



## **RESOLUTION NO. 2023-160**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, MAKING CERTAIN FINDINGS WITH RESPECT TO AN EMERGENCY SANITARY SEWER BYPASS FOR THE FARMERS BRANCH OFFICE PARK LIFT STATION; RATIFYING THE ACTIONS OF THE CITY MANAGER AND DIRECTOR OF PUBLIC WORKS RELATING TO THE NEGOTIATION AND EXECUTION OF A CONTRACT WITH FUQUAY, INC. TO PERFORM SUCH WORK; AUTHORIZING PAYMENT WITH RESPECT TO SAID CONTRACT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on or about June 14, 2023, the Farmers Branch Office Park sanitary sewer lift station (the “Lift Station”) suffered catastrophic failure requiring its repair; and

**WHEREAS**, because of the potential danger and disruption to sanitary sewer service within the area of the City served by the Lift Station as well the potential for the unauthorized discharge of wastewater resulting from the above-described failure, the City Manager, on the recommendation of the Director of Public Works, contracted with Fuquay, Inc. (the “Contractor”) to construct a temporary sanitary sewer line to by-pass the Lift Station (“the Emergency Project”) in order to maintain sanitary sewer service within the area of the Lift Station pending completion of the repairs to the Lift Station; and

**WHEREAS**, the Contractor was selected to perform the Emergency Project because of the Contractor’s immediate availability, the Contractor’s ability to provide the appropriate equipment needed to make the repairs, the Contractor’s expertise in making such repairs, and the City prior positive experience with the Contractor’s work on prior City projects; and

**WHEREAS**, the City Council of the City of Farmers Branch finds it to be in the public interest to make certain findings regarding the above repairs and agreements, to ratify and affirm the actions of the City Manager and Director of Public Works, and authorize payment.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS THAT:**

**SECTION 1.** The City Council of the City of Farmers Branch finds that the Emergency Project and the contract with Fuquay, Inc. to perform the work as part of the Emergency Project constituted a procurement (a) made because of a public calamity that required the immediate appropriation of money to relieve the necessity of the City’s residents and (b) necessary to preserve or protect the health and safety of the City’s residents, and, therefore, constituted an emergency which necessitated the procurement of said contract and the expenditures related to same without obtaining sealed bids or proposals for same as allowed pursuant to Texas Local Government Code §252.022 and applicable city purchasing policies.

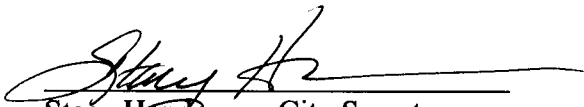
**SECTION 2.** The actions of the City Manager and Director of Public Works relating to the negotiation and execution of the contract with Fuquay Inc. to perform the work relating to the Emergency Project in the total amount of \$56,830.00 are hereby ratified and affirmed and shall be deemed to be actions authorized by the City Council as if such authority had been granted to the City Manager and Director of Public Works prior to said actions having been taken.

**SECTION 3.** The City Manager is hereby authorized to pay Fuquay, Inc. in accordance with the contract authorized and ratified pursuant to Section 2, above, from funds available in the FY 2022-2023 for Capital Improvement Program, I&I Repairs.


**SECTION 4.** This resolution shall become effective immediately upon its approval.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FARMERS  
BRANCH, TEXAS, THIS 1<sup>ST</sup> DAY OF AUGUST, 2023.**

ATTEST:

  
Stacy Henderson, City Secretary

APPROVED:

  
Terry Lynne, Mayor

APPROVED AS TO FORM:

  
Peter G. Smith, City Attorney