



Agenda Information Sheet

File #: 19-339

Item #: 2.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): All

DEPARTMENT: Building Services Department

EXECUTIVE: Joey Zapata

SUBJECT

Authorize **(1)** a resolution establishing the City of Dallas' commitment to the use of clean and efficient energy, the use of 100 percent renewable energy for municipal operations, and to sustain and promote renewable energy projects and partnerships that reduce environmental impacts for the benefit of Dallas residents and the region; and **(2)** the City Manager to determine the most advantageous proposal and enter into an electricity services contract consistent with the adopted City of Dallas Green Energy Policy - Financing: This action has no cost consideration to the City (see Fiscal Information for future potential costs)

BACKGROUND

The City of Dallas has been a leader in addressing climate change and other environmental challenges for several years, and has developed several planning efforts, such as the 2014 Sustainability Plan, the 2014 Balanced Vision Plan, the Neighborhood Revitalization Plan, the Long Range Water Supply Plan and others.

On January 23, 2019, City Council adopted a resolution calling for federal action on climate change and continued local efforts to develop a comprehensive environmental and climate action plan with goals that will ensure that the City of Dallas is addressing climate change in a manner that is effective and equitable by Resolution No. 19-0223.

The City's current electricity contract with TXU Energy Retail Company LLC, expires May 31, 2019. In preparation for a new procurement, the City hired TFS Energy Solutions, LLC dba Tradition Energy, as an independent, third-party procurement advisor to assist the City with procuring the next electricity contract, providing market analysis, and exploring longer-term strategy to provide cost-effective and sustainable power to meet the City's needs and ultimately increase our renewable energy profile.

Texas Government Code Section 252.022 (a)(15), exempts utility purchases from the standard purchasing procedures. The City's typical procurement and approval processes are not utilized due

to the nature of the energy market. Instead, a process with greater flexibility is necessary that authorizes the City Manager to negotiate the final process and enter into an electricity services contract.

Tradition Energy, the City's electricity procurement advisor, will evaluate the final terms for market competitiveness.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Budget, Finance and Audit Committee was briefed on the electricity procurement on June 15, 2015.

On June 17, 2015, City Council authorized the City Manager to negotiate final prices and enter into an electric services contract by Resolution No. 15-1237.

On January 23, 2019, City Council adopted a resolution calling for federal action on climate change and continued local efforts to develop a comprehensive environmental and climate action plan with goals that will ensure that the City of Dallas is addressing climate change in a manner that is effective and equitable by Resolution No. 19-0223.

The Government Performance and Financial Management Committee will be briefed on this item on April 1, 2019.

The Quality of Life, Arts and Culture Committee will be briefed by memorandum regarding this matter on April 8, 2019.

FISCAL INFORMATION

This action has future cost consideration to the City. A reduction in future electricity service costs is anticipated, resulting from a lower rate and implementation of a citywide energy management system and energy efficiency improvements.

Future year appropriations will be established through the annual budget development process, subject to City Council approval.

Estimated future expenditures:

- FY 2018-2019 \$62,228,415.00 (subject to annual appropriations)
- FY 2019-2020 \$62,228,415.00 (subject to annual appropriations)
- FY 2020-2021 \$62,000,000.00 (subject to annual appropriations)
- FY 2021-2022 \$62,000,000.00 (subject to annual appropriations)

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WHEREAS, the City of Dallas is committed to energy efficiency and being a good steward of resources in the procurement of energy for municipal operations; and

WHEREAS, the City of Dallas is similarly committed to protecting its residents by reducing emissions, improving regional air quality, and addressing the real consequences of climate change; and

WHEREAS, the City of Dallas achieved a 68% reduction of municipal greenhouse gas (GHG) emissions from 1990 levels by 2017, exceeding a strategic goal of 39% reduction; and

WHEREAS, the municipal emissions reductions were achieved in large part through the procurement of renewable energy, municipal energy efficiency retrofit projects, and on-site renewable energy projects such as landfill gas capture at McCommas Bluff Landfill and co-generation of electricity at Southside Wastewater Treatment Plant; and

WHEREAS, the City of Dallas is the most populous municipality in the United States to use 100% renewable energy according to the U.S. Environmental Protection Agency Green Power Partnership Top 30 Local Government list dated February 5, 2019; and

WHEREAS, the City of Dallas currently achieves its 100% renewable energy usage in part through the purchase of renewable energy credits (RECs); and

WHEREAS, the City of Dallas desires to expand renewable energy use and generation through on- and off-site options; and

WHEREAS, solar or wind energy sources accounted for approximately 18% of the energy generated in Texas last year, and Texas led the nation in wind energy generation and was sixth in solar energy generation; and

