



**Waxahachie Independent School  
District**  
411 North Gibson Street  
Waxahachie, TX 75165  
972-923-4631  
www.wisd.org

**Regular Meeting | AGENDA**  
**Wednesday, March 8, 2023**  
**8:00 AM**  
**Live Stream:**  
<https://www.youtube.com/waxahachieisd>

A Regular Meeting of the Board of Trustees of Waxahachie Independent School District will be held Wednesday, March 8, 2023, beginning at 8:00 AM in the Waxahachie ISD Administration Building, 411 N. Gibson St., Waxahachie, TX 75165.

The subjects to be discussed or considered or acted upon which any formal action may be taken are listed below. Items do not have to be taken in the same order as shown on this meeting notice. Unless removed from the consent agenda, items identified within the consent agenda will be acted on at one time.

- I. CALL TO ORDER.
  - A. Announcement by the presiding officer that a quorum is present, that the meeting has been duly called, and that notice of the meeting has been duly posted for time and manner required by law.
- II. CLOSED SESSION. Section 551.001 et seq. (if necessary)
  - A. Deliberation regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, including discussing complaints, hiring, resignation, termination, proposal for non renewal, proposal for termination, evaluation, promotion or demotion of personnel. Gov't Code 551.074
  - B. Deliberating the purchase, exchange, lease or value of real property. Gov't Code 551.072
  - C. Deliberation regarding security devices, personnel deployment, or security audits. Gov't Code 551.076.
  - D. Consulting privately with the board's attorney concerning contemplated litigation. Gov't Code 551.071.
- III. RECONVENE TO OPEN SESSION.
- IV. OPEN FORUM: Hearing of individuals or committees.\*\*
- V. ACTION ITEMS.
  - A. Consideration and possible action to declare the delivery method for construction projects contemplated within the 2023 Bond. 3
  - B. Consideration and possible action to select a construction contractor for construction projects contemplated within the 2023 Bond. 16
  - C. Consideration and possible action to appoint Kathy Rodrigue, Ellis County Chief Appraiser, as WISD's agent for purposes of filing the property tax self-appeal with the Texas Comptroller's Office. 18
  - D. Consideration and possible action to approve the purchase of up to four portable classroom buildings from Shultz Construction at a price not to exceed \$325,000.00. 20
- VI. ADJOURN.

If, during the course of the meeting, a discussion of any item on the agenda should be held in a closed meeting, the board will conduct a closed meeting in accordance with the Texas Open Meetings Act, Texas Government Code, Chapter 551, Subchapters D and E or Texas Government Code section 418.183(f). Before any closed meeting is convened, the presiding officer will publicly identify the section or sections of the Act authorizing the closed meeting. All final votes, actions, or decisions will be taken in open meeting. [See BEC(LEGAL)]

Regular meetings of the Waxahachie ISD Board of Trustees begin at 5 p.m. To respect the time of those being recognized, recognitions will not begin before 6 p.m., and agenda items may be taken out of order to accommodate recognitions. Those being recognized are asked to arrive by 6 p.m.

\*Audience participation is limited to the time allotted for those individuals who submit a Public Comment Card indicating the agenda or non-agenda topic they wish to address. At all other times during Board Meetings, the audience shall not enter into discussion or debate on matters being considered by the Board, unless requested by the presiding officer. Speaker presentation time will be set by the Board President at the Board dais. No action may be taken regarding the information received by the Board.

\*\*In accordance with state law, public comment may not be used to voice a complaint involving the naming of specific individuals, including but not limited to the names of district employees or students, even if the matter is listed on the agenda. Additionally, no information that may be reasonably linked to an individual person may be spoken about during public comment. All complaints may be directed through the appropriate administrative channels before being presented to the Board:

Students/Parents – Board Policy FNG(LOCAL);  
Employee – Board Policy DGBA(LOCAL); or,  
Community Member – Board Policy GF(LOCAL).

This agenda (one or more pages) is part of a document entitled NOTICE OF MEETING in accordance with the Texas Open Meetings Act, Texas Government Code Chapter 551. The Waxahachie ISD Administration Building, Board Room, 411 North Gibson Street, Waxahachie, Texas, 75165 is wheelchair accessible. A curb slope entry is available at the rear entrance.

**Waxahachie Independent School District  
BOARD OF TRUSTEES**

**Date:** March 8, 2023 **Presented By:** Ryan Kahlden

**Subject:** Construction Delivery method **Related Page(s)** \_\_\_\_\_

**Action  
Agenda Item**

**EXECUTIVE SUMMARY:** In preparing for the 2023 bond projects, the administration is recommending utilizing the Construction Manager At-Risk delivery method. Under this method, the contractor who is awarded the work assumes the risk, financially, for the timely construction of the bond projects. This is the same delivery method that was utilized with the construction of Simpson Elementary.

**ATTACHMENTS:** Board policy CV and CVD

		BOARD PRIORITY GOALS
	Priority #1	Student Growth
	Priority #2	Honor and Support Staff
	Priority #3	Community and Stakeholder Relationships
X	Priority #4	Financial Integrity

**RECOMMENDATION:** Approve construction manager at-risk delivery method for 2023 bong projects.

[← Previous Policy \(/PolicyOnline/PolicyDetails?key=433&code=CS\)](#) [→ Next Policy \(/PolicyOnline/PolicyDetails?key=433&code=CVA\)](#)

## CV — Facilities Construction

### CV — Facilities Construction

[← Previous Policy \(/PolicyOnline/PolicyDetails?key=433&code=CS\)](#) [→ Next Policy \(/PolicyOnline/PolicyDetails?key=433&code=CVA\)](#)

Legal (#legalTabContent) [Local \(#localTabContent\)](#)

Legal Framework (#legalTabContent) [Local Policy \(#localTabContent\)](#)

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Table of Contents ▾

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**Note:** For information on the new instructional facilities allotment, see CBA.

For additional legal requirements applicable to purchases with federal funds, see CBB.

For information on procuring goods and services under [Education Code \(Texas Education Code\) Chapter 44](#), see CH.

For required vendor disclosures and contract provisions, including prohibitions, see CHE.

For provisions pertaining to criminal history record information on contractors, see CJA(LEGAL).

For legal requirements related to energy savings performance contracts, see CL.

For facility standards, see CS.

