

ORDINANCE NO. 4412

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, REVISING THE PROCESSING AND REPORTING OF CERTAIN CHANGE ORDERS ON CONTRACTS AND AUTHORIZING THE CITY MANAGER TO APPROVE CERTAIN CHANGE ORDERS ON CONTRACTS; PROVIDING A REPEALER CLAUSE AND SPECIFICALLY REPEALING ORDINANCE NOS. 2518, 3883, 3927, 3935 AND 4081 IN THEIR ENTIRETY; AND PROVIDING A SEVERABILITY CLAUSE.

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

SECTION 1. That the City Manager is hereby authorized to approve change orders pursuant to Local Government Code, Chapter 252, as amended:

- (A) On 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 a change order that increases a contract's price only to the extent that funds for the project in question are available, and only to the extent that the amount of the change order itself does not exceed the maximum increase that an administrative official may be given authority to approve pursuant to Local Government Code, Chapter 252, as amended.
- (C) Provided further, that the City Manager may approve a decrease in any contract in an amount not to exceed the maximum decrease that an administrative official may be given authority to approve pursuant to Local Government Code, Chapter 252, as amended.
- (D) For contracts with an original contract price of more than \$50,000, 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 contract shall advise the City Manager whether the proposed change is in keeping with the overall purpose or scope of the project. It is the responsibility of the initiating director to obtain the review and approval of the Budget Director and the City Attorney, and to submit the same to the City Manager for his final approval.

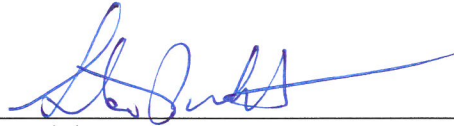
- (2) Budget Director: The Budget Director shall advise the City Manager as to the availability of unallocated funds for the contract in question.
 - (3) City Attorney: The City Attorney will advise the City Manager as to whether the statutory requirements for issuance of a change order have been met.
 - (4) Manager of Purchasing: The Manager of Purchasing shall see that the purchase order and bid documents are amended to reflect the revised amount.
- (E) For contracts with an original contract price of \$50,000 or less, 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 contract shall advise the City Manager whether the proposed change is in keeping with the overall purpose or scope of the project. It is the responsibility of the initiating director to obtain the review and approval of the Budget Director and the Manager of Purchasing and to submit the same to the City Manager for his final approval.
 - (2) Budget Director: The Budget Director shall advise the City Manager as to the availability of unallocated funds for the contract in question.
 - (3) Manager of Purchasing: The Manager of Purchasing shall see that the purchase order and bid documents are amended to reflect the revised amount.
- (F) 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 Sections 1(D) and (E) have 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 Sections 1(D) and (E); and
 - (2) How the concerns addressed by Sections 1(D)(1) and (E)(1) are met by the proposed change, i.e., that the proposed change order is dictated by sound principles and is cost effective; that the proposed change is consistent with the scope and purpose of the project; that sufficient funds are available to cover the change order; and that the legal requirements for issuing a change order have been met.

- (G) 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.

SECTION 2. That Ordinance Nos. 2518, 3883, 3927, 3935 and 4081 are hereby repealed in their entirety as of the date of this ordinance. If any other ordinances or portions thereof of the City contain provisions in conflict with this ordinance, the portions in conflict are hereby repealed and the portions not in conflict herewith shall remain in full force and effect.

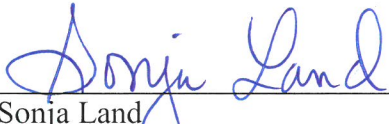
SECTION 3. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 7th day of March, 2016.



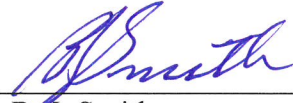
Stan Pickett
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney