

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DENTON, TEXAS, *NUNC PRO TUNC*, CORRECTING INADVERTENT MISTAKES IN EXHIBIT “A” OF ORDINANCE NO. 2015-116 RELATING TO THE DOLLAR AMOUNTS REFLECTED IN THE BACK UP PROVIDED FOR RFP 5725 AND AWARDED TO POLYDYNE, INC., TDC, LLC, AND PVS TECHNOLOGIES, INC., AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on April 21, 2015, the City Council awarded Request for Proposals (RFP) No. 5725, to ten firms including Polydyne, Inc., TDC, LLC, and PVS Technologies, Inc., in the amount of \$4,200,000 for the supply of water treatment chemicals under Ordinance 2015-116 (the “Ordinance”); and

WHEREAS, City staff discovered that the Agenda and Information Sheet and total dollar amount for the items awarded were correct at the time of approval of the Ordinance; however, clerical errors were made in the dollar amounts of the individual contracts; and

WHEREAS, the Denton City Council finds that **Exhibit A** of the Ordinance contains erroneous dollar amounts in three of the contracts which should be corrected as stated herein and deems it to be in the best interest of the citizens of the City of Denton to correct the inadvertent mistakes by an amendment *nunc pro tunc* of the Ordinance; 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 City Council hereby amends Ordinance No. 2015-116 *nunc pro tunc*, so that the following contract amounts are amended in **Exhibit A** to the Ordinance:

<u>RFP NO.</u>	<u>ITEM NO.</u>	<u>VENDOR</u>	<u>2015-116 AMOUNT</u>	<u>CORRECTED AMOUNT</u>
5725	9	Polydyne, Inc.	\$291,150	\$467,000
5725	5	TDC, LLC	\$1,100,000	\$375,000
5725	12	PVS Technologies, Inc.	\$78,000	\$560,000

The corrected contracts for these dollar amounts are attached hereto and replace the contracts with the same vendors in the Ordinance to reflect these new dollar amounts. All contracts contained in **Exhibit A** to Ordinance No. 2015-116 shall remain in full force and effect to the extent they do not conflict with the terms of this amendment *nunc pro tunc*; and, in case of such conflict, this amendment controls. The attached contracts are hereby accepted and approved as being the most advantageous to the City considering the relative importance of price and other evaluation factors included in the RFP.

SECTION 3. The City Manager, or his designee, is hereby authorized to execute the written contracts attached hereto in order to correct the dollar amounts stated herein and 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 these contracts and RFP 5725 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 _____, 2018.

CHRIS WATTS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: _____

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

BY: 