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**Definition** "Public work contract" means a contract for constructing, altering, or repairing a public building or carrying out or completing any public work. [Gov't Code \(Texas Government Code\) 2253.001\(4\)](#)

**Board Authority** A district may adopt rules as necessary to implement Government Code Chapter 2269. [Gov't Code \(Texas Government Code\) 2269.051](#); [19 TAC \(Texas Administrative Code\) 61.1040\(e\)\(2\)\(H\)](#)

**Delegation of Authority** The board may delegate its authority under Government Code Chapter 2269 regarding an action authorized or required by Chapter 2269 to a designated representative, committee, or other person. [Gov't Code \(Texas Government Code\) 2269.053\(a\)](#)

The district shall provide notice of the delegation, the limits of the delegation, and the name or title of each designated person by rule or in the request for bids, proposals, or qualifications or in an addendum to the request. [Gov't Code \(Texas Government Code\) 2269.053\(b\)](#); [Education Code \(Texas Education Code\) 44.0312\(a\)](#)

If the district fails to provide that notice, a ranking, selection, or evaluation of bids, proposals, or qualifications for construction services other than by the board in an open public meeting is advisory only. [Education Code \(Texas Education Code\) 44.0312\(a\)](#); [19 TAC \(Texas Administrative Code\) 61.1040\(e\)\(2\)\(E\)](#)

A superintendent shall ensure that a requirement to specify the level of delegation of authority is included in the bid specifications when procuring construction services to select a contractor, in accordance with [Education Code \(Texas Education Code\) 44.0312](#). [19 TAC \(Texas Administrative Code\) 61.1040\(e\)\(2\)\(F\)](#)

[For information regarding delegation in the event of a catastrophe, emergency, or natural disaster, see CH.]

**Contracts Valued at or Above \$50,000**

Except as provided by Education Code (Texas Education Code) Chapter 44, Subchapter B, all district contracts for the purchase of goods and services valued at \$50,000 or more in the aggregate for each 12-month period shall be made by the method, of the following methods, that provides the best value for a district [see also CH]:

1. An interlocal contract. Education Code (Texas Education Code) 44.031(a)(4) [See CH]
2. A method provided by Government Code Chapter 2269 for construction services. Education Code (Texas Education Code) 44.031(a)(5)
  - a. Competitive bidding. Gov't Code (Texas Government Code) 2269 Subch. (Subchapter) C [See CVA]
  - b. Competitive sealed proposals. Gov't Code (Texas Government Code) 2269 Subch. (Subchapter) D [See CVB]
  - c. Construction manager-agent method. Gov't Code (Texas Government Code) 2269 Subch. (Subchapter) E [See CVC]
  - d. Construction manager-at-risk method. Gov't Code (Texas Government Code) 2269 Subch. (Subchapter) F [See CVD]
  - e. Design-build method. Gov't Code (Texas Government Code) 2269 Subch. (Subchapter) G [See CVE]
  - f. Job order contracting. Gov't Code (Texas Government Code) 2269 Subch. (Subchapter) I [See CVF]
3. The reverse auction procedure as defined by Government Code 2155.062(d). Education Code (Texas Education Code) 44.031(a)(6) [See CH]

Education Code (Texas Education Code) 44.031(a); Gov't Code (Texas Government Code) Ch. 2269

<p>Exceptions</p> <p style="padding-left: 20px;"><i>Emergency Damage or Destruction</i></p> <p style="padding-left: 20px;"><i>Contracts Requiring a Bond</i></p>	<p>For information on procurement options when school equipment, a facility, or personal property is destroyed or severely damaged as a result of an unforeseen catastrophe or emergency, under <u>Education Code (Texas Education Code) 44.031</u>, see CH.</p> <p>A reverse auction procedure may not be used to obtain services related to a public work contract for which a bond is required under Government Code 2253.021 [see Payment and Performance Bonds, below]. "Reverse auction procedure" has the meaning assigned by Government Code 2155.062 or a procedure similar to that described by Section 2155.062. <u>Gov't Code (Texas Government Code) 2253.021(h)</u></p>
<p><b>Notice Publication</b></p>	<p>A board shall advertise or publish notice of requests for bids, proposals, or qualifications in a manner prescribed by law.</p> <p>For a contract entered into by a board under a method provided by Government Code 2269, the board shall publish notice of the time and place the bid or proposal or request for qualifications will be received and opened in a manner prescribed by law.</p> <p><u>Gov't Code (Texas Government Code) 2269.052(a)-(b)</u></p> <p>[See CH for additional notice publication requirements.]</p>
<p><b>Contract Selection Criteria</b></p>	<p>In determining the award of a contract under Government Code Chapter 2269, the district shall consider and apply:</p> <ol style="list-style-type: none"> <li>1. Any existing laws, including any criteria, related to historically underutilized businesses; and</li> <li>2. Any existing laws, rules, or applicable municipal charters, including laws applicable to local governments, related to the use of women, minority, small, or disadvantaged businesses.</li> </ol> <p>In determining the award of a contract, the district may consider:</p> <ol style="list-style-type: none"> <li>1. The price.</li> <li>2. The offeror's experience and reputation.</li> <li>3. The quality of the offeror's goods or services.</li> <li>4. The impact on the ability of the district to comply with rules relating to historically underutilized businesses.</li> <li>5. The offeror's safety record.</li> <li>6. The offeror's proposed personnel.</li> <li>7. Whether the offeror's financial capability is appropriate to the size and scope of the project.</li> </ol>

	8. Any other relevant factor specifically listed in the request for bids, proposals, or qualifications. <u>Gov't Code (Texas Government Code) 2269.055</u>
<b>Using Method Other Than Competitive Bidding</b>	The board that considers a construction contract using a method authorized by Government Code Chapter 2269 other than competitive bidding must, before advertising, determine which method provides the best value for the district.
Determine Best Value	The district shall base its selection among offerors on applicable criteria listed for the particular method used.
Publish Criteria	The district shall publish in the request for proposals or qualifications: <ol style="list-style-type: none"> <li>1. The criteria that will be used to evaluate the offerors;</li> <li>2. The applicable weighted value for each criterion; and</li> <li>3. A detailed methodology for scoring each criterion.</li> </ol>
Make Evaluations Public	The district shall document the basis of its selection and shall make the evaluations public not later than the seventh day after the date the contract is awarded. <u>Gov't Code (Texas Government Code) 2269.056</u>
<b>Submission</b>	A person who submits a bid, proposal, or qualification to a governmental entity shall seal it before delivery. <u>Gov't Code (Texas Government Code) 2269.059</u>
<b>Documents Related to Evaluation and Ranking</b>	An offeror who submits a bid, proposal, or response to a request for qualifications for a construction contract under Government Code Chapter 2269 may, after the contract is awarded, make a request in writing to the district to provide documents related to the evaluation of the offeror's submission.  Not later than the 30th day after the date a request is made, the district shall deliver to the offeror the documents relating to the evaluation of the submission including, if applicable, its ranking of the submission. <u>Gov't Code (Texas Government Code) 2269.060</u>
<b>Uniform General Conditions for Contracts</b>	After reviewing the uniform general conditions adopted by the Texas Facilities Commission under Government Code 2166.302, a school district may adopt uniform general conditions to be incorporated in all district building construction contracts. <u>Education Code (Texas Education Code) 44.035</u>
<b>Right to Work</b>	While engaged in procuring goods or services, awarding a contract, or overseeing procurement or construction for a public work or public improvement under Government Code Chapter 2269, a district: <ol style="list-style-type: none"> <li>1. May not consider whether a person is a member of or has another relationship with any organization; and</li> <li>2. Shall ensure that its bid specifications and any subsequent contract or other agreement do not deny or diminish the right of a person to work because of the person's membership or other relationship status with respect to an organization.</li> </ol> <u>Gov't Code (Texas Government Code) 2269.054</u>
Collective Bargaining	A district awarding a public work contract funded with state money, including the issuance of debt guaranteed by the state, may not: <ol style="list-style-type: none"> <li>1. Prohibit, require, discourage, or encourage a person bidding on the public work contract, including a contractor or subcontractor, from entering into or adhering to an agreement with a collective bargaining organization relating to the project; or</li> <li>2. Discriminate against a person described by item 1 based on the person's involvement in the agreement, including the person's status or lack of status as a party to the agreement or willingness or refusal to enter into the agreement.</li> </ol> <u>Gov't Code (Texas Government Code) 2269.0541(a)</u>
<b>Out-of-State Bidders</b>	For legal requirements regarding out-of-state bidders, see CH.
<b>Change Orders</b>	If a change in plans or specifications is necessary after the performance of a contract is begun or if it is necessary to decrease or increase the quantity of work to be performed or of materials, equipment, or supplies to be furnished, the district may approve change orders making the changes. The district may grant general authority to an administrative official to approve the change orders.  The total contract price may not be increased because of the changes unless additional money for increased costs is approved for that purpose from available money or is provided for by the authorization of the issuance of time warrants.  A contract with an original contract price of \$1 million or more may not be increased by more than 25 percent. If a change order for a contract with an original contract price of less than \$1 million increases the contract amount to \$1 million or more, the total of the subsequent change orders may not increase the revised

contract amount by more than 25 percent of the original contract price.

Education Code (Texas Education Code) 44.0411

**Inspection, Verification, and Testing**

Independently of the contractor, construction manager-at-risk, or design-build firm, a district shall provide or contract for the construction materials engineering, testing, and inspection services and the verification testing services necessary for acceptance of the facility by the district. The district shall select the services for which it contracts in accordance with Government Code 2254.004. Gov't Code (Texas Government Code) 2269.058

**Note:** For additional requirements related to code compliance, including fees and contracts, see 19 Administrative Code 61.1040(e)(5).

**Impact Fees**

A district is not required to pay impact fees imposed under Local Government Code Chapter 395 unless the board consents to the payment of the fees by entering a contract with the political subdivision that imposes the fees. The contract may contain terms the board considers advisable to provide for the payment of the fees. Local Gov't Code (Texas Local Government Code) 395.022

**Design Professionals**

A district shall designate one design professional to be the prime design professional for a capital improvement project and shall contractually engage the prime design professional to review and coordinate the design of the project, allowing the prime design professional to rely on and contract for other design professionals where appropriate. 19 TAC (Texas Administrative Code) 61.1040(a)(4), (e)(4)(D)

A district shall require any design professional contractually engaged to procure professional design services from any other design professional as a subconsultant to select and subcontract the professional design services based on the qualification-based selection process established in Government Code Chapter 2254. [See Procuring Architectural or Engineering Services, below] 19 TAC (Texas Administrative Code) 61.1040(e)(5)(B)

**Architects and Engineers**

An architect or engineer required to be selected or designated under Government Code Chapter 2269 has full responsibility for complying with Occupations Code (Texas Occupations Code) Chapter 1051 or 1001, as applicable.

If the selected or designated architect or engineer is not a full-time employee of the district, the district shall select the architect or engineer on the basis of demonstrated competence and qualifications as provided by Government Code 2254.004 [see Procuring Professional Services, below].

Gov't Code (Texas Government Code) 2269.057

**Registered Architect**

An architectural plan or specification for any of the following may be prepared only by an architect:

1. A new building having construction costs exceeding \$100,000 that is to be:
  - a. Constructed and owned by a district; and
  - b. Used for education, assembly, or office occupancy; or
2. An alteration or addition having construction costs exceeding \$50,000 that:
  - a. Is to be made to an existing building that:
    1. Is owned by a district; and
    2. Is or will be used for education, assembly, or office occupancy; and
  - b. Requires the removal, relocation, or addition of a wall or partition or the alteration or addition of an exit.

This provision does not prohibit an owner of a building from contracting with an architect or engineer as the prime design professional for a building construction, alteration, or addition project. Designation as the prime design professional does not expand the scope of practice of an architect or engineer beyond the scope of practice that the architect or engineer is authorized to practice under Occupations Code (Texas Occupations Code) Chapter 1001 or 1051.

Occupations Code (Texas Occupations Code) 1051.703; 22 TAC (Texas Administrative Code) 1.212

**Registered Engineer**

A district may not construct a public work involving engineering in which the public health, welfare, or safety is involved, unless:

1. The engineering plans, specifications, and estimates have been prepared by an engineer; and
2. The engineering construction is to be performed under the direct supervision of an engineer.

Occupations Code (Texas Occupations Code) 1001.407

The following work is exempt from Occupations Code (Texas Occupations Code) Chapter 1001 (Texas Engineering Practice Act):

1. A public work that involves electrical or mechanical engineering, if the contemplated expense for the completed project is \$8,000 or less; or
2. A public work that does not involve electrical or mechanical engineering, if the contemplated expense for the completed project is \$20,000 or less.

Occupations Code (Texas Occupations Code) 1001.053

*Certification for Purchases Through Purchasing Cooperatives*

A district may not enter into a contract to purchase construction-related goods or services through a purchasing cooperative under Government Code Chapter 791 in an amount greater than \$50,000 unless a person designated by the district certifies in writing that:

1. The project for which the construction-related goods or services are being procured does not require the preparation of plans and specifications under Occupation Code Chapter 1001 or 1051; or
2. The plans and specifications required under Occupation Code Chapters 1001 and 1051 have been prepared.

"Purchasing cooperative" means a group purchasing organization that governmental entities join as members and the managing entity of which receives fees from members or vendors.

Gov't Code (Texas Government Code) 791.011(j) [See CH for more information on interlocal contracts and purchasing cooperatives.]

Procuring Architectural or Engineering Services

Education Code (Texas Education Code) 44.031 does not apply to a contract for professional services rendered, including the services of an architect. Education Code (Texas Education Code) 44.031(f) [See CH for information on the Professional Services Procurement Act generally.]

In procuring architectural, engineering, or land-surveying services, a district shall:

1. First select the most highly qualified provider on the basis of demonstrated competence and qualifications; and
2. Then attempt to negotiate with that provider a contract at a fair and reasonable price.

