

ORDINANCE NO. 2518

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS,
AUTHORIZING THE CITY MANAGER TO APPROVE CERTAIN
CHANGE ORDERS ON CONSTRUCTION CONTRACTS; PROVIDING
A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
MESQUITE, TEXAS:

SECTION 1. AUTHORIZATION FOR CITY MANAGER TO APPROVE CHANGE ORDERS

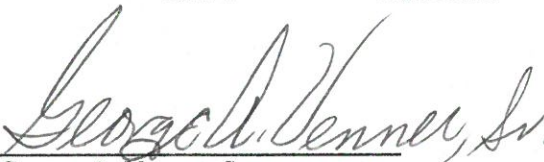
- (A) The City Manager is authorized to approve change orders on construction contracts, if necessary to:
- (1) make changes in plans or specifications; or
 - (2) decrease or increase the quantity of work to be performed or materials, equipment, or supplies to be furnished.
- (B) Provided that, the City Manager may approve change orders only to the extent that *appropriated* contingency funds for the project in question are available, and then only to the extent that the amount of accumulated change orders for any contract do not exceed 10 percent (10%) of the contract price.
- (C) It is the responsibility of the department initiating a construction contract to ensure that contingency funds are included in the amount requested for approval when the City Council awards the construction contract.
- (D) Prior to approving a change order, the City Manager shall satisfy himself that the following personnel have reviewed and approved the issuance of a change order:
- (1) Director of Initiating Department. The Director of the department initiating the construction contract shall advise the City Manager whether the proposed change is in keeping with the overall purpose or scope of the project. The director of the initiating department shall, as appropriate, consult with the Director of Community Development and the City Engineer as to the reasonableness of the requested changes from an engineering standpoint. It is the responsibility of the initiating director to obtain the review and approval of the Director of Finance and the City Attorney and to submit the same to the City Manager for his final approval.
 - (2) Director of Finance. The Director of Finance shall advise the City Manager as to the availability of unallocated contingency funds appropriated by the City Council for the contract in question.
 - (3) City Attorney. The City Attorney will advise the City Manager as to whether the statutory requirements for issuance of a change order have been met.
- (E) The City Manager may delegate authority to a director initiating a contract to approve change orders, in an emergency, for the purposes and amounts provided for above, even though formal review and approval by the personnel listed in Section 1(D) has not been obtained. Prior to approving an emergency change order, the initiating director, in a written memorandum to the City Manager, shall set forth:

- (1) The nature of the emergency requiring the requested change order which prevents the normal review and approval provided for in Section 1(D);
 - (2) How the concerns addressed by Section 1(D) are met by the proposed change, i.e., that the proposed change order is dictated by sound construction and/or engineering principles and is cost effective; that the proposed change is consistent with the scope and purpose of the project; that sufficient appropriated contingency funds are available to cover the change order; and that the legal requirements for issuing a change order have been met.
- (F) The City Manager will advise the City Council of all change orders authorized, at the next regularly scheduled meeting of the City Council.


SECTION 2. That should any word, sentence, clause, paragraph, or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

PASSED ON 1ST READING ON THIS THE 18TH DAY OF APRIL, 1988.


PASSED ON SECOND AND FINAL READING ON THIS THE 16th DAY OF May, 1988.


 George A. Venner, Sr.
 Mayor

ATTEST:


 Lynn Prugel
 City Secretary

APPROVED:


 Jonathan Graham
 City Attorney