

EXHIBIT 5

ORDINANCE NO. 2017-_____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS AUTHORIZING THE APPROVAL OF A THIRD AMENDMENT TO A CONTRACT BETWEEN THE CITY OF DENTON AND BARCO CONSTRUCTION, INC. FOR UNDERGROUND ELECTRIC INSTALLATION SERVICES WHICH WAS ORIGINALLY APPROVED BY COUNCIL ON SEPTEMBER 17, 2014 IN THE AMOUNT OF \$4,837,484.10 WITH A FIRST AND SECOND AMENDMENT PROVIDING FOR ADDITIONAL LINE ITEMS BUT NO CHANGE TO THE CONTRACT AWARD AMOUNT APPROVED BY PURCHASING STAFF; PROVIDING FOR THE EXPENDITURE OF FUNDS THEREFOR; AND PROVIDING AN EFFECTIVE DATE (FILE 5567–PROVIDING FOR AN ADDITIONAL EXPENDITURE AMOUNT NOT-TO-EXCEED \$1,209,371 WITH THE TOTAL CONTRACT AMOUNT NOT-TO-EXCEED \$6,046,855.10).

WHEREAS, on September 17, 2014, by Ordinance No. 2014-265, the Council awarded a contract for underground electric service installation (hereafter the “Agreement”) to Barco Construction, Inc., in the amount of \$4,837,484.10.10 for the underground installation of electric service facilities for Denton Municipal Electric; and

WHEREAS, on July 31, 2015, the City awarded a First Amendment to Barco Construction, Inc. (hereafter the “First Amendment”) for additional line items to be added to the contract with no change in the total contract amount and said Agreement was approved by Purchasing staff in accordance with their delegated authority; and

WHEREAS, on August 19, 2015, the City awarded a Second Amendment to Barco Construction, Inc. (hereafter the “Second Amendment”) for additional line items to be added to the contract with no change in the total contract amount and said Agreement was approved by Purchasing staff in accordance with their delegated authority; and

WHEREAS, there appears to the Council that further installation services must be completed; and Staff having recommended, the Public Utilities Board having approved, and the City Manager having recommended to the Council that the “Third Amendment to contract with Barco Construction, Inc. (hereafter the “Third Amendment”) be authorized to amend such Agreements, with respect to the scope of work and an increase in the payment amount by \$1,209,371; and said fees under the proposed Third Amendment are fair and reasonable, and are consistent with and not higher than the recommended practices and fees published by the professional associations 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 City Manager is hereby authorized to enter into the “ Amendment to Professional Services Agreement” with Barco Construction, Inc. (the “Third Amendment”), in substantially the form that is attached hereto and incorporated herewith by reference, which increases the amount of the engagement by and between the City of Denton, Texas and ions, Inc., which

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Agreement is on file in the office of the Purchasing Agent, in the additional amount of \$1,209,371, which amount is hereby approved; and the expenditure of funds therefor is hereby authorized in accordance with said Third Amendment. The total purchase order amount therefore increases to the amount of not-to-exceed \$6,046,855.10.

SECTION 2. The City Council of the City of Denton, Texas hereby expressly delegates the authority to expend funds and to take any actions that may be required or permitted to be performed by the City of Denton, Texas under File 5567, to the City Manager of the City of Denton, Texas, or his designee.

SECTION 3. The recitations and statements contained in the preamble hereto are incorporated herewith as a part of this Ordinance for all purposes.

SECTION 4. This ordinance shall become effective immediately upon its passage and approval.

PASSED AND APPROVED this the _____ day of _____, 2017.

CHRIS WATTS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

By: _____

APPROVED AS TO LEGAL FORM:
AARON LEAL, INTERIM CITY ATTORNEY



By: _____