

# LOST CREEK LIMITED DISTRICT

## Request for Proposals (RFP) for Management, Deed Restriction Enforcement and Bookkeeper Services

Submission Due by 12:00 p.m., CST on November 8, 2019

## 1. OVERVIEW AND BACKGROUND INFORMATION

### 1.1 Summary

The Board of Directors of Lost Creek Limited District (the “District”) seeks proposals from qualified firms to provide management, bookkeeping and deed restriction enforcement services (collectively, the “Services”) on behalf of the District. This Request for Proposals (RFP) solicits information regarding the competence and qualifications of firms that are interested in providing all of the Services for and on behalf of the District, and the costs of rendering Services. It is the intent of the District to identify the most qualified firm that can provide all of the Services to the District at the lowest cost.

### 1.2 Information Regarding District

The District is a “limited district” and the successor to the Lost Creek Municipal Utility District. The District was created effective December 15, 2015 pursuant to the terms of an Amended and Restated Strategic Partnership Agreement entered into by Lost Creek Municipal Utility District and the City of Austin dated March 12, 2013 (the “SPA Agreement”).

The District encompasses approximately 1,200 residential homes and a number of office buildings. The District is generally located west of Highway 360, east of Barton Creek, and south of Bee Caves Road. Pursuant to the terms of SPA Agreement, all lands within the District are located within the corporate boundaries of the City of Austin.

The SPA Agreement generally limits the District’s authorized functions to the enforcement of deed restrictions and the operation and maintenance of the District’s park and recreational facilities. The District operates two parks and a number of greenbelt properties. The District does not own or operate any water, wastewater or utility facilities, and the District does not provide any utility services.

The District owns and maintains an administrative office building located at 1305 Quaker Ridge Road within the District. The office building includes office space, and a meeting room that is used for community events and meetings of the Board of Directors of the District.

The District currently employs one person who primarily performs landscaping and maintenance of District lands and facilities.

The District is governed by a five person Board of Directors. Director elections are conducted in November of even-numbered years. The Board generally meets once per month.

### 1.3 Scope of Services

The District seeks proposals from qualified firms who are willing to provide all of the following services on behalf of the District:

- i. General Management Services: The District seeks qualified firms that can provide the following general management services:
  - Management of the District’s assets, operations and employee
  - Coordination with District vendors and consultants

- Implementation of Board policies, projects and directives
- Management of ongoing projects and contract compliance
- Preparation and distribution of meeting packets for the Board of Directors' meetings
- Posting of agendas for Board of Directors' meetings
- Updating the District's website
- Attendance at Board of Directors' meetings
- Attendance at Committee meetings
- Send out periodic newsletters to District residents as directed by the Board of Directors

ii. Bookkeeping and Financial Management:

- Manage District funds in accordance with Board policies, directives and the District's Investment Policy
- Establish and maintain, if applicable, checking accounts, journals and ledgers pertaining to the District's Operating Fund and any other funds all in accordance with generally accepted accounting procedures, the laws of the State of Texas, policies and regulations adopted by the Board of Directors of the District, and the requirements of the Texas Commission on Environmental Quality, and in such a manner that excessive auditing procedures or adjustments by the auditors are not required.
- Reconcile all District accounts at least every thirty (30) days, and promptly report any discrepancies to the appropriate depository institution and the Board at its next meeting.
- Maintain a summary general ledger for the Tax Fund from reports supplied by the County.
- Prepare and present for Board approval all checks, with invoices attached, drawn on the District's General Operating Fund.
- Prepare IRS Forms W-2, W-3 and 941, and otherwise comply with the provisions of the Internal Revenue Code, as amended from time to time, with respect to the payment of fees of office for each member of the Board and for the District's employee.
- At each meeting of the Board (but not more often than monthly), prepare and present a cash flow report and account balance report indicating all activity within each of the District funds and the current distribution and investment of moneys within each fund and prepare and present an actual versus budget comparison statement and Balance Sheet in the General Operating Fund.
- Complete postings and close all journals and ledgers within forty-five (45) days after the end of District's fiscal year.
- Be accessible to the District's auditor to efficiently perform the annual audit, including use of Bookkeeper's office facilities during the field audit.
- Maintain required training to serve as Investment Officer of the District
- Assist Finance Committee with preparing and administering annual Fiscal Year Budget

iii. Resident Services: The District desires that the qualified firm will provide on-site personnel at the District's administrative office for District residents:

- At least one person should be on-site 20 hours per week Monday through Friday
- General hours will be 8:00 a.m. to 12:00 p.m. each weekday or as otherwise requested by the Board of Directors
- The on-site personnel must provide timely and professional responses to resident inquiries

