Council Policy 36 Revision

City Council – November 9, 2026

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Council Policy 36 Revision

- Recently, the City has been utilizing Chapter 2269 of the Texas Government Code for procurement purposes.
- Chapter 2269 establishes several alternative procurement methods for construction projects, including competitive sealed proposals, construction manager-at-risk, design-build, and job order contracting.
- Under Chapter 2269 the governing body determines the procurement method to be utilized, but the chapter also allows the City Council to delegate its authority to determine the method that provides the best value to the City.
- Historically, staff has generally selected the procurement method utilized by the City pursuant to the City Charter and Council Policy 36; however, Council Policy 36 does not expressly delegate the City Council's authority under Chapter 2269 to City staff.

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- The proposed amendment to Council Policy 36 would expressly delegate Council's authority to the City Manager (or designee), providing greater clarity and consistency with state law.
- Along with the revision to have the policy be consistent with Chapter 2269 and current practices, a couple of minor additional edits to the policy are suggested.

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Revised Section	Summary of Revision
Revised Date, Page 1	If approved, adds latest revision date of Council Policy 36
Sec. 1.0(a), Page 1	Removes reference to just Chapter 252 and instead lists nine different chapters from the Government Code and Local Government Code that are relevant to procurement. Removes “state and local” law reference to simply state “applicable” law since federal law can also play a role in procurement.
Sec. 3.0, Page 2	Adds language to specify that staff will select the procurement method to be utilized by the city based on applicable law and the best interest of the city. Makes a specific delegation of authority under Chapter 2269. Also, the revision broadens change order language to comply with applicable law instead of referencing one specific code section.
Sec. 8.0, Page 5	Removes “state and local” law reference to simply state “applicable” law since federal law can also play a role in procurement.

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- Action requested - Consider approval of an amended Council Policy 36 delegating authority for determining construction procurement methods under Chapter 2269 of the Texas Government Code and making other minor amendments.

  - City staff recommends approval of the proposed amendments to Council Policy 36 to expressly delegate authority under Chapter 2269 and update the policy for consistency with applicable procurement laws.

THE CITY OF BURLESON TEXAS

Questions?

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