

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, A TEXAS HOME-RULE MUNICIPAL CORPORATION, AUTHORIZING THE APPROVAL OF A FIRST AMENDMENT TO A CONTRACT BETWEEN THE CITY OF DENTON AND FERGUSON ENTERPRISES, LLC, AMENDING THE CONTRACT APPROVED BY CITY COUNCIL ON MARCH 17, 2020, IN THE NOT-TO-EXCEED AMOUNT OF \$3,630,000.00, SAID FIRST AMENDMENT TO CONTINUE TO PROVIDE WATER AND WASTEWATER INVENTORY FOR THE WAREHOUSE DEPARTMENT; PROVIDING FOR THE EXPENDITURE OF FUNDS THEREFOR; AND PROVIDING AN EFFECTIVE DATE (IFB 7187 – PROVIDING FOR AN ADDITIONAL FIRST AMENDMENT EXPENDITURE AMOUNT NOT-TO-EXCEED \$907,500.00, FOR A TOTAL CONTRACT AMOUNT NOT-TO-EXCEED \$4,537,500.00).

WHEREAS, on March 17, 2020, City Council awarded a contract to Ferguson Enterprises, LLC in the amount of \$3,630,000.00, for the supply of water and sewer inventory parts; and

WHEREAS, this procurement was undertaken as part of the City's governmental function; and

WHEREAS, the additional fees under the proposed First Amendment are fair and reasonable and are consistent with, and not higher than, the recommended practices and fees applicable to the Provider's profession, and such fees do not exceed the maximum provided by law; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The First Amendment, increasing the amount of the contract between the City and Ferguson Enterprises, LLC, which is on file in the office of the Purchasing Agent, in the amount of Nine Hundred Seven Thousand Five Hundred and 0/100 (\$907,500.00) Dollars, is hereby approved, and the expenditure of funds therefor is hereby authorized in accordance with said amendment which shall be effective upon the execution of the amendment attached hereto. The total contract amount increases to \$4,537,500.00.

SECTION 2. This ordinance shall become effective immediately upon its passage and approval.

The motion to approve this ordinance was made by _____ and seconded by _____. This ordinance was passed and approved by the following vote [___ - ___]:

	Aye	Nay	Abstain	Absent
Mayor Gerard Hudspeth:	_____	_____	_____	_____
Vicki Byrd, District 1:	_____	_____	_____	_____
Brian Beck, District 2:	_____	_____	_____	_____
Jesse Davis, District 3:	_____	_____	_____	_____
VACANT, District 4:	_____	_____	_____	_____
Brandon Chase McGee, At Large Place 5:	_____	_____	_____	_____
Chris Watts, At Large Place 6:	_____	_____	_____	_____

PASSED AND APPROVED this the _____ day of _____, 2023.

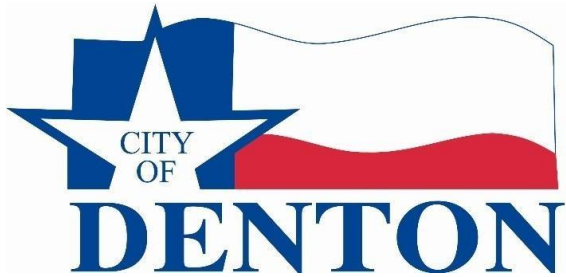
GERARD HUDSPETH, MAYOR

ATTEST:
JESUS SALAZAR, INTERIM CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

BY: Marcella Lunn
Digitally signed by Marcella Lunn
DN: cn=Marcella Lunn, o,
ou=City of Denton,
email=marcella.lunn@cityofdenton.com, c=US
Date: 2023.04.07 10:40:19 -05'00'



Docusign City Council Transmittal Coversheet

IFB	7187
File Name	DC Water & Sewer Inventory- Ferguson Amendment 1
Purchasing Contact	Ginny Brummett
City Council Target Date	
Piggy Back Option	No
Contract Expiration	
Ordinance	

THE STATE OF TEXAS §
 §
COUNTY OF DENTON §

FIRST AMENDMENT TO CONTRACT
BY AND BETWEEN THE CITY OF DENTON, TEXAS
AND FERGUSON ENTERPRISES, LLC
(7187)

THIS FIRST AMENDMENT TO CONTRACT 7187 (this “Amendment”) by and between the City of Denton, Texas (“City”) and FERGUSON ENTERPRISES, LLC (“Contractor”) to that certain contract executed on March 17, 2020, in the original not-to-exceed amount of \$3,630,000 (the “Agreement”); for services related to the DC water and sewer inventory.

WHEREAS, the City deems it necessary to further expand the services provided by Contractor to the City pursuant to the terms of the Agreement, and to provide an additional not-to-exceed amount \$907,500 with this First Amendment for an aggregate not-to-exceed amount of \$4,537,500; and

WHEREAS, this amendment incorporates any previously executed documents between the parties including but not limited to pricing adjustments.

WHEREAS, the City deems it necessary to further expand the goods/services provided by Contractor to the City; and

WHEREAS, the original not-to-exceed amount may not be increased by more than 25.0% as provided in Texas Local Government Code Sec. 252.048; and

NOW THEREFORE, the City and Contractor (hereafter collectively referred to as the “Parties”), in consideration of their mutual promises and covenants, as well as for other good and valuable considerations, do hereby AGREE to the following First Amendment, which amends the following terms and conditions of the said Agreement, to wit:

1. This Amendment modifies the Agreement amount to provide an additional \$907,500 for additional services and materials to be provided in accordance with the terms of the Agreement with a revised aggregate not-to-exceed total of \$4,537,500.

IN WITNESS WHEREOF, the City and the Contractor, have each executed this Amendment, by and through their respective duly authorized representatives and officers on this date_____.

“CONTRACTOR”
Ferguson Enterprises, LLC

DocuSigned by:
By: Ryan Moore
4B070831B4AA438...
AUTHORIZED SIGNATURE, TITLE

“CITY”
CITY OF DENTON, TEXAS
A Texas Municipal Corporation

By: _____

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

DocuSigned by:
By: Marcella Lunn
4B070831B4AA438...

ATTEST:
ROSA RIOS, CITY SECRETARY

By: _____

THIS AGREEMENT HAS BEEN
BOTH REVIEWED AND APPROVED
as to financial and operational
obligations and business terms.

DocuSigned by:
Laura Behrens Laura Behrens
511632A1F24A8 PRINTED NAME

Assistant Procurement Director
TITLE

Procurement
DEPARTMENT

Certificate Of Completion

Envelope Id: 4BF2257F18EB4DD4A8FC67BD0367163A

Status: Sent

Subject: Please DocuSign: City Council Contract-7187 DC Water & Sewer Inventory- Ferguson Amendment 1

Source Envelope:

Document Pages: 3

Signatures: 3

Envelope Originator:

Certificate Pages: 6

Initials: 1

Ginny Brummett

AutoNav: Enabled

901B Texas Street

Envelope Stamping: Enabled

Denton, TX 76209

Time Zone: (UTC-06:00) Central Time (US & Canada)

Ginny.Brummett@cityofdenton.com

IP Address: 198.49.140.10

Record Tracking

Status: Original

Holder: Ginny Brummett

Location: DocuSign

4/3/2023 8:32:27 AM

Ginny.Brummett@cityofdenton.com

Signer Events**Signature****Timestamp**

Ginny Brummett

Completed

Sent: 4/3/2023 8:48:05 AM

ginny.brummett@cityofdenton.com

Viewed: 4/3/2023 8:48:14 AM

Buyer

Signed: 4/3/2023 8:48:25 AM

City of Denton

Using IP Address: 198.49.140.10

Security Level: Email, Account Authentication
(None)**Electronic Record and Signature Disclosure:**

Not Offered via DocuSign

Lori Hewell



Sent: 4/3/2023 8:48:29 AM

lori.hewell@cityofdenton.com

Viewed: 4/3/2023 8:57:13 AM

Purchasing Manager

Signed: 4/3/2023 8:57:40 AM

City of Denton

Signature Adoption: Pre-selected Style

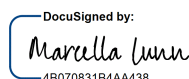
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(None)

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Electronic Record and Signature Disclosure:

