THE CITY OF BURLESON TEXAS

Department Memo

City Council Regular Meeting

DEPARTMENT: **Legal**

FROM: **Matt Ribitzki, Sr. Deputy City Attorney/Director of Legal Services**

MEETING: **November 9, 2026**

SUBJECT:

Consider and take possible action on 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. *(Staff Contact: Matt Ribitzki, Sr. Deputy City Attorney/Director of Legal Services)*

STRATEGIC PRIORITY AND GOAL(S):

Strategic Priority	Strategic Goal
High Performing City Organization Providing Exceptional, People Focused Services	1.2 Continue to improve the efficiency and productivity of operations 2.4 Continue to improve the efficiency and productivity of operations

SUMMARY:

Chapter 2269 of the Texas Government Code establishes several alternative procurement methods for construction projects, including competitive sealed proposals, construction manager-at-risk, design-build, and job order contracting, and allows the City Council to delegate its authority to determine the method that provides the best value to the City.

Historically, staff has relied on authority delegated through the City Charter and Council Policy 36 when administering construction procurements. However, currently Council Policy 36 does not expressly address the delegation of authority under Chapter 2269. The proposed amendment would expressly delegate this 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. A summary of the proposed revisions is below:

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.

A redline copy of the proposed revisions is included as an exhibit.

RECOMMENDATION:

Staff recommends approval of the proposed amendments to Council Policy 36 to expressly delegate authority under Chapter 2269 of the Texas Government Code and update the policy for consistency with applicable procurement laws.

PRIOR ACTION/INPUT (Council, Boards, Citizens):

July 2, 2018: City Council adopts Council Policy 36.

March 3, 2025: City Council approved amendments to Council Policy 36 updating purchasing and signature authority thresholds and clarifying procurement policies and procedures.

REFERENCE:

City Council Policy 36, Burleson Purchasing Policy

FISCAL IMPACT:

NA

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