If a satisfactory contract cannot be negotiated with the most highly qualified provider of architectural, engineering, or land-surveying services, a district shall formally end negotiations with that provider, select the next most highly qualified provider, and attempt to negotiate a contract with that provider at a fair and reasonable price. The district shall continue this process to select and negotiate with providers until a contract is entered into.

Gov't Code (Texas Government Code) 2254.004

An interlocal contract between a district and a purchasing cooperative may not be used to purchase engineering or architectural services. Gov't Code (Texas Government Code) 791.011(h)

Contracts for Engineering or Architectural Services

*Indemnification*

A covenant or promise in, in connection with, or collateral to a contract for engineering or architectural services to which a district is a party is void and unenforceable if the covenant or promise provides that a licensed engineer or registered architect whose work product is the subject of the contract must indemnify or hold harmless the district against liability for damage, other than liability for damage to the extent that the damage is caused by or results from an act of negligence, intentional tort, intellectual property infringement, or failure to pay a subcontractor or supplier committed by the indemnitor or the indemnitor's agent, consultant under contract, or another entity over which the indemnitor exercises control.

*Duty to Defend*

Except as provided below, a covenant or promise in, in connection with, or collateral to a contract for engineering or architectural services to which a district is a party is void and unenforceable if the covenant or promise provides that a licensed engineer or registered architect whose work product is the subject of the contract must defend a party, including a third party, against a claim based wholly or partly on the negligence of, fault of, or breach of contract by the district, the district's agent, the district's employee, or other entity, excluding the engineer or architect or that person's agent, employee, or subconsultant, over which the district exercises control. A covenant or promise may provide for the reimbursement of a district's reasonable attorney's fees in proportion to the engineer's or architect's liability.

*District as Additional Insured*

A district may require in a contract for engineering or architectural services to which the district is a party that the engineer or architect name the district as an additional insured under the engineer's or architect's general liability insurance policy and provide any defense provided by the policy.

*Standard of Care*

A contract for engineering or architectural services to which a district is a party must require a licensed engineer or registered architect to perform services:

1. With the professional skill and care ordinarily provided by competent engineers or architects practicing under the same or similar circumstances and professional license; and
2. As expeditiously as is prudent considering the ordinary professional skill and care of a competent engineer or architect.

**Payment and Performance Bonds**

In a contract for engineering or architectural services to which a district is a party, a provision establishing a different standard of care than a standard described above is void and unenforceable. If a contract contains a void and unenforceable provision, the standard of care described above applies.

Nothing in these provisions prohibits a district in a contract for engineering or architectural services to which the district is a party from including and enforcing conditions that relate to the scope, fees, and schedule of a project in the contract.

Local Gov't Code (Texas Local Government Code) 271.904

A district that makes a public work contract with a prime contractor shall require the contractor, before beginning the work, to execute to the district:

1. A performance bond if the contract is in excess of \$100,000; and
2. A payment bond if the contract is in excess of \$25,000.

A bond required by this provision must be executed by a corporate surety in accordance with Insurance Code (Texas Insurance Code) Article 7.19-1 (now Insurance Code (Texas Insurance Code) 3503.001-.005). A bond for a public work contract with a district must be payable to and its form must be approved by the awarding board.

Gov't Code (Texas Government Code) 2253.021(a), (d)–(e)

The performance bond is solely for the protection of the district awarding the public work contract, in the amount of the contract, and conditioned on the faithful performance of the work in accordance with the plans, specifications, and contract documents. Gov't Code (Texas Government Code) 2253.021(b)

The payment bond is solely for the protection and use of payment bond beneficiaries who have a direct contractual relationship with the prime contractor or a subcontractor to supply public work labor or material, and in the amount of the contract. Gov't Code (Texas Government Code) 2253.021(c)

**Failure to Obtain Payment Bond**

If a district fails to obtain from a prime contractor a payment bond as required above:

1. The district is subject to the same liability that a surety would have if the surety had issued a payment bond and if the district had obtained the bond; and
2. A payment bond beneficiary is entitled to a lien on money due to the prime contractor in the same manner and to the same extent as if the public work contract were subject to Property Code Chapter 53, Subchapter J (Lien on Money Due Public Works Contractor).

Gov't Code (Texas Government Code) 2253.027(a)

**Bond for Insured Loss**

A district shall ensure that an insurance company that is fulfilling its obligation under a contract of insurance by arranging for the replacement of a loss, rather than by making a cash payment directly to the district, furnishes or has furnished by a contractor:

1. A performance bond as described above for the benefit of a district; and
2. A payment bond, as described above for the benefit of the beneficiaries described above.

If the payment bond is not furnished, the district is subject to the same liability that a surety would have if the surety had issued the payment bond and the district had required the bond to be provided.

The bonds required to be furnished by the provisions above shall be furnished before the contractor begins work. It is an implied obligation under a contract of insurance for the insurance company to furnish these bonds.

**Exception to Bond Requirement**

These provisions do not apply to a district when a surety company is complying with an obligation under a bond that had been issued for the benefit of the district.

Gov't Code (Texas Government Code) 2253.022

**Prevailing Wage on Public Works**

"Worker" includes a laborer or mechanic. Gov't Code (Texas Government Code) 2258.001(3)

A worker employed on a public work by or on behalf of a district shall be paid:

1. Not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the work is performed; and
2. Not less than the general prevailing rate of per diem wages for legal holiday and overtime work.

The requirements above do not apply to maintenance work. A worker is employed on a public work for purposes of this provision if the worker is employed by a contractor or subcontractor in the execution of a contract for public work with a district.

Gov't Code (Texas Government Code) 2258.021

For a contract for a public work awarded by a district, the board shall determine the general prevailing rate of per diem wages in the district for each craft or type of worker needed to execute the contract and the prevailing rate for legal holiday and overtime work by:

1. Conducting a survey of the wages received by classes of workers employed on projects of a character similar to the contract work in the district in which the public work is to be performed; or
2. Using the prevailing wage rate as determined by the U.S. Department of Labor in accordance with the Davis-Bacon Act (40 U.S.C. (United States Code) Section 276a et seq.), and its subsequent amendments.

The board shall determine the general prevailing rate of per diem wages as a sum certain, expressed in dollars and cents. A board shall specify in the call for bids for the contract and in the contract itself the wage rates determined under these provisions. The board's determination of the general prevailing rates of per diem wages is final.

Gov't Code (Texas Government Code) 2258.022(a), (c)–(e)

Government Code 2258.022(b) applies to a public work located in a county bordering the United Mexican States or in a county adjacent to a county bordering the United Mexican States. Gov't Code (Texas Government Code) 2258.022(b)

#### Enforcement

A board awarding a contract, and an agent or officer of the board, shall:

1. Take cognizance of complaints of all violations of Government Code Chapter 2258 committed in the execution of the contract; and
2. Withhold money forfeited or required to be withheld under Government Code Chapter 2258 from the payments to the contractor under the contract, except that the board may not withhold money from other than the final payment without a determination by the board that there is good cause to believe that the contractor has violated Government Code Chapter 2258.

