

RESOLUTION NO. WCLGC-20240221-004

WHEREAS, the City of Austin seeks to construct the new Palm Park Project (Project); and

WHEREAS, expenditures for the Project will exceed \$50,000; and

WHEREAS, pursuant to Texas Local Government Code, Section 252.021(a), before entering into a contract that requires an expenditure of more than \$50,000.00, the City must: (1) comply with Subchapters B and C of Chapter 252, Texas Local Government Code related to competitive bidding and proposals; (2) use the reverse auction procedure defined by Section 2155.062(d) of the Texas Government Code, for purchasing; or (3) comply with a method described by Chapter 2269 of the Texas Government Code (Chapter 2269); and

WHEREAS, Subchapter F of Chapter 2269 describes the "construction manager-at-risk method" -- a delivery method by which a governmental entity contracts with an architect or engineer for design and construction phase services and contracts separately with a construction manager-at-risk to serve as the general contractor and to provide consultation during the design and construction, rehabilitation, alteration, or repair of a facility; and

WHEREAS, Section 2269.056(a) of the Texas Government Code provides that the governing body of a governmental entity that considers a construction contract using a method authorized by Chapter 2269 other than competitive bidding must, before advertising, determine which method provides the best value for the governmental entity; and

WHEREAS, Chapter 2269 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, by Council Resolution No. 20200827-077, the City Council authorized the Waller Creek Local Government Corporation to determine, on the City's behalf, the best value for the City in connection with the use of an alternative delivery method authorized by Chapter 2269;

WHEREAS, in relation to the Project specifics and requirements, staff has considered the methods described in Chapter 2269; and

WHEREAS, with respect to the Project and the expenditures necessary to complete it, staff recommends use of the construction manager-at-risk method authorized by Subchapter F, Chapter 2269 as the project delivery method that provides the best value for the City;

NOW, THEREFORE, BE IT RESOLVED BY THE WALLER CREEK LOCAL GOVERNMENT CORPORATION:

The Waller Creek Local Government Corporation finds and determines that with respect to expenditures necessary for the Project, the construction manager-at-risk method authorized by Subchapter F of Chapter 2269 of the Texas Government Code provides the best value for the City of Austin.

ADOPTED: _____ **ATTEST:** _____
Veronica Briseño
President