

RESOLUTION NO.

WHEREAS, the City of Austin seeks to enter into a Parkland Improvement and Maintenance Agreement (the “Agreement”) with the Trail Foundation, a Texas nonprofit corporation, for park improvements located along Waller Beach at Town Lake Metro Park (the “Project”); and,

WHEREAS, the Project will include a trail head, seating, nature play, green infrastructure, and lighting.; and,

WHEREAS, the Agreement will set forth rights and obligations of the City and the Trail Foundation related to the funding, development, operations, and maintenance of the park improvements; and,

WHEREAS, The City will contribute an amount not to exceed \$778,865.00 to the Project; and,

WHEREAS, expenditures for the Project will exceed \$50,000; 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, Subchapter D of Chapter 2269, “Competitive Sealed Proposal Method,” describes the competitive sealed proposal method authorized by that subchapter as a project delivery method by which a governmental entity requests proposals, ranks the offerors, negotiates as prescribed, and then contracts with a

26 general contractor for the construction, rehabilitation, alteration, or repair of a
27 facility; and,

28 **WHEREAS**, Section 2269.056(a) of the Government Code provides that the
29 governing body of a governmental entity that considers a construction contract
30 using a method authorized by Chapter 2269 other than competitive bidding must,
31 before advertising, determine which method provides the best value for the
32 governmental entity; and,

33 **WHEREAS**, in relation to the Project specifics and requirements, staff has
34 considered the methods described in Chapter 2269 and reviewed the procedures
35 described in Chapter 252; and,

36 **WHEREAS**, with respect to the Project and the expenditures necessary to
37 complete it, staff recommends use of the competitive sealed proposal method for
38 buildings authorized by Subchapter D of Chapter 2269 as the project delivery
39 method that provides the best value for the City; **NOW, THEREFORE,**

40 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

41 The City Manager, or designee, is authorized to negotiate and execute a
42 Parkland Improvement and Maintenance Agreement with the Trail Foundation
43 related to the Project for a total contract amount not to exceed \$778,865.00.

44 **BE IT FURTHER RESOLVED:**

45 The City Council finds that with respect to expenditures necessary for the
46 Project; the competitive sealed proposal method described by Subchapter D of
47 Chapter 2269 of the Texas Government Code provides the best value for the City.

48 **ADOPTED:** _____, 2022 **ATTEST:** _____

49 Myrna Rios
50 City Clerk
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