On receipt of information, including a complaint by a worker, concerning an alleged violation of Government Code 2258.023 [see Penalty for Noncompliance, below] by a contractor or subcontractor, a board shall make an initial determination as to whether good cause exists to believe that the violation occurred. A board must make its determination before the 31st day after the date the board receives the information. A board shall notify in writing the contractor or subcontractor and any affected worker of its initial determination.

Gov't Code (Texas Government Code) 2258.051–.052(a)–(c)

#### Retainage and Reimbursement

A board shall retain any amount due under the contract pending a final determination of the violation. Gov't Code (Texas Government Code) 2258.052(d)

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**Note:** Arbitration of unresolved issues is governed by Government Code 2258.053–.055.

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A board shall use any amounts retained under Government Code Chapter 2258 to pay the worker the difference between the amount the worker received in wages for labor on the public work at the rate paid by the contractor or subcontractor and the amount the worker would have received at the general prevailing rate as provided in the arbitrator's award. The board may adopt rules, orders, or ordinances relating to the manner in which the reimbursement is made. Gov't Code (Texas Government Code) 2258.056(a)–(b)

#### Penalty for Noncompliance

The contractor who is awarded a contract by a district or a subcontractor of the contractor shall pay not less than the rates determined under these provisions to a worker employed by it in the execution of the contract. A contractor or subcontractor who violates this provision shall pay to the district on whose behalf the contract is made, \$60 for each worker employed for each calendar day or part of the day that the worker is paid less than the wage rates stipulated in the contract. A board awarding a contract shall specify this penalty in the contract. A contractor or subcontractor does not violate this section if a board awarding a contract does not determine the prevailing wage rates and specify the rates in the contract as required by these provisions. The board shall use any money collected under this provision to offset the costs incurred in the administration of Government Code Chapter 2258. Gov't Code (Texas Government Code) 2258.023

#### Criminal Offense

An officer, agent, or representative of a district commits an offense if the person willfully violates or does not comply with a provision of Government Code 2258. Gov't Code (Texas Government Code) 2258.058(a)

#### Required Workers' Compensation Coverage

A district shall ensure a contract for construction services required to be procured by a method in Government Code Chapter 2269 specifies the contractor's responsibilities for site safety and requires compliance with the requirement to provide workers' compensation insurance in accordance with Labor Code (Texas Labor Code) 406.096, below. 19 TAC (Texas Administrative Code) 61.1040(e)(3)(D)

A district that enters into a building or construction contract shall require the contractor to certify in writing that the contractor provides workers' compensation insurance coverage for each employee of the contractor employed on the public project. Each subcontractor shall provide such a certificate relating to coverage of the subcontractor's employees to the general contractor, who shall provide the subcontractor's certificate to the district. Labor Code (Texas Labor Code) 406.096(a)–(b)

A district that enters into a building or construction contract on a project shall:

1. Include in the bid specifications all the duties and responsibilities of contractors pertaining to required workers' compensation coverage, using the language required by 28 Administrative Code 110.110(c)(7).
2. As part of the contract, using the language required by 28 Administrative Code 110.110(c)(7), require the contractor to perform the duties and responsibilities pertaining to required workers' compensation coverage as set out in 28 Administrative Code 110.110(d).
3. Obtain from the contractor a certificate of coverage for each person providing services on the project, prior to that person beginning work on the project.
4. Obtain from the contractor a new certificate of coverage showing extension of coverage:
  - a. Before the end of the current coverage period, if the contractor's current certificate shows that the coverage period ends during the duration of the project; and
  - b. No later than seven days after the expiration of the coverage for each other person providing services on the project whose current certificate shows that the coverage period ends during the duration of the project.
5. Retain certificates of coverage on file for the duration of the project and for three years thereafter.
6. Provide a copy of the certificate of coverage to the Texas Department of Insurance, Division of Workers' Compensation upon request and to any person entitled to a copy by law.
7. Use the language contained in 28 Administrative Code 110.110(c)(7) for bid specifications and contracts, without any additional words or changes, except those required to accommodate the specific document in which they are contained or to impose stricter standards of documentation.

28 TAC (Texas Administrative Code) 110.110(c)

Exception	This coverage requirement does not apply to sole proprietors, partners, and corporate officers who meet the requirements of <u>Labor Code (Texas Labor Code) 406.097(c)</u> , and who are explicitly excluded from coverage in accordance with <u>Labor Code (Texas Labor Code) 406.097(a)</u> . <u>28 TAC (Texas Administrative Code) 110.110(i)</u>
Definitions	<p>"Persons providing services on the project" includes all persons or entities performing all or part of the services the contractor has undertaken to perform on the project, regardless of whether that person contracted directly with the contractor and regardless of whether that person has employees. This includes but is not limited to independent contractors, subcontractors, leasing companies, motor carriers, owner-operators, employees of any such entity, or employees of any entity furnishing persons to perform services on the project. "Services" includes but is not limited to providing, hauling, or delivering equipment or materials, or providing labor, transportation, or other service related to a project. "Services" does not include activities unrelated to the project, such as food/beverage vendors, office supply deliveries, and delivery of portable toilets. <u>28 TAC (Texas Administrative Code) 110.110(a)(7)</u></p> <p>"Project" includes the provision of all services related to a building or construction contract for a district. <u>28 TAC (Texas Administrative Code) 110.110(a)(8)</u></p>
<b>Criminal Offenses</b>	For information on criminal offenses for violations of <u>Education Code (Texas Education Code) 44.031</u> , see CH.
<b>Enforcement Actions</b>	Government Code Chapter 2269 may be enforced through an action for declaratory or injunctive relief filed not later than the 15th day after the date on which the contract is awarded. <u>Gov't Code (Texas Government Code) 2269.452</u>
Defects in Facilities	<p>A district that brings an action for recovery of damages for the defective design, construction, renovation, or improvement of a district facility financed by bonds shall provide the commissioner with written notice of the action by registered or certified mail, return receipt requested, not later than the 30th day after the date the action is filed. If the district fails to comply with this provision, the court or an arbitrator or other adjudicating authority shall dismiss the action without prejudice. The dismissal of an action under this provision extends the statute of limitations on the action for a period of 90 days.</p> <p>The notice must include a copy of the petition and an itemized list of the defects in the design, construction, renovation, or improvement for which the district is seeking damages under the action.</p> <p>In an action involving an instructional facility financed by bonds for which the district receives state assistance under <u>Education Code (Texas Education Code) Chapter 46, Subchapter A (Instructional Facilities Allotment)</u>, the commissioner may join in the action on behalf of the state to protect the state's share in the action.</p> <p>A district that brings an action under these provisions shall use the net proceeds from the action for:</p> <ol style="list-style-type: none"> <li>1. The repair of the defective design, construction, renovation, or improvement of the facility on which the action is brought, including the repair of any ancillary damage to furniture and fixtures;</li> </ol>

2. The replacement of the facility on which the action is brought;
3. The reimbursement of the district for a repair or replacement; or
4. Any other purpose with written approval from the commissioner.

