

RESOLUTION NO. R-2024-109

APPROVING THE EMERGENCY PROCUREMENT OF MATERIALS AND LABOR FROM FORSYTHE BROTHERS INFRASTRUCTURE, LLC.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, APPROVING EMERGENCY PROCUREMENT FROM FORSYTHE BROTHERS INFRASTRUCTURE, IN THE AMOUNT NOT TO EXCEED TWO HUNDRED THIRTY-FIVE THOUSAND, NINE HUNDRED SEVENTY-THREE AND 00/100 (\$235,973.00) FOR MATERIALS AND LABOR TO REPAIR DAMAGED STORM DRAIN FACILITIES AND APPURTENANCES AT CHURCH STREET AND BUTTON WOOD, STORM DRAIN OUTFALL EROSION AT PECAN PARK, AND THE REPAIR OF 60 FEET OF DAMAGED STORM DRAIN PIPE ON STERLING DRIVE, AS DESCRIBED IN EXHIBIT A-2 TO ATTACHMENT A; AUTHORIZING EXECUTION; PROVIDING FOR FINDINGS OF FACT; SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City of Bastrop (“City”) has general authority to adopt an ordinance, resolution, or police regulation that is for the good government, peace, or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Texas Local Government Code Section 252.022(a) and the City of Bastrop Purchasing Policy, the City is exempt from engaging in the competitive bidding or competitive proposals procurement process in the event of certain emergency procurements that are necessary to preserve or protect the public health or safety, or in the event of unforeseen damages to public equipment or property; and

WHEREAS, the City of Bastrop has identified an urgent need for repairs to drainage infrastructure in three separate locations within the city limits, made necessary by recent amounts of rainfall that caused significant damage to existing infrastructure at the locations as described in **Exhibit A-2 to Attachment A**; and

WHEREAS, the City of Bastrop (“City”) has found and determined that immediate action is required to ensure the public safety and prevent continued

damage to drainage infrastructure; and

WHEREAS, the City Council has reviewed the proposed Agreement with Forsythe Brothers Infrastructure, LLC (“Agreement”), which is attached hereto and incorporated herein as **Attachment A**.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, THAT:

Section 1. Findings of Fact: All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Bastrop, Texas, and are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Section 2. Approval & Execution: The City Council hereby approves the Agreement (attached hereto and incorporated herein as **Attachment A**) and authorizes the City Manager to execute all necessary documents to enter into the Agreement to provide materials and labor **for an amount not to exceed \$235,973.00** to complete the necessary repairs to the drainage infrastructure.

Section 3. Repealer: To the extent reasonably possible, resolutions are to be read together in harmony. However, all resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters regulated.

Section 4. Severability: Should any of the clauses, sentences, paragraphs, sections, or parts of this Resolution be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Resolution.

Section 5. Effective Date: This Resolution shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City’s Charter, its Code of Ordinances, and the laws of the State of Texas.

Section 6. Proper Notice & Meeting: It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

DULY RESOLVED & ADOPTED by the City Council of the City of Bastrop, Texas, on this, the 10th day of September, 2024.

THE CITY OF BASTROP, TEXAS:

Lyle Nelson, Mayor

ATTEST:

Irma Parker, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney