

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DENTON, TEXAS, NUNC PRO TUNC, CORRECTING AN INADVERTENT MISTAKE IN ORDINANCE NO. 2016-040 RELATING TO THE DOLLAR AMOUNT REFLECTED IN BACK UP PROVIDED FOR RFP NUMBER 5925, AWARDED TO DENTON LAWN SPRINKLER, INC., AND D&D COMMERCIAL LANDSCAPE MANAGEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on or about February 16, 2016, the City Council awarded Bid No. 5925, to Denton Lawn Sprinkler, Inc. in a three year not-to-exceed amount of \$678,614, and D&D Commercial Landscape Management in a three year not-to-exceed amount of \$298,576, for a total three year not-to-exceed amount of \$977,190 under Ordinance No. 2016-040 (the "Ordinance"); and

WHEREAS, the City recently discovered that a clerical mistake was made in the dollar amounts reflected in the Ordinance and that those dollar amounts did not accurately reflect the contracts that were approved or the backup materials provided to Council by staff attached to Bid No. 5925, and shall be instead reflected as indicated on the corrected ordinance attached as Exhibit A hereto and incorporated herein; and

WHEREAS, the correct award should be to Denton Lawn Sprinkler, Inc. in a three year not-to-exceed amount of \$430,860 and to D&D Commercial Landscape Management in a three year not-to-exceed amount of \$526,143, for a total three year not-to-exceed amount of \$957,003; and

WHEREAS, both City Staff and the awardees request that this inadvertent mistake be corrected and that the corrected ordinance attached hereto replace the Ordinance and that all exhibits remain the same; and

WHEREAS, the City Council has the inherent power to retroactively correct such mistakes to reflect the correct and final amounts in the Ordinance and deems it to be in the best interest of the citizens of the City of Denton to correct the inadvertent mistake; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The findings and recitations contained in the preamble of this ordinance are incorporated herein by reference.

SECTION 2. The Ordinance 2016-040 is hereby amended to the limited extent necessary to correct an inadvertent clerical mistake in the dollar amounts reflected on the Ordinance by replacing the Ordinance with the corrected ordinance attached as Exhibit A hereto, with all original exhibits remaining the same, and the Mayor is hereby authorized to execute the corrected Ordinance in Exhibit A.

SECTION 3. All other provisions of Ordinance No. 2016-040 not specifically amended herein shall continue in force and effect; however, the provisions to this ordinance shall govern and control over any conflicting provisions of Ordinance No. 2016-040, to the extent of any such conflict.

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:  _____

ORDINANCE NO. 2016-040

ORDINANCE ACCEPTING COMPETITIVE PROPOSALS AND AWARDING A CONTRACT FOR ENHANCED RIGHT-OF-WAY MAINTENANCE FOR SELECT CITY OF DENTON ROADWAY RIGHTS-OF-WAY AND PUBLIC LAND; AND PROVIDING AN EFFECTIVE DATE (RFP 5925-AWARDED TO DENTON LAWN SPRINKLER, INC. IN THE THREE (3) YEAR NOT-TO-EXCEED AMOUNT OF \$430,860 AND D&D COMMERCIAL LANDSCAPE MANAGEMENT IN THE THREE (3) YEAR NOT-TO-EXCEED AMOUNT OF \$526,143 FOR A TOTAL THREE (3) YEAR NOT-TO-EXCEED AMOUNT OF \$957,003).

WHEREAS, the City has solicited, received and evaluated competitive sealed proposals for Enhanced Rights-of-Way Landscape Maintenance services in accordance with the procedures of State law and City ordinances; and

WHEREAS, the City Manager or a designated employee has received and 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 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>
5925	Denton Lawn Sprinkler, Inc.	\$430,860
5925	D&D Commercial Landscape Management	\$526,143

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.

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 5925 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:  _____