Education Code (Texas Education Code) 46.008 applies to the repair. A district shall provide to the commissioner an itemized accounting of any repairs made.

The state's share resulting from an action brought under these provisions involving an instructional facility financed by bonds for which the school district receives state assistance under Education Code (Texas Education Code) Chapter 46, Subchapter A is state property. The district shall send to the comptroller any portion of the state's share not used by the district to repair the defective design, construction, renovation, or improvement of the instructional facility on which the action is brought or to replace the facility. Education Code (Texas Education Code) 48.272 applies to the state's share.

#### Definitions

"Net proceeds" means the difference between the amount recovered by or on behalf of a school district in an action, by settlement or otherwise, and the legal fees and litigation costs incurred by the district in prosecuting the action.

"State's share" means an amount equal to the district's net proceeds from the recovery multiplied by a percentage determined by dividing the amount of state assistance under Education Code (Texas Education Code) Chapter 46, Subchapter A used to pay the principal of and interest on bonds issued in connection with the instructional facility that is the subject of the action by the total amount of principal and interest paid on the bonds as of the date of the judgment or settlement.

Education Code (Texas Education Code) 44.151

#### Attorney General Enforcement

If the attorney general believes that a district has violated or is violating Education Code (Texas Education Code) 44.151(d), (e), or (f) (use of proceeds, accounting, and the state's share), the attorney general may, after providing at least two weeks' notice to the district, bring an action on behalf of the state to enjoin the district from violating those sections.

In such an action, the attorney general may request and the court may order any other appropriate relief that is in the public interest, including payment of:

1. A civil penalty in an amount not to exceed \$20,000 for each violation;
2. The attorney general's reasonable costs for investigating and prosecuting the violation; or
3. If applicable, the amount of the state's share.

Education Code (Texas Education Code) 44.152(a)–(b)

#### Attorney Fees

A governmental contract may not provide for the award of attorney's fees to a district in a dispute in which the district prevails unless the contract provides for the award of attorney's fees to each other party to the contract if that party prevails in the dispute.

"Governmental contract" means a contract awarded by a governmental entity for general construction, an improvement, a service, or a public works project or for a purchase of supplies, materials, or equipment.

Gov't Code (Texas Government Code) 2252.904

#### Construction Liability Claims

To assert a claim against a contractor, subcontractor, supplier, or design professional for damages arising from damage to or loss of real or personal property caused by an alleged construction defect in an improvement to real property that is a public building or public work in which the district has an interest, the district must comply with Government Code Chapter 2272. Gov't Code (Texas Government Code) 2272.002(a)

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WAXAHACHIE ISD (Independent School District)  
CV(LEGAL)-P  
UPDATE 119  
DATE ISSUED: 6/20/2022

[← Previous Policy \(/PolicyOnline/PolicyDetails?key=433&code=CVC\)](#) [Next Policy \(/PolicyOnline/PolicyDetails?key=433&code=CVE\)](#)

## CVD — Facilities Construction: Construction Manager-at-Risk

### CVD — Facilities Construction: Construction Manager-at-Risk

[← Previous Policy \(/PolicyOnline/PolicyDetails?key=433&code=CVC\)](#) [Next Policy \(/PolicyOnline/PolicyDetails?key=433&code=CVE\)](#)

Legal (#legalTabContent)

Legal Framework (#legalTabContent)

 Copy Link

Download Legal Framework: [PDF](#)

Table of Contents ▾

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**Note:** For additional legal requirements applicable to purchases with federal funds, see CBB.  
For legal requirements generally applicable to the procurement process, see CH and CV.

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The "construction manager-at-risk method" is a delivery method by which a district contracts with an architect or engineer for design and construction phase services and contracts separately with a construction manager-at-risk to serve as the general contractor and to provide consultation during the design and construction, rehabilitation, alteration, or repair of a facility.

A construction manager-at-risk is a sole proprietorship, partnership, corporation, or other legal entity that assumes the risk for construction, rehabilitation, alteration, or repair of a facility at the contracted price as a general contractor and provides consultation to the district regarding construction during and after the design of the facility. The contracted price may be a guaranteed maximum price. A district may use the construction manager-at-risk method in selecting a general contractor for the construction, rehabilitation, alteration, or repair of a facility only as provided by Government Code Chapter 2269, Subchapter F.

[Gov't Code \(Texas Government Code\) 2269.251](#)

#### Architect/Engineer

On or before the selection of a construction manager-at-risk, the district shall select or designate an architect or engineer or architect to prepare the construction documents for the project. [See CV]

The district's architect or engineer for a project, or an entity related to the district's architect or engineer, may not serve, alone or in combination with another, as the construction manager-at-risk. This provision does not prohibit the district's engineer or architect from providing customary construction phase services under the architect's or engineer's original professional service agreement in accordance with applicable licensing laws.

An entity is related to the district's architect or engineer if the entity is a sole proprietorship, corporation, partnership, limited liability company, or other entity that is a subsidiary, parent corporation, or partner or has any other relationship in which the district's architect or engineer has an ownership interest, or is subject to common ownership or control, or is party to an agreement by which it will receive any proceeds of the construction manager-at-risk's payments from the district.

[Gov't Code \(Texas Government Code\) 2269.252](#)

#### Selection Process

The district shall select the construction manager-at-risk in a one-step or two-step process. A district shall prepare a single request for proposals, in the case of a one-step process, and an initial request for qualifications, in the case of a two-step process, that includes:

1. A statement as to whether the selection process is a one-step or two-step process;

2. General information on the project site, project scope, schedule, selection criteria and the weighted value for each criterion, and estimated budget and the time and place for receipt of the proposals or qualifications; and
3. Other information that may assist a district in its selection of a construction manager-at-risk.

The district shall state the selection criteria in the request for proposals or qualifications.

If a one-step process is used, the district may request, as part of the offeror's proposal, proposed fees and prices for fulfilling the general conditions. If a two-step process is used, the district may not request fees or prices in step one. In step two, the district may request that five or fewer offerors, selected solely on the basis of qualifications, provide additional information, including the construction manager-at-risk's proposed fee and prices for fulfilling the general conditions.

