



AGENDA MEMORANDUM

Future Agenda City Council Meeting of November 19, 2013
Action Item City Council Meeting of December 10, 2013

DATE: November 13, 2013
TO: Ronald L. Olson, City Manager
FROM: Daniel Biles, P.E., Director of Engineering Services
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Resolution Delegating Authority for Alternative Delivery Methods.

CAPTION:

Resolution adopting rules to implement Chapter 2269 of the Government Code regarding contracting and delivery methods for construction projects; and delegating authority to implement Chapter 2269 to the City Manager.

PURPOSE:

Resolution related to alternative delivery methods for construction, adopting rules and delegating authority to implement Texas Government Code Chapter 2269

BACKGROUND AND FINDINGS:

Chapter 2269 of the Texas Government Code (Chapter 2269) is titled "Contracting and Delivery Procedures for Construction Projects." Chapter 2269 applies to governmental entities engaged in public works, and authorizes procuring for certain projects using certain contracting and delivery methods.

The procedures prescribed by Chapter 2269 ("the Procedures") outline procurement procedures and requirements for the following seven methods -- one traditional competitive bidding method and six alternative delivery methods:

1. Competitive Bidding Method
2. Competitive Sealed Proposal Method
3. Construction Manager-Agent Method
4. Construction Manager-at-Risk Method
5. Building Using Design-Build Method
6. Design-Build for Certain Civil Works Projects
7. Job Order Contracts Method

In order to use these methods and follow the Procedures outlined under Chapter 2269, state law authorizes governmental entities to adopt rules and to delegate authority:

- Texas Government Code § 2269.051. Rules: *A governmental entity may adopt rules as necessary to implement this chapter.*
- Texas Government Code § 2269.053. Delegation of Authority: *A governmental entity may adopt rules as necessary to implement this chapter.*

This Resolution would adopt rules to implement the Procedures and authorize the City Manager or designee to take the prescribed actions necessary to implement the Procedures.

This Resolution would not provide for any authority outside of implementing the Procedures, and does not alter the City's current contract approval process.

More specifically, the Rules do not provide for an exemption to Article X, Section 2 of the City's Charter, requiring that City Council approve all contracts that require an expenditure of city funds in an amount over the limit at which competitive bids are required under the Texas Local Government Code (currently \$50,000).

ALTERNATIVES:

1. Approve the proposed Resolution as presented.
2. Deny or make motion to amend to make certain changes to the proposed Resolution

OTHER CONSIDERATIONS:

Not Applicable

CONFORMITY TO CITY POLICY:

The proposed Resolution conforms to the Chapter 2269 of the Texas Government Code and City Charter.

EMERGENCY / NON-EMERGENCY:

Non-emergency

DEPARTMENTAL CLEARANCES:

FINANCIAL IMPACT: N/A

Operating Revenue Capital X Not applicable

Fiscal Year 2013-2014	Project to Date Expenditures (CIP only)	Current Year	Future Years	TOTALS
Line Item Budget				
Encumbered / Expended Amount				
This item				
Future Anticipated Expenditures				
BALANCE				

COMMENTS:

On May 21, 2013, City Council was shown a presentation on Alternative Delivery Methods for their discussion and further action.

RECOMMENDATION:

Approval of the Resolution as presented

LIST OF SUPPORTING DOCUMENTS:

Resolution