

**ORDINANCE No. 2012-115
CITY OF SHOREACRES, TEXAS**

AN ORDINANCE ACCEPTING THE LOW, QUALIFIED BASE BID FOR CONSTRUCTION SERVICES TO PAVE MULTIPLE RESIDENTIAL STREETS AND IMPROVE ASSOCIATED DRAINAGE (CFA PROJECT NUMBER 1012-003-03-30); AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT SUBJECT TO THE REQUIREMENTS OF THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY ROUND ONE (TDRA CONTRACT NUMBER DRS010227; GLO CONTRACT NUMBER 10-5268-000-5273); PROVIDING FOR PAYMENT; FUNDING IS FROM THE CDBG DISASTER GRANT FUNDS REIMBURSABLE TO THE CITY; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHOREACRES:

THAT, the low qualified bid of \$1,637,154.50 from Mar-Con Services, LLC, comprised of \$1,110,321.30 for street improvements and \$526,833.20 for flood and drainage improvements has been accepted. These improvements include West Country Club Drive from Shore Acres Blvd to North Country Club (61); North Country Club from West Country Club Drive to Bayou Drive (50,57); Centre Avenue from Shore Acres Blvd to North Country Club Drive (54,55); Bayou Drive from North Country Club Drive to Shore Acres Blvd (48); Bayou Drive (west) from Shore Acres Blvd to South Country Club Drive (49); Bayou Drive (east) from Shore Acres Blvd to South Country Club Drive (47); South Country Club Drive from Bayou Drive to East Country Club Drive (44); East Country Club Drive from South Country Club Drive to Shore Acres Blvd (44); East Country Club from Shore Acres Blvd to West Forest Avenue (43); Oakdale Street from Byway Avenue to Park Lane (27); and, Oakdale Street from Park Lane to Westview Drive (24); and,

THAT, the Mayor is hereby authorized to execute a construction contract for the job. A copy of the contractor's bid is affixed hereto and incorporated herein for all purposes as Attachment I. All other bids will be deemed rejected upon the execution of a contract by the successful bidder and the deposit of all required bonds and insurance certificates or the expiration of sixty (60) days from the effective date of this ordinance accepting the low bid, whichever event occurs first; and,

THAT, the amount of \$1,628,002.50 is of a reimbursement type program by the State of Texas to the City for this project, and is contingent upon the State's receipt of the CDBG Disaster Round One funds and upon presentation of properly submitted and approved contractor invoices to the Texas General Land Office. The amount of \$9,152.00 (USDHS/FEMA) is payable from the City general fund as previously paid to the City by USDHS; and,

THAT, payments to contractor are contingent upon the actual receipt of adequate state or federal funds to the City for this contract. If adequate funds are not made available to the City, then the City will notify the contractor and terminate the contract and the City will not be liable for failure to make payments for work that has yet to be performed; and,

THAT, the amount of \$1,637,154.00 is authorized to be encumbered and made payable to Mar-Con Services, LLC in connection with the street, flood and drainage improvements projects pursuant to the continuing availability of funds from the State of Texas; and,

THAT, the City Council hereby approves and authorizes the contract, agreement, or other undertaking described in the title of this ordinance, a copy of which is on file in the office of the City Secretary. The Mayor is hereby authorized to execute all related documents on behalf of the City of Shoreacres to confirm acceptance by the City of Shoreacres. The City Secretary is hereby authorized to attest to all such signatures and to affix the seal of the City to all such documents; and,

THAT, if any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance; and,

THAT, the City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof; and,

THAT, this Ordinance shall be effective from and after its passage and approval, and it is so ordered.

PASSED AND APPROVED this the 23rd day of January 2012.

(CITY SEAL)

Dolly Arons, Mayor

ATTEST:

David K. Stall, CFM
City Secretary