Gov't Code (Texas Government Code) 2269.253(a)–(e)

**Opening and Evaluating Proposals**

At each step, the district shall receive, publicly open, and read aloud the names of the offerors. At the appropriate step, the district shall also read aloud the fees and prices, if any, stated in each proposal as the proposal is opened. Not later than the 45th day after the date on which the final proposals are opened, the district shall evaluate and rank each proposal submitted in relation to the criteria set forth in the request for proposals. Gov't Code (Texas Government Code) 2269.253(f)–(g)

**Selection**

The district shall select the offeror that submits the proposal that offers the best value for the district based on the published selection criteria and on its ranking evaluation. The district shall first attempt to negotiate a contract with the selected offeror. If the district is unable to negotiate a satisfactory contract with the selected offeror, the district shall, formally and in writing, end negotiations with that offeror and proceed to negotiate with the next offeror in the order of the selection ranking until a contract is reached or negotiations with all ranked offerors end. Gov't Code (Texas Government Code) 2269.254(a)–(c)

**Make Rankings Public**

Not later than the seventh day after the date the contract is awarded, the district shall make the proposal rankings public. Gov't Code (Texas Government Code) 2269.254(d)

**Trade Contractors/Subcontractors**

A construction manager-at-risk shall publicly advertise for bids or proposals and receive bids or proposals from trade contractors or subcontractors for the performance of all major elements of the work other than the minor work that may be included in the general conditions. A construction manager-at-risk may seek to perform portions of the work itself if:

1. The construction manager-at-risk submits its bid or proposal for those portions of the work in the same manner as all other trade contractors or subcontractors; and
2. The district determines that the construction manager-at-risk's bid or proposal provides the best value for the district.

Gov't Code (Texas Government Code) 2269.255

**Bids or Proposals**

The construction manager-at-risk shall review all trade contractor or subcontractor bids or proposals in a manner that does not disclose the contents of the bid or proposal during the selection process to a person not employed by the construction manager-at-risk, architect, engineer, or district. All bids or proposals shall be made available to the district on request and to the public after the later of the award of the contract or the seventh day after the date of final selection of bids or proposals. Gov't Code (Texas Government Code) 2269.256(a)

If the construction manager-at-risk reviews, evaluates, and recommends to the district a bid or proposal from a trade contractor or subcontractor but the district requires another bid or proposal to be accepted, the district shall compensate the construction manager-at-risk by a change in price, time, or guaranteed maximum cost for any additional cost and risk that the construction manager-at-risk incurs because of the district's requirement that another bid or proposal be accepted. Gov't Code (Texas Government Code) 2269.256(b)

**Default**

If a selected trade contractor or subcontractor defaults in the performance of its work or fails to execute a subcontract after being selected in accordance with this policy, the construction manager-at-risk may itself fulfill, without advertising, the contract requirements or select a replacement trade contractor or subcontractor to fulfill the contract requirements. Gov't Code (Texas Government Code) 2269.257

**Payment and Performance Bond**

If a fixed contract amount or guaranteed maximum price has not been determined at the time the contract is awarded, the penal sums of the performance and payment bonds delivered to the district must each be in an amount equal to the construction budget, as specified in the request for proposals or qualifications. The construction manager-at-risk shall deliver the bonds not later than the tenth day after the date the construction manager-at-risk executes the contract unless the construction manager-at-risk furnishes a bid bond or other financial security acceptable to the district to ensure that the construction manager will furnish the required performance and payment bonds when a guaranteed maximum price is established. Gov't Code (Texas Government Code) 2269.258 [See CV for more information on payment and performance bonds.]

DATE ISSUED: 7/6/2021

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**Waxahachie Independent School District  
BOARD OF TRUSTEES**

**Date:** March 8, 2023 **Presented By:** Ryan Kahlden

**Subject:** Construction At-Risk contractor **Related Page(s)** \_\_\_\_\_

**Action  
Agenda Item**

**EXECUTIVE SUMMARY:** The district has published an RFP for contractors to construct projects from the 2023 bond program, utilizing the construction manager at-risk delivery method. Based on our review of respondents, the district has developed a ranking of respondents for possible award of a contract.

**ATTACHMENTS:** Evaluation matrix

		BOARD PRIORITY GOALS
	Priority #1	Student Growth
	Priority #2	Honor and Support Staff
	Priority #3	Community and Stakeholder Relationships
X	Priority #4	Financial Integrity

**RECOMMENDATION:** Approve Core Construction as the construction manager at-risk for 2023 bond projects.



**Waxahachie Independent School District  
BOARD OF TRUSTEES**

**Date:** March 8, 2023 **Presented By:** Ryan Kahlden

**Subject:** Designate Agent for PVS appeal **Related Page(s)** \_\_\_\_\_

**Action  
Agenda Item**

**EXECUTIVE SUMMARY:** The Comptrollers office reviews the appraisal valuation data submitted by the local appraisal districts to ensure that the data is accurate to the property tax code. This measurement is done through statistical sampling within the property categories to within a confident interval of certainty. Upon review of the 2022 appraisal data, the Comptrollers office has determined that the values for Waxahachie ISD are not within the confident interval of what they believe the values should be. In years past, when values did not meet expectations, the local CAD could file an appeal on the district’s behalf to present evidence to support the local valuations. Due to a change in state law, the Board of the district and Board of the appraisal district must delegate an agent to act on our behalf (unless we file the appeal ourselves). We are requesting the Trustees name the Chief Appraiser of the Ellis County Appraisal District, as our agent for purposes of filing an appeal of the values from our 2022 property value study.

**ATTACHMENTS:** Resolution naming an agent for property value study appeal

		BOARD PRIORITY GOALS
	<b>Priority #1</b>	<b>Student Growth</b>
	<b>Priority #2</b>	<b>Honor and Support Staff</b>
	<b>Priority #3</b>	<b>Community and Stakeholder Relationships</b>
X	<b>Priority #4</b>	<b>Financial Integrity</b>

**RECOMMENDATION:** Approve resolution naming the Chief Appraiser of the Ellis County Appraisal District as our agent for purposes of filing property value study appeal as presented.

WAXAHACHIE INDEPENDENT SCHOOL DISTRICT

A RESOLUTION  
AUTHORIZING THE ELLIS APPRAISAL DISTRICT CHIEF APPRAISER  
OR OTHER EMPLOYEE OF EAD TO ACT AS AGENT IN  
REGARD TO FILING A PROTEST AGAINST THE  
COMPTROLLER'S 2022 PROPERTY VALUE STUDY  
FOR WAXAHACHIE ISD:

WHEREAS, the Board of Trustees of said Independent School District intend to protest the Comptroller's Property Value Study for tax year 2022;

WHEREAS, 34 TEX. ADMIN. CODE § 9.4302 permits the governing body of a school district to designate the Chief Appraiser and other employees of the appraisal district to act as its agent for the school district in the protest of the Comptroller's Property Value Study;

WHEREAS, the Board of Trustees of said Independent School District voted to approve and grant authority to the Chief Appraiser of the Ellis Appraisal District ("EAD") and all other EAD employees, as delegated and determined by the EAD Chief Appraiser, to act as its agent regarding its protest of the Comptroller's Property Value Study for tax year 2022;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of said Independent School District hereby authorize and otherwise grant authority to the EAD Chief Appraiser and all other employees of EAD to act as its agent in its protest of the Comptroller's Property Value Study for tax year 2022.

This resolution shall become effective upon its passage.

Passed, adopted and resolved by the Board of Trustees, at a meeting at which a quorum was present and a majority of the trustees voting for and at which meeting this resolution, in written form, was before the Board at the time of its adoption.

ADOPTED on the \_\_\_\_\_ day of March, 2023.  
WAXAHACHIE INDEPENDENT SCHOOL DISTRICT

ATTEST: \_\_\_\_\_  
Dusty Autrey  
President, Board of Trustees

**Waxahachie Independent School District  
BOARD OF TRUSTEES**

**Date:** March 8, 2023 **Presented By:** Ryan Kahlden

**Subject:** Purchase portable classrooms **Related Page(s)** \_\_\_\_\_

**Action  
Agenda Item**

**EXECUTIVE SUMMARY:** In preparing for an expected enrollment of 11,145 students in Waxahachie ISD for the 2023-2024 school year, we are anticipating a shortage of traditional classrooms at Simpson Elementary. We are expecting an additional 40 students at Simpson for the 2023-2024 school year and would like to purchase two portable buildings to accommodate additional classrooms on the campus.

In addition to Simpson Elementary, the district would like to purchase two additional portable buildings to place around Turner Pre-K to offer additional opportunities for our staff to utilize our childcare facility. We believe this is a perk to staff and potential staff and by placing four additional classrooms at this location, we can reduce the waiting list and provide quality childcare for more staff children.

With the additional students utilizing the childcare facility, we anticipate that it will take anywhere from 3-15 years to repay the cost of these facilities using childcare funds.

**ATTACHMENTS:** Quote comparison form for portable buildings

		BOARD PRIORITY GOALS
	Priority #1	Student Growth
	Priority #2	Honor and Support Staff
	Priority #3	Community and Stakeholder Relationships
X	Priority #4	Financial Integrity

**RECOMMENDATION:** Approve purchase of four portable classroom buildings from Shultz House Moving at a cost not to exceed \$325,000.



## SHULTZ HOUSE MOVING LLC

6419 Fm 317 Athens, Tx 75752

Sales@shultzcompany.com

903-386-8600 903-676-8602

February 21, 2023

Waxahachie ISD

Wross@wisd.org

Re: Proposal Portable Classroom Buildings (Used)

Dear: Wendy Ross

Shultz House Moving, LLC appreciates the opportunity to provide you with modular classroom building pricing. This price below is for used (2015) 24x64 buildings. (3 currently available)

### Description:

24' x 64' used (as-is) classroom building (with restrooms)- \$76,381.25 each Total \$229,143.75

Delivery to Waxahachie, Tx

Setup (block, level, anchor)

Skirting

Please note the following conditions-

\*\*Buildings available in limited quantities (3 currently available)

\*\*Pricing is valid for 14 days.

### Pricing Includes:

- Metal exterior with metal roof
- ADA restrooms
- Skirting to grade on all sides
- Prefinished sheetrock on walls
- Wall Hung HVAC units (each classroom has its own unit)
- Main Distribution Panel
- Delivery, installation, cmu blocks, and anchors
- Carpet floor covering and cove base
- Ceiling tiles



## SHULTZ HOUSE MOVING LLC

6419 Fm 317 Athens, Tx 75752

Sales@shultzcompany.com

903-386-8600 903-676-8602

Page 2 - Proposal Portable Classroom Buildings

### Pricing does not include

- Connection to utilities (electric, sewer, water, data, fire, etc)
- City permits
- Site engineering
- Site development (dirt, sidewalks, utilities)
- Furnishings, mini-blinds, electric hand dryers, etc.
- Canopies
- Fire alarm/fire extinguishers/sprinkler system
- Taxes if applicable
- Wind certification
- Below Grade Foundation

### Other options:

Wooden deck and ramp (7x14 deck with 30' ramp)- \$6,600.00 each set.

New Aluminum deck and ramp (7x14 deck with 30' ramp)- \$13,800.00 each set.

### Payment Terms:

40% upon acceptance of proposal or purchase order.

40% once complete ready for shipment.

20% upon acceptance of building.

We appreciate the opportunity to bid your projects, if there are any questions please let us know.

Sincerely,

Austin Shultz

Shultz House Moving, LLC

Managing Member

Acceptance of Proposal \_\_\_\_\_ By \_\_\_\_\_ Date \_\_\_\_\_



## SHULTZ HOUSE MOVING LLC

6419 Fm 317 Athens, Tx 75752

Sales@shultzcompany.com

903-386-8600 903-676-8602

March 2, 2023

Waxahachie ISD

Wross@wisd.org

Re: Proposal Portable Classroom Buildings (Used)

Dear: Wendy Ross

Shultz House Moving, LLC appreciates the opportunity to provide you with modular classroom building pricing. This price below is for used (2008) 24x64 buildings. (1 currently available)

### Description:

24' x 64' used (as-is) classroom building (with restrooms)- \$69,870.00

Delivery to Waxahachie, Tx

Setup (block, level, anchor)

Skirting

Please note the following conditions-

\*\*Buildings available in limited quantities (1 currently available)

\*\*Pricing is valid for 14 days.

### Pricing Includes:

- Metal exterior with metal roof
- ADA restrooms
- Skirting to grade on all sides
- Prefinished sheetrock on walls
- Wall Hung HVAC units (each classroom has its own unit)
- Main Distribution Panel
- Delivery, installation, cmu blocks, and anchors
- Carpet floor covering and cove base
- Ceiling tiles



## SHULTZ HOUSE MOVING LLC

6419 Fm 317 Athens, Tx 75752

Sales@shultzcompany.com

903-386-8600 903-676-8602

Page 2 - Proposal Portable Classroom Buildings

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- Connection to utilities (electric, sewer, water, data, fire, etc)
- City permits
- Site engineering
- Site development (dirt, sidewalks, utilities)
- Furnishings, mini-blinds, electric hand dryers, etc.
- Canopies
- Fire alarm/fire extinguishers/sprinkler system
- Taxes if applicable
- Wind certification
- Below Grade Foundation

### Other options:

Wooden deck and ramp (7x14 deck with 30' ramp)- \$6,600.00 each set.

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40% once complete ready for shipment.

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Sincerely,

Austin Shultz

Shultz House Moving, LLC

Managing Member

Acceptance of Proposal \_\_\_\_\_ By \_\_\_\_\_ Date \_\_\_\_\_