- The on-site personnel will manage and schedule facility reservations and usage (park and pavilion use, and use of the community room within the administrative office building)
- The on-site personnel will provide notary services for District residents

iv. Deed Restriction Enforcement: There are no mandatory homeowners' associations within the District. Further, the District consists of approximately 19 different subdivisions, each of which has a separate set of deed restrictions. The District enforces deed restriction violations. The District seeks a qualified firm that will provide the following general services relating to deed restriction enforcement:

- Coordinate with the Architectural Control Committee with respect to construction approval requests and potential violations.
- Receive and respond to resident complaints regarding potential deed restriction violations
- Present monthly updates to the Board of Directors at its meetings regarding potential deed restriction violations
- Communicate with property owners regarding potential deed restriction violations in order to resolve the matters informally
- Monitor the status of deed restriction compliance
- Coordinate with the District's deed restriction litigation counsel in the event the Board of Directors authorizes litigation or other formal legal action to resolve any deed restriction violation.
- Maintain a database for recording historical deed restriction enforcement activities relating to individual properties within the District

#### 1.4 Selection Methodology

The District seeks to enter into a contract with a qualified firm or individual to provide all of the Services.

The District contemplates that the selection will take place through a multiple-step procurement process. The District will first evaluate all written Proposals received in response to this RFP. Based upon its evaluation of the Proposals, the Board anticipates conducting interviews with one or more of the firms or individuals that responds to this RFP.

At the conclusion of the evaluation process, the District will attempt to negotiate contract with the most qualified firm or individual to provide the Services. If the District is unable to negotiate a mutually acceptable contract, the District will terminate negotiations and may conduct negotiations with another firm or individual.

The final selection of a firm or individual, and approval of a contract for the Services, will be made by the Board of Directors of the District.

The District reserves the right to terminate this procurement at any time, and will not be responsible for any costs or expenses incurred by any Proposer in responding to this RFP. The District also reserves the right to modify the procurement process at any time.

**2.0 INSTRUCTIONS AND SUBMITTAL REQUIREMENTS**

2.1 Submittal Deadline

All Proposals must be submitted to the District by 12:00 Noon, CST on November 8, 2019. Proposals must be received by the deadline at the following address:

Lost Creek Limited District  
c/o McLean & Howard, LLP  
Barton Creek Plaza, Building II  
901 South Mopac Expy., Suite 225  
Austin, Texas 78746

2.2 Proposal Submission Requirements

Written Proposals should contain the following minimum information:

2.2.1. Information

Provide information regarding the Proposer in accordance with the format below:

General Information	
Firm or Individual Name:	
Address:	
Phone Number:	
Years of Relevant Experience :	
Type of Ownership (if firm):	
Name of Principals and Titles (if firm):	
Office Location	

2.2.2 Key Personnel

The Proposal should identify key personnel that would be assigned to the District to provide the Services.

2.2.3 Experience

The Proposal should include a description of the Firm's or individual's experience with other districts or clients for which the Proposer has rendered similar services. The description of experience must include the following minimum information: name, location, and description, and contact person and telephone number, for representative projects and clients.

2.2.4 References

The Proposal should include at least three references. References must include the name of the client, description of services, and reference phone contact information.

2.2.5 Performance

- If the Proposer is currently involved in litigation or arbitration based on its services, briefly describe the nature of the claim.
- If the Proposer has ever been terminated from an assignment for non-performance, briefly explain.

2.2.6 CONFLICT OF INTEREST STATEMENT

The Proposal should include the following Conflict of Interest Statement:

I certify that the following statement is true with respect to the Request for Proposals.

1. If the Proposer is an individual, I have not offered or promised to pay or deliver directly or indirectly, any commission, political contribution, gift, favor, gratuity, benefit, or reward to any director or employee of the District as an inducement to secure this contract
2. If the Proposer is a business organization, no principal or employee of this firm has offered or promised to pay or deliver directly or indirectly, any commission, political contribution, gift, favor, gratuity, benefit, or reward to any director or employee of the District as an inducement to secure this contract; and
3. If the Proposer is a business organization, no employee, officer, board member, agent of the District, or their immediate family members, has any financial or other interest in this firm.

\_\_\_\_\_  
Signature of Individual or Principal of Firm

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name (Typed) Title (Typed)

### 2.2.7 Cost of Services

The Proposal should specify the monthly charge for the Services and any additional fees or expenses that would not be included in the monthly charge.