

ORDINANCE NO. _____

AN ORDINANCE RATIFYING THE EXPENDITURE OF FUNDS BY THE CITY MANAGER FOR THE EMERGENCY REPLACEMENT OF FOUR (4) PUMPS AT THE PECAN CREEK WATER RECLAMATION PLANT RAW SEWAGE PUMP STATION NO. 2 IN ACCORDANCE WITH PROVISIONS OF SECTION 252.022 OF THE LOCAL GOVERNMENT CODE EXEMPTING SUCH PURCHASES FROM REQUIREMENTS OF COMPETITIVE BIDDING; AND PROVIDING AN EFFECTIVE DATE (FILE 6470-AWARDED TO MULTIPLE VENDORS IN THE ESTIMATED AMOUNT OF \$665,619.)

WHEREAS, state law and ordinance require that certain contracts requiring an expenditure or payment by the City in an amount exceeding \$50,000 be by competitive bids, except in the case of public calamity where it becomes necessary to act at once to appropriate money to relieve the necessity of the citizens of the city, or in case of unforeseen damage to public property, machinery, or equipment or where the procurement is necessary to preserve or protect the public health or safety of the city's residents under Section 252 of the Local Government Code; and

WHEREAS, the City Manager has recommended to the City Council that it is necessary to purchase goods, or services due to the following emergency conditions outlined in the memorandum attached hereto, incorporated herein by reference; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The City Council hereby determines that there is a public calamity that makes it necessary to act at once to appropriate money to relieve the necessity of the citizens of the city, or to provide for unforeseen damage to public property, machinery, or equipment, or to preserve, or protect the public health, or safety of the city's residents and by reason thereof, the following emergency purchases of materials, equipment, supplies, or services, as described in the "Declaration of Emergency Memorandum" referenced herein and on file in the office of the Purchasing Agent, are hereby approved:

<u>FILE NUMBER</u>	<u>VENDOR</u>	<u>AMOUNT</u>
6470	Control Specialist Services, L.P.	\$437,143 (the "Proposal")
6470	Hugh M. Cunningham, Inc.	\$78,485 (the "Proposal")
6470	Ferguson Waterworks	\$150,000 (Not-to-exceed) (the "Proposal")

SECTION 2. Because of such emergency, the City Manager or designated employee is hereby authorized to purchase the materials, equipment, supplies or services as described in the memorandum on file in the office of the Purchasing Agent, and to make payment therefore in the amounts therein stated, such emergency purchases being in accordance with the provisions of state law exempting such purchases by the City from the requirements of competitive bids.

SECTION 3. 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 File 6470 to the City Manager of the City of Denton, Texas, or his designee.

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: Jennifer W. Walters



Declaration of an Emergency

File #: 6470
Requisition #: TBD
Date: 5/12/17

Vendor: Legacy Contracting, LP, dba Control Specialist Services, LP
Hugh M. Cunningham Company

Commodity/Service: Pecan Creek WRP Raw Sewage Pump Station No. 2 Pump Installation

Estimated expenditure for the above commodity or service:

- | | |
|---|--------------|
| 1. Legacy Contracting, LP, dba Control Specialist Services, LP | 1. \$399,301 |
| 2. Hugh M. Cunningham Company | 2. \$78,485 |
| 3. Pipe, concrete, steel, and fittings (vendors not identified estimated) | 3. \$100,000 |

Initial all entries below that apply to the proposed purchase, under the Purchasing Procedures as passed by City Council. (More than one entry may apply.)

1. _____ Emergency situations, including procurements necessary to protect the public health or safety or in response to a public calamity;
2. A procurement necessary because of unforeseen damage to public equipment, machinery, or other property;

Brief Description/Justification for exception:

The Pecan Creek Water Reclamation Plant Raw Sewage Pump Station No. 2 (RSPS2) houses 4 pumps, each with a pumping capacity of 8 million gallons. It is a critical asset as these pumps pump the wastewater flows from the sewer system into the wastewater treatment plant. Failure of this asset can cause large wastewater overflows in the sewer system during wet weather events. One of the pumps in the RSPS2 is currently completely disabled, and a second pump is on the verge of getting disabled. The other 2 pumps are suffering from cavitation due to inefficient hydraulic conditions due to the design of the pumping station and could be compromised.