Not Offered via DocuSign

Marcella Lunn



Sent: 4/3/2023 8:57:43 AM

marcella.lunn@cityofdenton.com

Viewed: 4/3/2023 10:16:57 AM

Mack Reinwand City Attorney

Signed: 4/3/2023 10:18:44 AM

City of Denton

Signature Adoption: Pre-selected Style

Security Level: Email, Account Authentication
(None)

Using IP Address: 198.49.140.10

Electronic Record and Signature Disclosure:

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Ryan Moore



Sent: 4/3/2023 10:18:47 AM

ryan.moore@ferguson.com

Viewed: 4/3/2023 10:58:08 AM

General Manager

Signed: 4/3/2023 10:58:32 AM

Security Level: Email, Account Authentication
(None)


Signature Adoption: Pre-selected Style

Using IP Address: 70.119.154.16

Electronic Record and Signature Disclosure:

Accepted: 4/3/2023 10:58:08 AM

ID: ec0557d2-b4bb-497f-95d0-18c092429f12

Signer Events	Signature	Timestamp
<p>Laura Behrens Laura.Behrens@cityofdenton.com Assistant Procurement Director City of Denton Security Level: Email, Account Authentication (None)</p>	<p>DocuSigned by:  E4EBB9C2B1F24AB...</p> <p>Signature Adoption: Pre-selected Style Using IP Address: 198.49.140.10</p>	<p>Sent: 4/3/2023 10:58:34 AM Viewed: 4/3/2023 11:42:18 AM Signed: 4/3/2023 11:42:30 AM</p>

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Cheyenne Defee
cheyenney.defee@cityofdenton.com
Procurement Administration Supervisor
City of Denton
Security Level: Email, Account Authentication (None)

Sent: 4/3/2023 11:42:33 AM

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Sara Hensley
sara.hensley@cityofdenton.com
Security Level: Email, Account Authentication (None)

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Rosa Rios
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Electronic Record and Signature Disclosure:
Accepted: 4/6/2023 9:38:14 AM
ID: 5101cc7f-22ec-4658-b927-8f4d467d418b

In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp

Cheyenne Defee
cheyenney.defee@cityofdenton.com
Procurement Administration Supervisor
City of Denton
Security Level: Email, Account Authentication (None)

COPIED

Sent: 4/3/2023 8:48:28 AM

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Gretna Jones
gretna.jones@cityofdenton.com
Legal Secretary
City of Denton
Security Level: Email, Account Authentication (None)

COPIED

Sent: 4/3/2023 11:42:32 AM
Viewed: 4/6/2023 11:48:47 AM

Carbon Copy Events	Status	Timestamp
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Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	4/3/2023 8:48:05 AM
Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		

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You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: purchasing@cityofdenton.com

To advise City of Denton of your new e-mail address

To let us know of a change in your e-mail address where we should send notices and disclosures electronically to you, you must send an email message to us at melissa.kraft@cityofdenton.com and in the body of such request you must state: your previous e-mail address, your new e-mail address. We do not require any other information from you to change your email address..

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- i. decline to sign a document from within your DocuSign account, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an e-mail to purchasing@cityofdenton.com and in the body of such request you must state your e-mail, full name, US Postal Address, telephone number, and account number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

Operating Systems:	Windows2000? or WindowsXP?
Browsers (for SENDERS):	Internet Explorer 6.0? or above
Browsers (for SIGNERS):	Internet Explorer 6.0?, Mozilla FireFox 1.0, NetScape 7.2 (or above)
Email:	Access to a valid email account
Screen Resolution:	800 x 600 minimum
Enabled Security Settings:	<ul style="list-style-type: none">•Allow per session cookies•Users accessing the internet behind a Proxy Server must enable HTTP 1.1 settings via proxy connection

** These minimum requirements are subject to change. If these requirements change, we will provide you with an email message at the email address we have on file for you at that time providing you with the revised hardware and software requirements, at which time you will have the right to withdraw your consent.

Acknowledging your access and consent to receive materials electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please verify that you were able to read this electronic disclosure and that you also were able to print on paper or electronically save this page for your future reference and access or that you were able to e-mail this disclosure and consent to an address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format on the terms and conditions described above, please let us know by clicking the 'I agree' button below.

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- Until or unless I notify City of Denton as described above, I consent to receive from exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to me by City of Denton during the course of my relationship with you.