WHEREAS, on June 15, 2016, City Council adopted a resolution encouraging the State of Texas to explore changes that would promote “net metering” and the creation of distributed energy districts or additional programs to expand the use of solar power and other renewable green energy sources by Resolution No. 16-0974; and

WHEREAS, on January 23, 2019, City Council adopted a resolution calling for federal action on climate change and continued local efforts to develop a comprehensive environmental and climate action plan with goals that will ensure that the City of Dallas is addressing climate change in a manner that is effective and equitable by Resolution No 19-0223; and

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WHEREAS, the City of Dallas' comprehensive environmental and climate action plan will chart the path forward towards additional emissions reduction goals that will help ensure that we improve the environment and avoid the most severe impacts of climate change; and

WHEREAS, by adopting a green energy policy through this resolution, the City of Dallas will ensure that emissions reductions achievements to date will continue; and

WHEREAS, the energy policy should be re-evaluated and, as appropriate, updated subject to Dallas City Council approval as part of the comprehensive environmental and climate action plan process and other actions hereby resolved; and

WHEREAS, Texas Government Code Section 252.022 (a)(15), exempts electricity purchases from the standard purchasing procedures; and

WHEREAS, due to the nature of the energy market, an electricity procurement process with greater flexibility is necessary that authorizes the City Manager to negotiate the final process and enter into an electricity services contract; and

WHEREAS, on December 13, 2018, Administrative Action No. 19-5149 authorized the City of Dallas to enter into a consulting contract with TFS Energy Solutions, LLC d/b/a Tradition Energy to provide energy procurement and management advisory services.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City of Dallas Green Energy Policy shall read as follows: The City of Dallas is committed to clean and efficient energy use and the commitment is embodied by our use of 100 percent renewable energy for municipal operations. The City of Dallas further recognizes the advantage presented by green energy produced by on- and off-site renewable energy projects. Accordingly, we will seek to sustain and promote renewable energy projects and partnerships that reduce emissions and environmental impacts for the benefit of Dallas residents and the region.

SECTION 2. That the City Manager is hereby authorized to determine the most advantageous proposal and enter into an electricity services contract, approved as to form by the City Attorney, consistent with the adopted City of Dallas Green Energy Policy and the direction presented in Section 1.

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SECTION 3. That the City Manager (1) examine the feasibility of on- and off-site renewable energy projects at City and other properties; (2) establish a citywide energy management system to include continued benchmarking of municipal energy efficiency efforts and identification of areas for improvement to ensure Dallas remains an energy leader; and (3) continue to explore options to expand the use of renewable energy beyond municipal operations in the Dallas community.

SECTION 4. That this electricity service contract will be designated as Contract No. BSD-2019-00009705.

SECTION 5. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.



Agenda Information Sheet

File #: 19-300

Item #: 22.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE: April 10, 2019
COUNCIL DISTRICT(S): 13
DEPARTMENT: Department of Sustainable Development and Construction
EXECUTIVE: Majed Al-Ghafry

SUBJECT

A resolution **(1)** rejecting the high bid received from Mercy Presbyterian Church of \$2,400,000.00 for approximately 150,702 square feet of unwanted and unneeded City-owned land, located near the intersection of Forest and Quincy Lanes, and authorizing its advertisement for sale by public auction; **(2)** establishing a reserve and a contingency to close for the auctioned surplus property; and **(3)** authorizing a Purchase and Sale Agreement to be prepared for the auctioned surplus property receiving the highest qualified bid that meets or exceeds the reserve amount - Revenue: TBD

BACKGROUND

This item authorizes the rejection of the highest bid received from Mercy Presbyterian Church for approximately 150,702 square feet of unwanted and unneeded City-owned land located near the intersection Forest and Quincy Lanes and authorizing its sale by public auction. On November 28, 2018, City Council authorized this property to be auctioned by Hudson and Marshall by Resolution No. 18-1674. This property was auctioned by Hudson and Marshall on January 31, 2019. The high bid of \$2,400,000.00 did not meet the City's minimum reserve amount.

Texas Local Government Code Section 253.008 authorizes municipalities to sell real property owned by the municipality at an advertised public auction. Section 272.001 states fair market value may be determined by the highest bid price obtained by a municipality at an advertised auction.

This property will be advertised for sale by public auction with a reservation of all oil, gas and other minerals in and under the property and a restriction prohibiting the placement of industrialized housing.

A reserve amount and contingency to close will be established on the auctioned surplus property. Reserve amounts are not published but are the minimum price the City Council will accept for the property, and the minimum bid for which the auction firm will declare a property sold.

