



**CENTRAL TEXAS
Regional Mobility Authority**

AGENDA ITEM #10 SUMMARY

Approve an amendment to the Policy Code relating to notice of letting for a construction contract.

| | |
|---------------------------|-------------------|
| Strategic Plan Relevance: | Regional Mobility |
| Department: | Law |
| Associated Costs: | None |
| Funding Source: | N/A |
| Board Action Required: | Yes |

Description of Matter: In 2008, the Board amended the Procurement Policies to require publication of a notice of contract letting in the *Austin American-Statesman* at least three weeks before a contract was let. This notice was in addition to a required two-week notice of contract letting posted on the Mobility Authority's website. The intent of the new requirement—explicitly noted in both the minutes and in the resolution—was to ensure compliance with rules and regulations that applied to procuring a contract for a federal-aid project.

The proposed amendment requires the three-week notice published in the newspaper *only* when the contract to be procured is for a federal-aid project.

Reference documentation:
Draft Resolution

Contact for further information:
Andy Martin, General Counsel

**GENERAL MEETING OF THE BOARD OF DIRECTORS
OF THE
CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY**

RESOLUTION NO. 13-___

**AMENDING THE POLICY CODE RELATING TO
NOTICE OF LETTING FOR A CONSTRUCTION CONTRACT..**

WHEREAS, by Resolution No. 08-64 adopted December 17, 2008, the Board amended the Mobility Authority Procurement Policies to ensure conformity with applicable federal rules and regulations; and

WHEREAS, by Resolution No. 12-016 adopted February 29, 2012, the Board adopted the Mobility Authority Policy Code (“Policy Code”) as a non-substantive codification of all policy resolutions adopted by the Board since 2003; and

WHEREAS, the Executive Director recommends amending the Policy Code to require newspaper publication of a notice of contract letting only when the Mobility Authority is procuring a contract for a federal-aid construction project.

NOW THEREFORE, BE IT RESOLVED, that the Board hereby amends Section 401.037 (Notice of Contract Letting) of the Policy Code to read as set forth in Exhibit 1 to this resolution.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 28th day of August, 2013.

Submitted and reviewed by:

Approved:

Andrew Martin
General Counsel for the Central
Texas Regional Mobility Authority

Ray A. Wilkerson
Chairman, Board of Directors
Resolution Number: 13-___
Date Passed: 8/28/2013

EXHIBIT 1 TO RESOLUTION NO. 13-

Section 401.037 of the Policy Code is amended to read as follows:

401.037 Notice of Contract Letting

(a) Each notice of contract letting must provide:

- (1) the date, time, and place where contracts will be let and bids opened;
- (2) the address and telephone number from which prospective bidders may request bid documents; and
- (3) a general description of the type of construction, services, or goods being sought by the authority.

(b) The authority shall post a notices of contract lettings and any addenda to a notice on its website (www.ctrma.org) for at least two weeks before the date set for letting of a contract.

(c) Notice of a contract letting for a federal-aid project shall also be published in the officially designated newspaper of the authority at least once, and no less, no later than three weeks before the date set for letting of the contract.

(d) The authority may also publish a notice of contract lettings in the *Texas Register*, trade publications, or such other places that the authority determines will enhance competition for the work.

(e) The date specified in the notice may be extended if the executive director, in his or her sole discretion, determines that the extension is in the best interest of the authority. All bids, including those received before an extension is made, must be opened at the same time.

~~(f) As a courtesy the authority will attempt to post notices of contract lettings on its website, as well as any addenda thereto. Potential bidders and interested parties should not, however, rely on the website for notices and addenda, as the notice required under subsections (b) and (c) shall constitute the only official notice.~~