

**CERTIFICATE OF ADOPTION
OF
PROCUREMENT OF CONTRACTS THAT EXCEED \$50,000.00 POLICY
OF
MEYERLAND COMMUNITY IMPROVEMENT ASSOCIATION**

STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF HARRIS §

WHEREAS, the Board of Directors (the “BOD”) of Meyerland Community Improvement Association, a Texas non-profit corporation (known as the “Association” or “MCIA”), is charged with administering and enforcing, among other restrictions and covenants, restrictive covenants contained in Deed Restrictions (herein so called) applicable to the Meyerland Community (the “Community”) as recorded in the Real Property Records of Harris County, Texas (the “Official Public Records”); and

WHEREAS, the Board has determined that in connection with providing rules and regulations regarding contracts for procurement of contracts for services, equipment and materials that will cost more than \$50,000.00, it is appropriate for the Association to adopt a policy regarding same; and

WHEREAS, the Bylaws of the Association provide that a majority of the members of the Board shall constitute a quorum for the transaction of business and that the action of a majority of the members of the Board at a meeting at which a quorum is present is the action of the Board; and

WHEREAS, the Board held a meeting on September 23, 2021 (the “Adoption Meeting”), at which at least a majority of the members of the Board were present and duly passed the procurement policy described herein below (the “Procurement Policy”).

NOW, THEREFORE, to give notice of the matters set forth herein, the undersigned, being the President of the Association, does hereby certify that at the Adoption Meeting, at least a majority of the members of the Board were present and the Board duly adopted the Procurement Policy. The Procurement Policy is effective upon recordation of this Certificate in the Official Public Records and supplements any Deed Restrictions, policy or policies regarding procurement of items or services which may have previously been in effect for the Community, unless such, policy or policies are in conflict with the Procurement Policy, in which case the terms of the Procurement Policy will control. In the event that the Procurement Policy is in conflict with any applicable By-Laws or Deed Restrictions, the Deed Restrictions will control. The Procurement Policy is as follows:

Procurement Policy

Applicability

This Procurement Policy supplements and/or replaces, as the case may be any Deed Restrictions, policy or policies regarding procurement which may have previously been in effect for the Community, unless such, policy or policies are in conflict with the Procurement Policy, in which case the terms of the Procurement Policy will control. In the event that the Procurement Policy is in conflict with any applicable Deed Restrictions and/or By-Laws, the Deed Restrictions and/or By-Laws will control.

Procurements, including but not limited to items purchased with amounts still due and services contracted for existing and/or in effect prior to this Procurement Policy which had prior approval by the appropriate MCIA parties shall remain in effect.

Purpose

The purpose of this Procurement Policy is intended to outline the principles and procedures to be adhered to when procuring items, services or work on behalf of the MCIA, including but not limited to procurement of supplies, equipment and services, and as such, it is appropriate for the MCIA to adopt a process that is equitable, open and competitive to ensure that contracts are managed with good administrative practice and sound judgement.

Rules

A. BOARD RESPONSIBILITIES

The MCIA Board of Directors ("BOD") will endeavor to select the evaluated bid that represents the best combination of service, economy and value from the group of qualified bidders. The bid accepted and approved may not be the lowest bid submitted, but the bid the BOD feels fully fulfills the requirements of the contract. The BOD is under no obligation to select the lowest bid or any bid. If the BOD believes that procurement of more than one (1) bid is not reasonably available, then notwithstanding Section B below, procurement may be obtained from a sole source as set forth in Section C below.

B. Competitive Bid Procedure

A competitive bid procedure will be used when work and materials estimate exceeds fifty thousand dollars (\$50,000.00), excluding sales or other taxes, except as provided in Section C below.

In determining whether a contract price is likely to reach the competitive bid threshold, good faith "aggregation" rules should be considered. For example, where single work involves more than one (1) contract by a single provider/supplier, the estimated value of all contracts should be aggregated to decide whether the threshold may be reached. This would include the total sum of the contract value if the duration is greater than 1 year e.g. a 3 year agreement vs just the annual value. The aggregation rule also applies to contracts for goods and services which must not be artificially split to avoid the bid threshold.

Prior to solicitation of competitive bids, the Association will prepare a Request for Quote ("RFQ") consisting of:

1. Instructions and information to bidders concerning the bid submission requirements, including the time and date set for receipt of the bids and the address where bids are to be delivered.

2. A scope of work, delivery and performance schedule, success criteria and any special instructions necessary.
3. If applicable, the contract terms and conditions, including warranty and bonding or other requirements.

The purchase of a single item or service shall have competitive bids from three (3) contractors/companies/suppliers if

possible. The BOD may approve a bid coming from less than three (3) contractors/companies/suppliers if a reasonable attempt was made to solicit as many potential contractors/companies/suppliers as possible with an RFQ. A single supplier that submits two (2) or three (3) written bids for comparable products, in an attempt to meet the number of bids recommended by this Procurement Policy, will not individually qualify as having met the competitively bid criteria.

Bids will be reviewed by the BOD, and the bid award must be approved by the BOD.

C. Sole Source, Direct Source, or Competitive Bid Exceptions will be considered when:

- Time does not allow for the collection and reviews of bids.
- The requirement for item(s) and/or service(s) does not permit soliciting competitive bids; including, but not limited to, purchases needed to address major facility failures, damages due to disasters, or purchases necessary to address immediate safety and security issues where time and other considerations may be critical factors.
- Only one (1) supplier or service provider makes or provides the product(s) and/or service(s) that will meet MCIA's needs.
- There are legal requirements that require the use of a particular supplier or service provider, such as those with a city, county, state or federal government or agency.
- Other vendors are not willing to bid on the project.
- Other reasonable compelling reason determined by BOD.

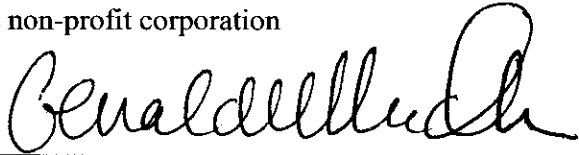
E. Additional

This Procurement Policy is a financial tool and administrative guideline when considering MCIA expenditures.

- The BOD at all times will exercise its judgment and discretion to make the best decision possible on behalf of the MCIA and its membership.
- The BOD will retain the authority to make a final Bid/Sole Source determination based on circumstances.
- Unless disclosed to the BOD and for good cause allowed by the BOD:
 - No officer, employee, director or volunteer of the MCIA shall participate in the procurement process if a conflict of interest, real or perceived is apparent to a reasonable person.
 - No officer, employee, director or volunteer of the MCIA shall participate in the procurement process where an award may be made to any contractor/company/supplier that has any family or close personal relationship to that officer, employee, director or volunteer.
 - No officer, employee, director or volunteer of the MCIA shall participate in the procurement process where an award may be made to any contractor/company/supplier or service provider that they have an existing personal ownership or material financial relationship with.

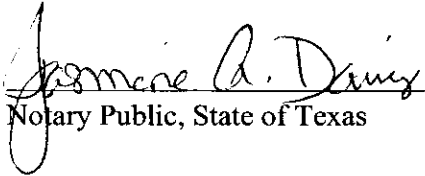
EXECUTED on the date of the acknowledgment set forth herein below, to be effective upon recordation in the Official Public Records.

Meyerland Community Improvement Association,
a Texas non-profit corporation

By: 
Gerald Radack, President

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on 29th day of September 2021, by Gerald Radack, President of Meyerland Community Improvement Association, a Texas non-profit corporation, on behalf of said corporation.


Notary Public, State of Texas

