

RESOLUTION NO. 2007 127 R

A resolution delegating the City Council's authority to the City Manager for determining the City of Victoria's chosen method of competitive procurement pursuant to Tex. Local Gov't Code §§ 252.021(c) & 271.114(a), and declaring an effective date.--- limited by Amendment to proposed (1) fire stations, (2) skatepark, and (3) garbage carts

On September 1, 2007, Tex. Local Gov't Code § 252.021 will provide:

Tex. Local Gov't Code § 252.021. Competitive Requirements for Certain Purchases

(a) Before a municipality may enter into a contract that requires an expenditure of more than \$25,000 from one or more municipal funds, the municipality must:

- (1) comply with the procedure prescribed by this subchapter and Subchapter C for competitive sealed bidding or competitive sealed proposals;
- (2) use the reverse auction procedure, as defined by Section 2155.062(d), Government Code, for purchasing; or
- (3) comply with a method described by Subchapter H, Chapter 271.

(b) A municipality may use the competitive sealed proposal procedure for the purchase of goods or services, including high technology items and insurance.

(c) The governing body of a municipality that is considering using a method other than competitive sealed bidding must determine before notice is given the method of purchase that provides the best value for the municipality. **The governing body may delegate, as appropriate, its authority under this subsection to a designated representative.** If the competitive sealed proposals requirement applies to the contract, the municipality shall consider the criteria described by Section 252.043(b) and the discussions conducted under Section 252.042 to determine the best value for the municipality.

Tex. Local Gov't Code § 271.114(a) provides:

(a) The governing body of a governmental entity that is considering a construction contract using a method specified by Section 271.113(a) other than competitive bidding must, before advertising, determine which method provides the best value for the governmental entity. **The governing body may, as appropriate, delegate its authority under this section to a designated representative.**

Subchapter H of Chapter 271 (via § 271.113(a)) of the Texas Local Government Code allows alternative competitive procurement mechanisms for the purchase of facilities, including:

- (1) competitive bidding;
- (2) competitive sealed proposals for construction services;
- (3) a design-build contract;
- (4) a contract to construct, rehabilitate, alter, or repair facilities that involves using a construction manager; or
- (5) a job order contract for the minor repair, rehabilitation, or alteration of a facility.

Subchapter H of Chapter 271 of the Texas Local Government Code, provides that the final purchase decision for an applicable purchase (exceeding \$50,000), will still be required to be decided by governing body of the municipality.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VICTORIA, TEXAS:

1.

The City Council hereby delegates its authority to the City Manager for determining the City of Victoria's chosen method of competitive procurement pursuant to Tex. Local Gov't Code §§ 252.021(c) & 271.114(a) to the maximum extent permitted by law. Pursuant to this resolution, the City Manager shall utilize the procurement method for each applicable purchase that provides the best value for the City of Victoria. **This delegation of authority is limited to proposed (1) fire stations, (2) skatepark, and (3) garbage carts.**

The provisions of this resolution shall become effective immediately upon final passage and approval by the City Council of the City of Victoria, Texas.

PASSED, this the 7th day of August, 2007.

AYES: 7

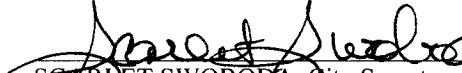
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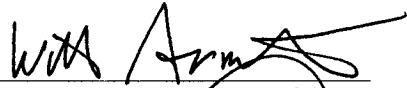
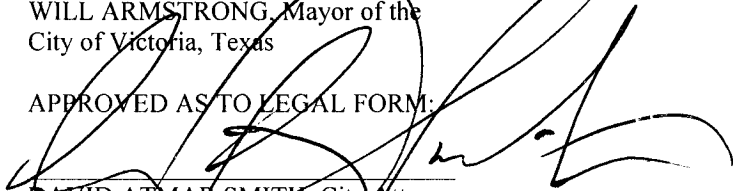
ABSTENTIONS: 0

APPROVED AND ADOPTED, this the 7th day of August, 2007.



ATTEST:


SCARLET SWOBODA, City Secretary
Distribution: Legal
Fire Department
Finance Department


WILL ARMSTRONG, Mayor of the
City of Victoria, Texas
APPROVED AS TO LEGAL FORM:

DAVID ATMAR SMITH, City Attorney
Sent: **AUGUST 9, 2007**