The proposed construction from Legacy contracting will provide structural hydraulic improvements in the wet well to streamline the flow entering the pump suction to alleviate cavitation issues that are causing pump failure. The contractor work effort will include bypass pumping of flow away from the RSPS2 during the project construction, provide labor for the concrete work in the wet well, and the pump and piping installation in the pump room. The Wastewater department has purchased the replacement of all four pumps and all mechanical piping and pipe connectors to expedite the proposed construction. The contractor has done several projects on pumps and valve replacements for the Water Reclamation Plant and has always done quality work in a timely manner under difficult working conditions. The contractor is fully qualified to do the proposed work

Several valves also need to be replaced due to age, and all of the existing valves used in the pump station are DeZurik valves. The pump station pipe layout and valve dimensions are fixed, as such replacement valves need to match these dimensions and can accommodate only DeZurick valves. Hugh M. Cunningham Company, Carrollton is the Sole Supplier of these valves in Texas. Staff has received a quote from the vendor (Exhibit 1) and finds the quote acceptable.

Page 2 of 2

Declaration of Emergency

Pecan Creek WRP Raw Sewage Pump Station No. 2 Pump Installation

File #: 6470

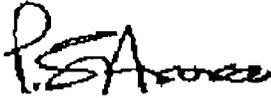
Requisition #: TBD

Date: 5/12/17

Respectfully Submitted by,

Reviewed by:

Reviewed By:



Dept. Director Date

DocuSigned by:
Karen E. Smith 5/12/2017
E9685D3C280A4B8...

Purchasing Manager Date

DocuSigned by:
Aaron Leal 5/12/2017
5C5B86FE73A54AF...

City Attorney Date

Approved by:

DocuSigned by:
Todd Hileman 5/12/2017

City Manager Date

This form must be attached to a purchase requisition if the expenditure is under \$50,000.

This form must be attached to a completed Agenda Information Sheet if the expenditure exceeds \$50,000.

Certificate Of Completion

Envelope Id: 762B1487647E4CB0AA6039606B570C97 Status: Completed
 Subject: Please DocuSign: 6470 Declaration of Emergency RSPS2
 Source Envelope:
 Document Pages: 2 Signatures: 3 Envelope Originator:
 Supplemental Document Pages: 0 Initials: 0 Karen E. Smith
 Certificate Pages: 5 Payments: 0 karen.smith@cityofdenton.com
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 Enveloped Stamping: Enabled
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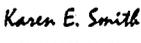
Record Tracking

Status: Original Holder: Karen E. Smith Location: DocuSign
 5/12/2017 8:41:16 AM karen.smith@cityofdenton.com

Signer Events

Karen E. Smith
 karen.smith@cityofdenton.com
 Interim Purchasing Manager
 City of Denton
 Security Level: Email, Account Authentication (Optional)
 Electronic Record and Signature Disclosure:
 Not Offered via DocuSign
 ID:

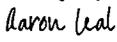
Signature

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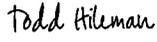
Aaron Leal
 aaron.leal@cityofdenton.com
 Security Level: Email, Account Authentication (Optional)

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Todd Hileman
 todd.hileman@cityofdenton.com
 City Manager
 City of Denton
 Security Level: Email, Account Authentication (Optional)

DocuSigned by:

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 Using IP Address: 47.190.47.120
 Signed using mobile

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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**

Kenneth Banks
kenneth.banks@cityofdenton.com
Security Level: Email, Account Authentication
(Optional)
Electronic Record and Signature Disclosure:
Not Offered via DocuSign
ID:

COPIED

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Viewed: 5/15/2017 7:05:34 AM

Notary Events**Timestamp****Envelope Summary Events****Status****Timestamps**

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Certified Delivered	Security Checked	5/12/2017 1:51:53 PM
Signing Complete	Security Checked	5/12/2017 1:51:53 PM
Completed	Security Checked	5/12/2017 1:51:53 PM

Payment Events**Status****Timestamps**

Electronic Record and Signature Disclosure

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

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How to contact City of Denton:

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: kevin.gunn@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 kevin.gunn@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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To inform us that you no longer want to receive future notices and disclosures in electronic format you may:

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- ii. send us an e-mail to kevin.gunn@cityofdenton.com and in the body of such request you must state your e-mail, full name, IS 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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- I can print on paper the disclosure or save or send the disclosure to a place where I can print it, for future reference and access; and
- 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.