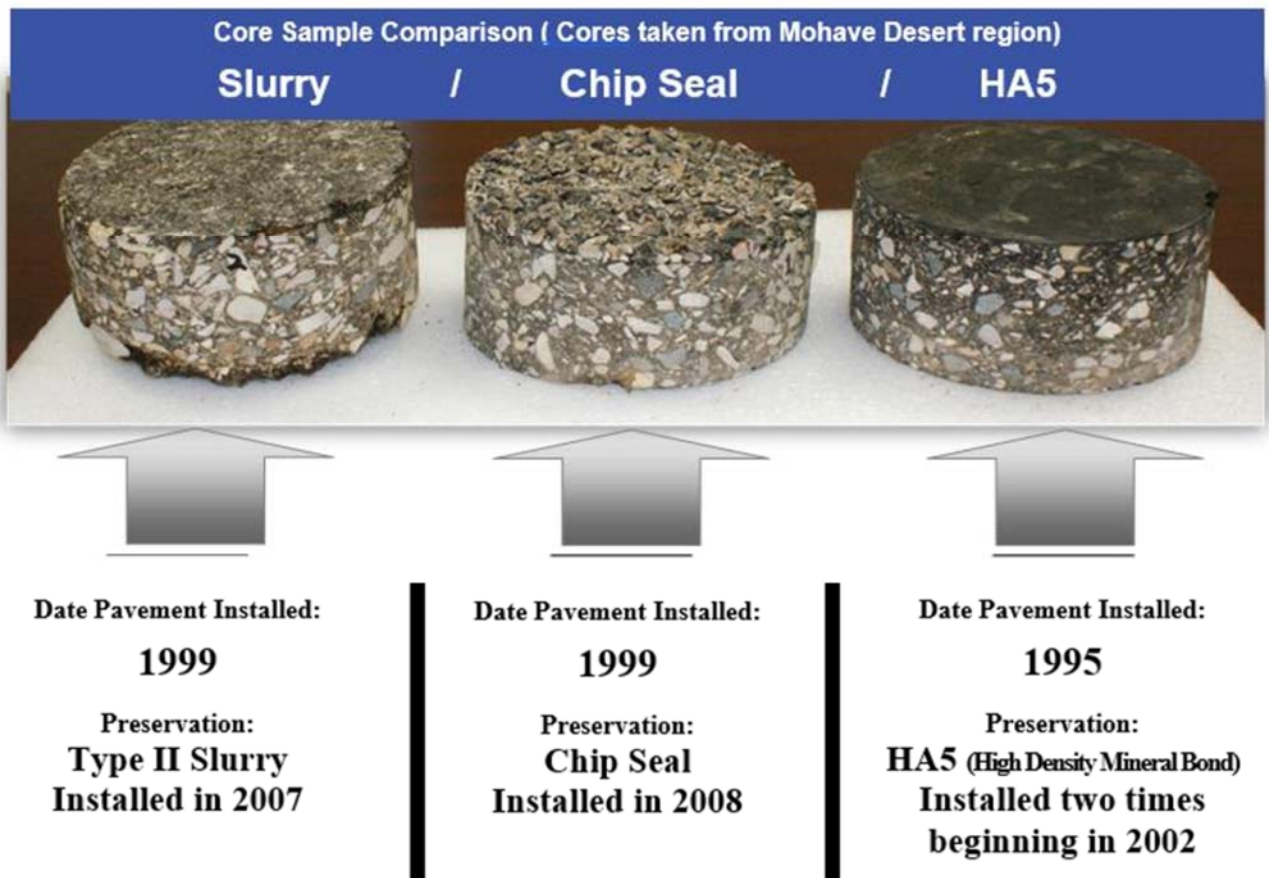
HA5 is a high-density mix of selected aggregate and asphalt binder that creates a surface treatment installed over an existing asphalt roadway surface. It is intended to preserve existing asphalt paved streets from surface wear and from oxidation. HA5 treatment will extend a service life of the streets by preserving their good condition for a longer period. The mix includes propriety emulsions and requires specialized application equipment to install on pavements.

HA5 is a propriety mix that must be applied with specialized equipment by a trained crew. Andale Construction Inc. of Jourdanton, TX is currently the only vendor that meets these requirements. They have done installations statewide, including projects in Georgetown (2018, 2019 and pending 2020), Round Rock (2019 and pending 2020). PWD engineering staff witnessed the work in Georgetown 2018 and has inspected the performance of the material to date and believes it is suitable for the Avana Estates area streets. Avana Estates area streets a

Office of the City Engineer would like to have a pilot project in South Austin, Avana Estates area to try HA5 material as a road maintenance treatment. Total cost is \$309.5K for 15 LM. It seems like a great deal for use of public funds – about only \$21K per LM. To compare it with costs of other road treatments: slurry seal cost is \$41K/LM; overlay is \$130K/LM; and Seal coat is \$ 30K/LM. Traffic control and citizen notification are included in their proposal – those are most challenging aspects of the road maintenance business and could potentially save us many man/hours and public money. Below the information from the vendor's proposal:

Below are core samples taken from roadways comparing municipality specified, time-tested pavement preservation treatments. Look closely at each core. The HA5 core aesthetically looks to be the most desirable with the darkest surface. However, what the engineering community has identified is the darker color beneath the surface. This displays HA5's ability to retain the critical oils and resins that keep asphalt pavements flexible. More flexibility equates to pavements lasting longer with less cracking and other manifestations of deterioration.

A report from the engineering firm Rosenberg & Associates, assessing a side by side of HA5 to a premium seal coat installation, found **9x less cracking** in the HA5 treat section compared to the premium seal coat treated section after a 4 year period.



6. Because the above facts and documentation support the requested exemption, the City of Austin intends to select a contractor through an informal solicitation process, which will cost approximately \$ \$309,500 plus a \$ _____ contingency for a total contract amount not to exceed \$ _____ (Provide estimate and/or breakdown of cost).

(For Angela Johnson)

Recommended
Certification

Keneetha
Originator

7/20/202
Date

Approved
Certification

Pirouz Moin
7/21/2020

Michael Mung
Department Director or designee

07/21/2020

Date

Line D. Rinder

7/22/2020

Assistant City Manager /or designee

Date

Capital Contracting
Office Review

Garrett Cox

7/22/2020

Division Manager

Date

Exemption Authorized
(if applicable)

W
Capital Contracting Officer or designee

Date