

**TOWN OF ADDISON, TEXAS**

**ORDINANCE NO. 002-005**

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING CHAPTER 2 (ADMINISTRATION), ARTICLE IV (FINANCE), DIVISION 2 (FINANCIAL POLICIES) OF THE CODE OF ORDINANCES OF THE CITY BY ADDING A NEW SECTION 2-184 RELATING TO THE USE OF ALTERNATIVE METHODS OF SELECTING A CONTRACTOR FOR THE CONSTRUCTION, REHABILITATION, ALTERATION, OR REPAIR OF A FACILITY (AS DEFINED HEREIN) WHICH PROVIDE THE BEST VALUE FOR THE CITY; PROVIDING THAT, IN CONSIDERING A CONSTRUCTION CONTRACT USING A METHOD DESCRIBED HEREIN, A DETERMINATION MUST BE MADE (BEFORE ADVERTISING) AS TO WHICH METHOD PROVIDES THE BEST VALUE FOR THE CITY, AND DELEGATING THE AUTHORITY TO MAKE SUCH DETERMINATION TO THE CITY MANAGER (OR THE CITY MANAGER'S DESIGNEE); PROVIDING A SAVING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, by the adoption of Senate Bill 510, the 77<sup>th</sup> Session of the Texas Legislature amended Chapter 252 (regarding purchases by municipalities) and added Chapter 271 (regarding alternative project delivery methods for certain projects) of the Texas Local Government Code; and

**WHEREAS**, the said amendments authorize Texas municipalities to enter into a contract for the construction, rehabilitation, alteration, or repair of a "facility" by a method other than the competitive sealed bidding process and the awarding of a bid to the lowest responsible bidder, that is, by a method that provides the "best value" for a municipality (and such methods are listed in Section 271.113 of the Local Government Code); and

**WHEREAS**, the term "facility" is defined in Section 271.111 of the Local Government Code as "*buildings* the design and construction of which are governed by accepted building codes", and such term does not include (i) highways, roads, streets, bridges, utilities, water supply projects, water plants, wastewater plants, water and wastewater distribution or conveyance facilities, wharves, docks, airport runways and taxiways, drainage projects, or related types of projects associated with civil engineering construction, or (ii) buildings or structures that are incidental to projects that are primarily civil engineering construction projects; and

**WHEREAS**, it is the City Council's determination that, in connection with the construction, rehabilitation, alteration, or repair of a facility and the expenditure of funds therefor, the "best value" methods set forth in Section 271.113 of the Local Government Code shall be used, and that the determination as to which of such "best value" methods is used be delegated to the City Manager (or the City Manager's designee).

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:**

**Section 1. Amendment of Code of Ordinances.** That Chapter 2 (Administration), Article IV (Finance), Division 2 (Financial Policies) of the Code of Ordinances of the Town of Addison, Texas is hereby amended by adding a new Section 2-184 relating to the use of alternative methods of selecting a contractor for the construction of a facility to read as follows:

**“Section 2-184. Facility Construction – Best Value Methods for Entering Into Contract.**

(a) For purposes of this Section, the term “facility” means buildings the design and construction of which are governed by accepted building codes; such term does not include (i) highways, roads, streets, bridges, utilities, water supply projects, water plants, wastewater plants, water and wastewater distribution or conveyance facilities, wharves, docks, airport runways and taxiways, drainage projects, or related types of projects associated with civil engineering construction, or (ii) buildings or structures that are incidental to projects that are primarily civil engineering construction projects

(b) In entering into and awarding a contract for the construction, rehabilitation, alteration, or repair of a facility, the City shall use one of the following methods that provides the best value for the City (such methods being those set forth in Section 271.113(a) of the Texas Local Government Code):

- (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 involve using a construction manager; or
- (5) a job order contract for the minor repair, rehabilitation, or alteration of a facility.

The use or implementation of any of such methods shall comply in all respects with Chapter 271, Subchapter H of the Texas Local Government Code and any other applicable law.

(c) The determination of which of the best value methods set forth in subparagraph (b) shall be used shall be made before advertising as required by law. The authority of the City Council to make such determination is hereby delegated to the City Manager (or the City Manager’s designee), and the City Manager (and any designee of the City Manager) is hereby authorized to make such determination.”

**Section 2. Savings.** This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal, modify, or amend any of the provisions of those ordinances except in those instances where the provisions of those Ordinances are in direct conflict with the provisions of this Ordinance.

**Section 3 Severability.** The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**Section 4. Effective Date.** This Ordinance shall become effective from and after its date of passage and publication as may be required by law.

**PASSED AND APPROVED** by the City Council of the Town of Addison, Texas this the 22<sup>nd</sup> day of January, 2002.

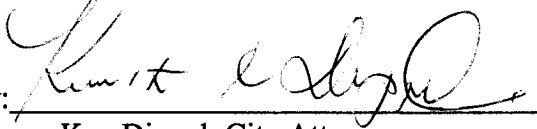


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R. Scott Wheeler, Mayor

ATTEST:

By:   
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Carmen Moran, City Secretary

APPROVED AS TO FORM:

By:   
\_\_\_\_\_  
Ken Dippel, City Attorney

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