

EXHIBIT 4

ORDINANCE NO. _2017-_____

AN ORDINANCE ACCEPTING COMPETITIVE PROPOSALS AND AWARDING A THREE (3) YEAR CONTRACT FOR THE SUPPLY OF HOT MIX ASPHALT CONCRETE AND THE LAY DOWN OF THE ASPHALT FOR THE CITY OF DENTON STREET DEPARTMENT; PROVIDING FOR THE EXPENDITURE OF FUNDS THEREFOR; AND PROVIDING AN EFFECTIVE DATE (RFP 6386-AWARDED TO JAGOE-PUBLIC COMPANY, IN THE THREE (3) YEAR NOT-TO-EXCEED AMOUNT OF \$20,000,000 FOR SECTIONS A AND C AND THE LANE CONSTRUCTION CORPORATION IN THE THREE (3) YEAR NOT-TO-EXCEED AMOUNT OF \$9,000,000 FOR SECTIONS B AND D FOR A THREE (3) YEAR TOTAL NOT-TO-EXCEED AMOUNT OF \$29,000,000.)

WHEREAS, the City has solicited, received, and evaluated competitive sealed proposals for the supply of hot mix asphalt concrete in accordance with the procedures of State law, and City ordinances; and

WHEREAS, the City Manager, or a designated employee has received, reviewed, and recommended that the herein described proposals are the most advantageous to the City considering the relative importance of price, and the other evaluation factors included in the request for proposals; and

WHEREAS, the City Council has provided in the City Budget for the appropriation of funds to be used for the purchase of the materials, equipment, supplies, or services approved and accepted herein; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The items in the following numbered request for proposal for materials, equipment, supplies, or services, shown in the "Request for Proposals," on file in the office of the Purchasing Agent, are hereby accepted, and approved as being the most advantageous to the City considering the relative importance of price and the other evaluation factors included in the request for proposals.

<u>RFP</u> <u>NUMBER</u>	<u>CONTRACTOR</u>	<u>AMOUNT</u>
6386	Jagoe-Public Company	\$20,000,000
6386	The Lane Construction Corporation	\$9,000,000
		(the "Proposals")

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SECTION 2. By the acceptance and approval of the above numbered items of the submitted proposals, the City accepts the offer of the persons submitting the proposals for such items, and agrees to purchase the materials, equipment, supplies, or services in accordance with the terms, specifications, standards, quantities, and for the specified sums contained in the Proposal Invitations, Proposals, and related documents.

SECTION 3. Should the City and person submitting approved and accepted items and of the submitted proposals wish to enter into a formal written agreement as a result of the acceptance, approval, and awarding of the proposals, the City Manager or his designated representative is hereby authorized to execute the written contract; provided that the written contract is in accordance with the terms, conditions, specifications, standards, quantities, and specified sums contained in the Proposal and related documents herein approved and accepted. This will be an initial one (1) year contract with options to extend the contract for two (2) additional one (1) year periods with all terms and conditions remaining the same.

SECTION 4. The City Council of the City of Denton, Texas hereby expressly delegates the authority to take any actions that may be required, or permitted to be performed by the City of Denton under RFP No. 6386 to the City Manager of the City of Denton, Texas, or his designee.

SECTION 5. By the acceptance and approval of the above enumerated bids, the City Council hereby authorizes the expenditure of funds therefor in the amount, and in accordance with the approved Proposals.

SECTION 6. This ordinance shall become effective immediately upon its passage and approval.

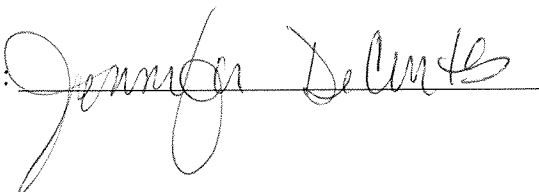
PASSED AND APPROVED this the _____ day of _____, 2017.

CHRIS WATTS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: _____

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

BY:  _____