



RESOLUTION NO. 20240123-01

A RESOLUTION RATIFYING A REIMBURSEMENT CONTRACT FOR ENVIRONMENTAL SERVICES COOPERATIVE AGREEMENT EXPENSES WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

WHEREAS, TexAmericas Center is a political subdivision of the State of Texas with the powers and authorities specified in Chapter 3503 of the Special District Local Laws Code of the State of Texas; and

WHEREAS, TexAmericas Center entered into an Environmental Services Cooperative Agreement with United States of America acting by and through the Department of the Army dated August 14, 2014 (ESCA) to complete certain environmental services on behalf of the Army at the former Lone Star Army Ammunition Plant; and

WHEREAS, TexAmericas Center executed a new Reimbursement Contract for Environmental Services Cooperative Agreement with Texas Commission on Environmental Quality on April 26, 2022 by Resolution No. 20220426-04, amended August 23, 2022 by Resolution 20220823-01, and received a directive on December 6, 2023 to complete HEBG soil Transportation & Disposal work that is anticipated to extend through July 1, 2024; and

WHEREAS, the current agreement was set to expire December 30, 2023. On December 29, 2023, TAC and TCEQ came to the attached terms of agreement in Amendment #2 to extend Contract 582-22-33086 an additional six (6) months through July 1, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of TexAmericas Center that Amendment #2 to the Reimbursement Contract by and between TexAmericas Center and TCEQ is hereby approved, and the execution thereof is hereby ratified in substantially the form attached to this Resolution as Exhibit "A".

PASSED and APPROVED this 23rd day of January, 2024.

A handwritten signature in blue ink, appearing to be "JR", written above a horizontal line.

Jim Roberts, Chairman of the Board

ATTEST:

A handwritten signature in blue ink, appearing to be "JP", written above a horizontal line.

Justin Powell, Secretary

Attached: Exhibit "A"

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
COOPERATIVE REIMBURSEMENT CONTRACT FOR STATE AGENCIES AND LOCAL
GOVERNMENTS**

Contract #582-22-33086

Amendment #2

In accordance with Section 7.a. and Section 8. *General Provisions*, Subsection d. *Modification* of the Cooperative Reimbursement Contract (CRC or Contract), the Texas Commission on Environmental Quality (TCEQ) and TexAmericas Center (TAC) hereby agree to amend Contract No. 582-22-33086 as follows:

1. TAC extended its Environmental Services Cooperative Agreement, Agreement No. W912DY-14-2-0401; therefore, TAC and TCEQ agree to extend Contract No. 582-22-33086. The Contract is extended to expire July 1, 2024.
2. The Budget for December 31, 2023 through July 1, 2024 (during State of Texas Fiscal Year 2024) is contained in Attachment 1 and is approved by TAC upon signature of this Contract Amendment.

All terms and conditions and other requirements of this Contract not addressed in this Contract Amendment shall remain unchanged.

**Texas Commission on Environmental
Quality**

Eric White

(Authorized Signature)

Eric White

(Printed Name)

VCP/CA Section Manager

(Title)

12/29/2023

(Date signed)

TexAmericas Center

Scott Norton

(Authorized Signature)

Scott Norton

(Printed Name)

Executive Director & CEO

(Title)

12/28/2023

(Date signed)

Attachment 1

**Abbreviated Annual Budget- State of Texas Fiscal Year 2024
 December 31, 2023 through July 1, 2024**

Budget Category	Cost for Work to be Performed
Salary / Wages	\$5,486.25
Fringe Benefits (38.93%)	\$2,135.80
Travel	\$436.00
Supplies	\$0
Equipment	\$0
Contractual	\$8,476.00
Construction	\$0
Other	\$0
Indirect Costs (34.33%)	\$1,883.43
Total	\$18,417.48

1. Budget Control.

- a. **Cumulative transfers equal to or less than 10% of the Total Budget.** TCEQ may transfer amounts between the approved direct cost budget categories so long as cumulative transfers from direct cost budget categories during the term of the Cooperative Reimbursement Contract (CRC) do not exceed ten percent (10%) of the Total Budget amount. TCEQ must timely submit the revised budget, which automatically becomes a part of the CRC. The 10% limit does not reset with the provision of the revised budget. It resets when an amendment is signed by the parties reflecting changes to the budget.
- b. **Cumulative transfers greater than 10% of the Total Budget.** TAC must **pre-approve in writing** all budget revisions that result in the cumulative transfer from direct cost budget categories of funds greater than 10% of the Total Budget during the term of the CRC. TCEQ must request to amend the CRC. An amendment to the CRC is required **before** TCEQ incurs these costs.
- c. TCEQ may not transfer amounts to budget categories containing zero dollars without TAC pre-approval in writing.