



**CITY OF FORT WORTH  
CHAPTER 252 EXEMPTION FORM**

This form must be provided when requesting to make a purchase over \$50,000 without following public bidding requirements.

Instructions: Fill out the entire form with detailed information. Once you have completed this form, provide it to the Purchasing attorney for review. The attorney will review the information you have provided and determine whether using an exemption to Chapter 252’s bidding requirements would be defensible. If you are printing this form to provide to Legal, please do not provide the Primer portion. Failure to provide sufficient information may result in follow up questions and cause a delay in the attorney’s determination.

Section 1: General Information

Requesting Department: City Manager’s Office/ Directions Home Unit

Name of Contract Manager: Tara Perez

Department’s Attorney: Jo Ann Pate/Vicki Ganske

Item or Service sought: This is a grant for them to further their purpose of serving  
.....Continuum of Care planning, Continuum of Care reporting, Continuum of  
Care training, Continuum of Care landlord engagement,

Vendor: Tarrant County Homeless Coalition

Current Agreement for item/service: Yes \_\_\_x\_\_\_ No \_\_\_x\_\_\_

We currently fund the CoC for planning and have included funds for reporting – but not software. Funding for training and landlord engagement are new.

CSC #: \_\_\_\_\_

How will this item or service be used:

1) Continuum of Care planning:  
Staff CoC committees, conduct point in time count, host state of the homeless reporting, evaluation and technical assistance for CoC grantees.

2) Continuum of Care reporting:  
For software to automate Coordinated entry and implement cross systems data integration.

3) Continuum of Care training:  
Design and host a Learning Institute for case managers in homeless services.

4) Continuum of Care landlord engagement:  
Create and implement a strategy for increasing number of landlords accepting homeless service related rental vouchers, rental assistance and those moving in without financial assistance.

## Section 2: Exemption Justification

Please indicate which exemption you believe applies to the purchase and provide information to support its applicability. Please refer to the Exemption Primer for detailed information about common exemptions.

\_\_\_ 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 the 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 a right-of-way;

a procurement of items that are available from only one source, including:

\_\_\_ 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 the voters of the municipality, for which there is a deficiency of funds for completing the project in accordance with the plans and purposes authorized by the voters;

\_\_\_ a 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:

(A) at an auction by a state licensed auctioneer;

(B) at a going out of business sale held in compliance with Subchapter F, Chapter 17, Business & Commerce Code;

(C) by a political subdivision of this state, a state agency of this state, or an entity of the federal government; or

(D) 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; or

\_\_\_ advertising, other than legal notices.

Please provide details and facts to explain why you believe the exemption applies to the purchase. You may also attach documentation to this form.

Our local homeless planning body, TX-601 Continuum of Care, has selected Tarrant County Homeless Coalition to serve as the lead agency, HMIS administrator and collaborative applicant. TCHC is the only one authorized to apply for HUD grants as well as submit HUD reports. TCHC is the only one authorized to run the Homeless Management Information System which produces reports about effectiveness of homeless programs and the homeless system in general. Directions Home is an active participant in the Continuum of Care and as a unit of local government financially supports Tarrant County Homeless Coalition so they can draw down HUD funds. Directions Home would like to support the system through ongoing funding for CoC planning and one-time funding as TCHC purchases new reporting software, launches a training institute, and creates a landlord engagement program. TCHC is seeking funding from the City of Arlington and Tarrant County as well.

Section 3: Attorney Determination

With the facts provided by the department, is the use of the claimed exemption defensible if the City were to be challenged on this purchase? \_\_\_\_Yes or \_\_\_\_No

Was there anything not included on this form or attached hereto that was relied on in making this determination? \_\_\_\_Yes or \_\_\_\_No

If yes, please explain: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_.

## EXEMPTION FORM PRIMER

Below are explanations and examples of common exemption that apply to municipal purchases. If you have questions about the information provided or need additional information, please contact your department's assigned attorney.

1. 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.
  
2. A procurement necessary to preserve or protect the public health or safety of the municipality's residents;
  
3. A procurement necessary because of unforeseen damage to public machinery, equipment, or other property;
  
4. A procurement for personal, professional, or planning services;

Professional services are not defined under Chapter 252, so there is no precise definition to follow. However, the Texas Attorney General has suggested that a professional service comprehends labor and skill that is 'predominately mental or intellectual, rather than physical or manual.'" Tex. Atty Gen Op. JM-940 (1988) (quoting Maryland Casualty Co. v. Cray Water Co., 160 S.W. 2d 102 (Tex. Civ. App.—Eastland 1942, no writ). The Texas Attorney General has also opined that "professional services" no longer includes only the services of lawyers, physicians, or theologians, but also those members of disciplines requiring special knowledge or attainment and a high order of learning, skill, and intelligence. Id.

Facts needed to support a professional service exemption include the specialized requirements of that profession and the mental and intellectual skill required by the person while performing the service. Purchases of goods are not professional services.

5. A procurement of items that are available from only one source.

This exemption is commonly referred to as the sole source exemption. In determining whether a purchase is of a good or service that is available from one source, you should not consider price or time to receive the good or service. The information needed to support this exemption, is that no other provider can provide the service or category of good except for the vendor you are proposing. Some examples of sole source purchases include service agreements when only one vendor is authorized to work on the equipment by the manufacturer and allowing another vendor would void the warranty; purchase of a good that is copyrighted or trademarked and only provided by one vendor.