

**MEMORIAL THICKET<sup>SM</sup>  
HOMEOWNERS ASSOCIATION, INC.**

702 PLAINWOOD DRIVE  
HOUSTON, TEXAS 77079

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WWW.MEMORIALTHICKET.ORG

**LARGE CONTRACT BID SOLICITATION POLICY**

This Large Contract Bid Solicitation Policy (this "Policy") was approved by the Board of Directors (the "Board") for Memorial Thicket Homeowners Association, Inc., a Texas nonprofit corporation ("MTHA"), on the 10<sup>th</sup> day of November 2023.

1. Section 209.0052 of the Texas Property Code (the "TPC") was amended to require that property owners associations establish a bid process for any proposed contract for services that will cost more than \$50,000.00. As such, MTHA has adopted this Policy as set forth below.
2. To the extent (and only to the extent) this Policy conflicts with a provision in any existing MTHA governing document or dedicatory instrument, this Policy controls over such provision. If any existing MTHA governing document or dedicatory instrument does not conflict with this Policy, such MTHA governing document and dedicatory instrument remains in full force and effect.
3. This Policy is a Dedicatory Instrument that constitutes Restrictive Covenants as those terms are defined by TPC §202.001, et seq., and MTHA shall have and may exercise discretionary authority with respect to these Restrictive Covenants.
4. If MTHA proposes to contract for services that will cost more than \$50,000.00, it shall solicit bids or proposals for such services as provided below. If a bid or proposal is from a member of the Board or related person or entity as defined by TPC §209.0052, the additional procedures contained in TPC §209.0052 will be applicable.
5. The following criteria apply to determine whether a services contract will cost more than \$50,000.00:
  - a. The bid process is applicable to services contracts, which, upon execution of the services contract, obligates MTHA to pay more than \$50,000.00 during the term thereof.
  - b. The ability of MTHA to terminate a services contract without cause prior to incurring costs in excess of \$50,000.00 does not relieve MTHA of its obligation to follow the bid process of this Policy if the services contract is for a stated term and the total cost of the services contract during that initial term is greater than \$50,000.00.
  - c. Amounts under a services contract that are contingent are not included in determining the amount the services contract will cost. MTHA shall use its commercially reasonable efforts to estimate costs under a services contract that are unfixed but certain.
  - d. Amounts that may be incurred in the future under a services contract such as would occur

upon the renewal of the services contract are not to be included in determining the amount the services contract will cost. The renewal of an existing contract is not subject to this Policy.

6. If a proposed services contract is estimated to cost more than \$50,000.00 (as determined pursuant to Paragraph 5 above), then the following process shall be used in awarding such services contract:
  - a. MTHA shall attempt to obtain a total of three bids or proposals from contractors for the services desired.
  - b. Contractors providing bids or proposals should be insured against liability, have experience providing the desired services and licensed where required by law.
  - c. If after commercially reasonable efforts are made to obtain the three bids or proposals, MTHA is unable to obtain three bids or proposals from contractors, the Board may consider the proposals obtained and award the services contract.
  - d. MTHA may determine on a case-by-case basis the specific steps to use to contact potential contractors and solicit bids or proposals. However, in all cases at least three contractors shall be contacted and bids or proposals solicited. In the event there are not three qualified contractors for a particular service in the market area, MTHA may limit the process to those contractors that are qualified.
  - e. In the case of an emergency, MTHA may enter into a services contract with a contractor to resolve the emergency without following the process contained in this Paragraph 6.
  - f. The Board is not obligated to award a services contract to the low bidder, but must use its reasonable due diligence efforts in considering the factors the Board considers relevant regarding the contractor and its bid or proposal.

**This Large Contract Bid Solicitation Policy is applicable to the following described property:** Memorial Thicket, Sections One and Three, according to the maps or plats thereof, as recorded under Clerk's File Nos. G438422, and N396309, respectively, in the Harris County Map Records of Harris County, Texas, along with any amendments and replats thereto, and any additional tracts or parcels of land as may thereafter have been brought within the jurisdiction of the subdivision.

#### CERTIFICATION

"I, the undersigned, being the President of Memorial Thicket Homeowners Association, Inc., hereby certify that the foregoing Large Contract Bid Solicitation Policy was adopted by at least a majority of Memorial Thicket Homeowners Association, Inc.'s board of directors, at an open and properly noticed meeting of the board, at which a quorum of the board was present."

  
MEGHAN LEE

President

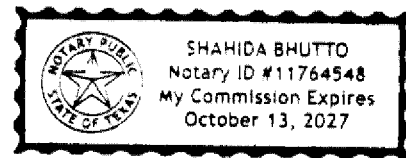
ACKNOWLEDGEMENT

THE STATE OF TEXAS     §  
  §  
COUNTY OF HARRIS     §

BEFORE ME, the undersigned authority, on this day personally appeared Meghan Lee, President of Memorial Thicket Homeowners Association, Inc., a Texas nonprofit corporation, and, being by me first duly sworn, declared that she is the person who signed the foregoing document in her representative capacity and that the statements contained therein are true and correct.

Given under my hand and seal of office this the 16<sup>th</sup> day of November, 2023.

  
\_\_\_\_\_  
Notary Public, State of Texas



**PREPARED AND E-RECORDED BY:**  
HOLTTOLLETT, PC  
9821 Katy Freeway, Ste. 350  
Houston, Texas 77024

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e-Filed & e-Recorded in the  
Official Public Records of  
HARRIS COUNTY  
TENESHIA HUDSPETH  
COUNTY CLERK  
Fees \$26.00

RECORDERS MEMORANDUM  
This instrument was received and recorded electronically  
and any blackouts, additions or changes were present  
at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or  
use of the described real property because of color or  
race is invalid and unenforceable under federal law.  
THE STATE OF TEXAS  
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in  
File Number Sequence on the date and at the time stamped  
hereon by me; and was duly RECORDED in the Official  
Public Records of Real Property of Harris County, Texas.



  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

RP-2023-441959