

2006 CANTERBURY
HEALTH & SAFETY REMEDIATION PROJECT
PURCHASING AFFIDAVIT

STATE OF TEXAS }
 }
COUNTY OF TRAVIS }

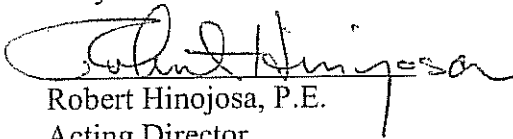
BEFORE ME, the undersigned authority, personally appeared Robert Hinojosa, P.E., who being by me first duly sworn, upon oath deposed and stated: "My name is Robert Hinojosa. I am the Acting Director of the City of Austin's Public Works Department. I am over eighteen (18) years of age and I have personal knowledge of the facts set forth below and am competent and authorized to make this affidavit.

The City of Austin's Code Compliance Department manages the City's Code Enforcement Program, (the "Program"). The City created the Program to address enforcement of City Code provisions in a timely manner. The City, through the Program, is currently providing essential Code Enforcement services for the citizens of the City of Austin. In doing so, the City is responsible for the health, safety and security of hundreds of thousands of citizens of the City.

In 2010, during an investigation of a residential structure at 2006 Canterbury in Austin, Texas, City staff encountered unforeseen conditions in the form of a deep excavation beneath the residential structure. Further investigation and engineering analysis services provided by the Public Works Department has led to the conclusion that the excavation presents the possibility of a collapse or subsidence of the excavation and the adjacent earthen support, which may endanger the structural integrity of not only the residential structure of 2006 Canterbury, but also the adjacent residential structures and public street improvements. As such, the conditions at 2006 Canterbury constitute a present danger to the public health and safety.

The City will hire a contractor to expeditiously perform the necessary construction to abate the conditions at 2006 Canterbury (the "Project") in order to preserve or protect the public health and safety of the City's residents and the traveling public. Until the Project is completed, the City will be faced with a continuing probability of health and safety related concerns. The situation described above requires immediate action to complete the scope of work on the Project on a reasonable schedule and to relieve the health and safety necessity of the municipality. The Department of Public Works is satisfied that the quality of the completed work will adequately provide for the health and safety of the traveling public. It is presently contemplated that the Project can be completed for an amount under the City Manager's purchasing authority pursuant to Article VII, Section 15 of the City Charter. In the event that it appears that the City Manager's authority will be exceeded, the contract for the Project will be presented to City Council for ratification. The engineer's estimate on this project is \$45,000 with a 10% contingency of \$4,500, for a total amount of \$49,500.

As the affiant, I am familiar with state and local laws relating to competition and bidding requirements and realize that the willful violations of these laws can invoke criminal sanctions. I understand further that the Charter of the City of Austin does not exempt emergency or health and safety purchases from the requirement of competition. However, I believe that the time required to package bid documents, advertise for contractors, award a contract, and execute a contract, would place the municipality's residents or property in further danger and that my fiduciary responsibilities to the City of Austin required that the purchase of remediation services for abating and filling the excavated area at 2006 Canterbury be made as soon as reasonably possible, if not immediately. This procurement is necessary to protect or preserve the public health or safety of the municipality in accordance with the provisions of Texas Local Government Code Section 252.022(a)(2). "Further Affiant sayeth not."

A handwritten signature in black ink, appearing to read "Robert Hinojosa", written over a horizontal line.

Robert Hinojosa, P.E.

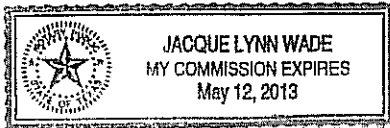
Acting Director

City of Austin Public Works Department

STATE OF TEXAS }
 }
COUNTY OF TRAVIS }

BEFORE ME, the undersigned notary public, personally appeared Robert Hinojosa, P.E., known to me personally or on the basis to legally sufficient identification to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein expressed, in the capacity therein stated, and that each and every statement therein is within his knowledge and is true and correct.

Given under my hand and seal of office on the 3rd day of June, 2010.



Jacquelyn Wade
NOTARY PUBLIC, STATE OF TEXAS

Jacquelyn WADE
Printed Name of Notary

My Commission Expires: May 12, 2013