

**Resolution No.**

**A RESOLUTION DETERMINING THAT THE COMPETITIVE SEALED PROPOSAL (REQUEST FOR PROPOSAL) PROCUREMENT METHOD FOR THE TRAIL IMPROVEMENTS PROJECT, PROVIDES THE BEST VALUE FOR THE CITY, AND DELEGATING AUTHORITY TO USE SAID METHOD IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE**

WHEREAS, the City desires to utilize a competitive sealed proposal method to select a construction contractor and facilitate the construction of the Trail Improvements Project (Project); and

WHEREAS, Chapter 252 of the Texas Local Government Code does not apply to an expenditure otherwise subject to that chapter if the governing body of the City determines that a method described by Chapter 2269 of the Texas Government Code provides better value for the City and adopts and uses a method described by that chapter; and

WHEREAS, the City desires to utilize the competitive sealed proposal procurement method established by Chapter 2269, Subchapter D of the Texas Government Code for the construction of the Project, including to seek responses from various experienced equipment suppliers for the equipment selection for the Project; and

WHEREAS, the competitive sealed proposal procurement method will allow for consideration of price, experience and reputation of offerors, quality of goods and services, safety records and other relevant factors identified in a request for proposals, and will also allow for negotiation of both price and contract terms after proposals are submitted, thereby assuring that the City controls cost without sacrificing service or quality; and

WHEREAS, the City Council finds and deems the competitive sealed proposal method is in the best interest of, and best value to, the City; and

WHEREAS, Section 2269.053 of the Texas Government Code authorizes City Council to delegate its authority under Chapter 2269 regarding an action authorized or required by that chapter to a designated representative and the City Council finds such delegation necessary for the efficient advancement of this critical public works Project.

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

**SECTION 1.** That the foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

**SECTION 2.** That the City Council hereby finds that the competitive sealed proposal (Request for Proposal) procurement method provides the best value for the City to facilitate the construction of the Project.

**SECTION 3.** That the City Council hereby delegates and authorizes the City Manager, or her designee, to proceed with such procurement in accordance with the applicable provisions of Texas Government Code, Chapter 2269, Subchapters A, B and D for the construction of the Project, including without limitation, appointing a selection committee to evaluate and rank each proposal submitted for City Council's ultimate consideration and award.

**SECTION 4.** That this Resolution shall become effective immediately upon its approval and passage.

PASSED and approved by the City Council of the City of Pflugerville on this 8<sup>th</sup> day of March 2022.

CITY OF PFLUGERVILLE, TEXAS

By: \_\_\_\_\_  
VICTOR GONZALES, Mayor

ATTEST:

\_\_\_\_\_  
Trista Evans, City Secretary

APPROVED AS TO FORM:

CHARLES E. ZECH, City Attorney  
Denton, Navarro, Rocha, Bernal & Zech, P.C.