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advertising, determine which method provides the “best value for the governmental entity”;  
and

**WHEREAS**, Texas law further provides that the governing body of a governmental entity may delegate its authority to determine the best value for the governmental entity to “a designated representative, committee, or other person”; and

**WHEREAS**, the Conservancy, the City, and the LGC should amend the Joint Development and Operating Agreements to reflect the delegations made in this Resolution and provide for any changes in processes and procedures, including changes in processes and procedures for the LGC, necessary to implement the direction and intent of this Resolution;

**NOW, THEREFORE,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

I. For projects consistent with the Council-approved design plan within the Waller Creek District, the City Council delegates authority to the LGC to act on behalf of the City Council as follows:

A. The LGC shall have the authority to authorize the negotiation, award, and execution of City contracts (contracts in which the City enters into a contract with a third party), including construction contracts, professional services agreements and other related contracts, provided that the City contracts are necessary for the Council-approved design and construction of the projects within the Waller Creek District, and provided the authorization is made in

41 accordance with all laws applicable to the City and the *Conditions of Authority*  
42 *Delegated* under Section III of this Resolution.

43 B. The LGC shall have the authority to make a determination, by resolution, that  
44 the project delivery method provides the best value for the City, provided the  
45 determination is made in accordance with all laws applicable to the City,  
46 including Chapter 2269 of the Government Code and Chapter 252 of the Local  
47 Government Code, and the *Conditions of Authority Delegated* under Section III  
48 of this Resolution.

49 II. Council authorizes the City Manager to negotiate and amend the Joint Development  
50 and Operating Agreements to reflect the delegations made in this Resolution, and  
51 to provide for any changes in processes and procedures of the LGC and the Parties  
52 necessary to implement the direction and intent of this Resolution. The delegation  
53 in this Resolution is contingent upon full execution of such amendments by all of  
54 the Parties.

55 III. The authority delegated under Section I above is conditioned upon the following  
56 *Conditions of Authority Delegated*:

57 A. A City contract that the LGC authorizes for negotiation, award, or  
58 execution must be necessary, as determined by City staff, for completion  
59 of the projects within the Waller Creek District under the Council-

60 approved Design Plan for the Waller Creek District, as may be amended  
61 and approved by Council from time to time.

62 B. A City contract that the LGC authorizes for negotiation, award, or  
63 execution, if using Council-approved funding, the funds must be  
64 appropriated by Council for the Waller Creek District within an approved  
65 annual budget or approved amendment to the annual budget.

66 C. A City contract that the LGC authorizes for negotiation, award, or  
67 execution must use City-standard contract forms, including:

68 i. the City's standard Bidding Requirements, Contract Forms, and  
69 Conditions of the Contract for Construction, including the General  
70 Conditions and the Supplemental General Conditions of the  
71 Construction Contract; and

72 ii. the City's standard Professional Services Agreement, including the  
73 General Conditions and Supplemental General Conditions of the  
74 Professional Services Agreement.

75 D. A City contract that the LGC authorizes for negotiation, award, or  
76 execution must be approved as to form by the City Attorney prior to  
77 consideration for negotiation, award, and execution by the LGC.

78 E. A City contract that the LGC authorizes for negotiation, award, or  
79 execution must be recommended for approval to the LGC by the Capital

Contracting Officer, using a form consistent with the standard Request for Council Action (RCA) form, placed on the agenda of a meeting of the LGC.

F. The LGC shall have no power to, and shall not authorize a contract to buy, convey, lease, mortgage, or otherwise alienate or sell City property.

G. The LGC shall have no power to, and shall not authorize an agreement between the City and another governmental entity.

H. The LGC shall have no power to, and shall not authorize a contract unless it is pursuant to a written requisition from the Capital Contracting Officer and/or the head of the City office or department whose appropriation will be charged, and no contract shall be binding upon the City unless and until the Director of Finance certifies that there is to the credit of the office or department a sufficient unencumbered appropriation balance to pay for the contractual services for which the contract is to be issued.

I. The LGC shall have no power to, and shall not authorize a contract unless the City's Capital Contracting Officer has obtained from the third-party bidder, respondent or offeror with whom a contract would be entered into, a signed affidavit of Non-Collusion, Non-Conflict of Interest and Anti-Lobbying, revised to include the LGC and approved as to form by the City Attorney and the LGC Attorney.

100 J. A determination as to best value made by the LGC must be by resolution  
101 using the City's standard form resolution for best value determinations.

102 K. A determination as to best value made by the LGC must be upon  
103 recommendation for approval to the LGC by the Capital Contracting  
104 Officer, using a form consistent with the City's standard RCA form.

105 L. A determination as to best value made by the LGC must be approved by  
106 the City Attorney and the LGC Attorney prior to consideration by the  
107 LGC.

108 M. A determination as to best value made by the LGC must be a  
109 consideration and determination of best value solely *as to the City of*  
110 *Austin*, and without consideration of best value as it pertains to any other  
111 party or entity.

112 N. Nothing in this Resolution precludes the director of a City office or  
113 department or the Capital Contracting Officer from requesting Council  
114 consider, approve, or authorize a City contract.

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117 **ADOPTED:** \_\_\_\_\_, 2020      **ATTEST:** \_\_\_\_\_

118 Jannette S. Goodall  
119 City Clerk