

RESOLUTION NO. 2019-13

A RESOLUTION OF THE CITY OF SAGINAW, TEXAS, FINDING THAT THE “COMPETITIVE BIDDING METHOD” UNDER SUBCHAPTER C OF CHAPTER 2269 OF THE TEXAS GOVERNMENT CODE IS THE DELIVERY METHOD THAT PROVIDES THE BEST VALUE FOR THE CITY FOR PURPOSES OF CONSTRUCTING A THROUGH ROAD CONNECTING OLD DECATUR ROAD AND SAGINAW BOULEVARD AS A PART OF THE SQUARE MIXED-USE DEVELOPMENT; DELEGATING ITS AUTHORITY UNDER CHAPTER 2269 REGARDING AN ACTION AUTHORIZED OR REQUIRED BY THAT CHAPTER AND FOR PURPOSES OF THE THROUGH ROAD PROJECT ONLY TO FAROOQ WAZIRALI; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Saginaw, Texas, is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, pursuant to a Chapter 380 economic development grant (“Grant”) the City of Saginaw desires to support and incentivize the construction of a through road connecting Old Decatur Road and Saginaw Boulevard (the “Project”) as a part of The Square mixed-use development (the “Development”); and

WHEREAS, the developer of the Development desires to construct and dedicate the through road; and

WHEREAS, the Grant is in an amount that will exceed 30% of the cost of the Project; and

WHEREAS, Section 212.071 of the Texas Local Government Code requires that a contract to construct public improvements comply with the competitive bidding requirements of Chapter 252 of the Local Government Code in instances where the City participates in the cost of the public improvements in excess of 30% of the total cost; and

WHEREAS, pursuant to Local Government Code Section 252.021(a), before entering into a contract that requires an expenditure of more than \$50,000.00, the City must: (1) comply with Subchapters B and C of Chapter 252, Local Government Code (Chapter 252) related to competitive bidding and proposals; (2) use the reverse auction procedure defined by Section 2155.062(d) of the Government Code, for purchasing; or (3) comply with a method described by Chapter 2269 of the Texas Government Code (Chapter 2269); and

WHEREAS, expenditures for the Project will exceed \$50,000; and

WHEREAS, Section 252.022 (d) of the Local Government Code provides that if the City Council “determines that a method described by Chapter 2269, Government Code, provides a better value,” the contract is not required to be bid or awarded in accordance with the traditional competitive bidding process under Chapter 252; and

WHEREAS, with respect to the Project, the City Council of the City of Saginaw, Texas, finds that the “Competitive Bidding Method” under Subchapter C of Chapter 2269 is the delivery method that provides the best value for the City; and

WHEREAS, Section 2269.053 permits the governing body to delegate “its authority under this chapter regarding an action authorized or required by this chapter to a designated representative, committee, or other person;” and

WHEREAS, the City Council deems it appropriate and in the best interest of the public to delegate its authority under Chapter 2269 regarding an action authorized or required by that Chapter, and for purposes of the Project only, to Farooq Wazirali, Managing Member.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAGINAW, TEXAS, THAT:

SECTION 1.

The City Council finds that with respect to expenditures necessary for the Project, the “Competitive Bidding Method” under Subchapter C of Chapter 2269 is the delivery method that provides the best value for the City.

SECTION 2.

In accordance with Section 2269.053 of the Government Code, the City Council hereby delegates its authority under Chapter 2269 regarding all actions authorized or required by that Chapter, and for purposes of the Project only, to Farooq Wazirali, Managing Member.

SECTION 3.

This Resolution shall become effective from and after its passage.

Todd Flippo, Mayor

ATTEST:

Janice England, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Bryn Meredith, City Attorney