Upon receipt of the highest qualified bid that meets or exceeds the reserve, a Purchase and Sale Agreement, approved as to form by the City Attorney, will be prepared for the highest bidder. Staff will ensure the highest bidder is qualified to bid and be awarded the property.

This property will return to the tax rolls upon conveyance.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 28, 2018, City Council authorized declaring this property unwanted and unneeded and to sell by public auction by Resolution No. 18-1674.

The Government Performance and Financial Management Committee was briefed in Executive Session on November 5, 2018.

The Government Performance and Financial Management Committee was briefed in Executive Session on March 18, 2019.

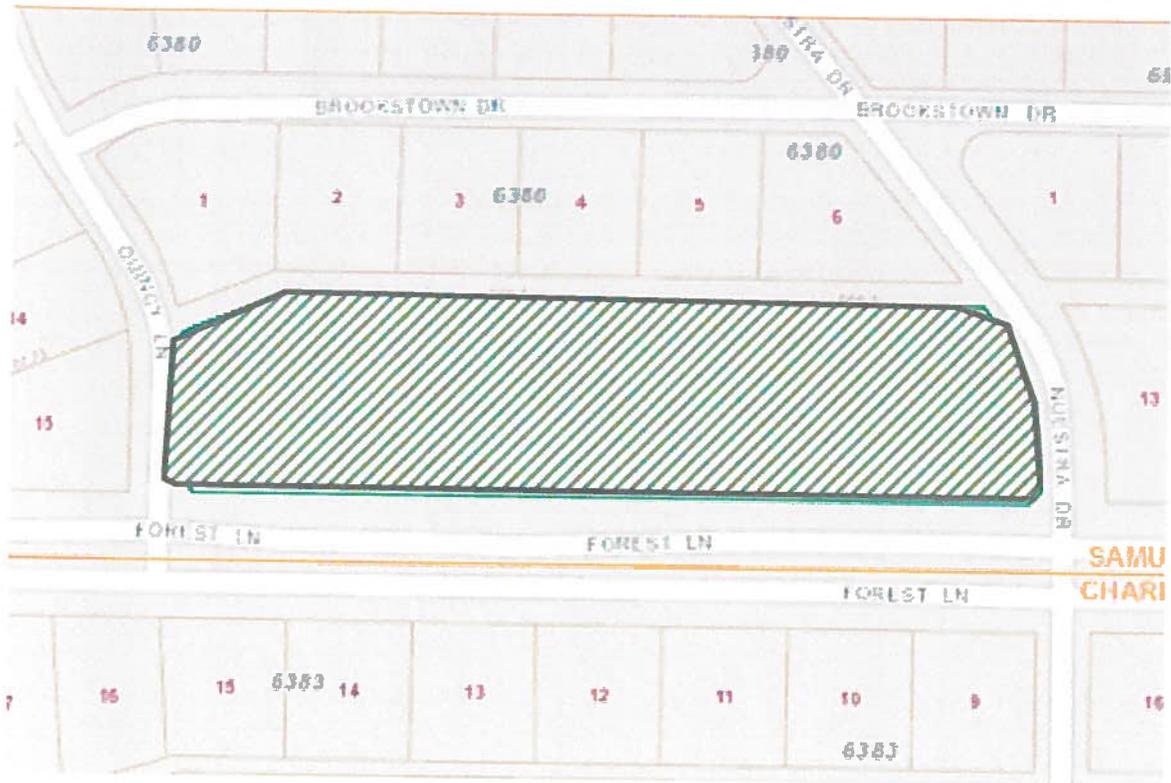
Information about this item will be provided to the Government Performance and Financial Management Committee on April 1, 2019.

FISCAL INFORMATION

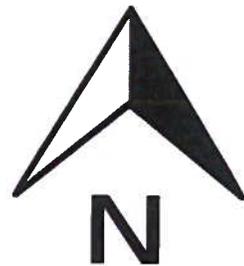
Revenue: TBD

MAP

Attached



5639 FOREST LN – SURPLUS PROPERTY



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WHEREAS, the City of Dallas ("City") is the owner of a tract of land containing approximately 150,702 square feet, located in the City of Dallas, Dallas County, Texas as described on Exhibit "A" ("Property"), attached herein and incorporated by reference; and

WHEREAS, the City of Dallas may sell its Property by public auction, pursuant to Section 253.008 and Section 272.001 of the Texas Local Government Code; and

WHEREAS, the Property was declared surplus to the City's needs and a reserve amount was established by Resolution No. 18-1674 on November 28, 2018; and

WHEREAS, on January 31, 2019 the City received a high bid from Mercy Presbyterian Church in the amount of \$2,400,000.00 and the specified high bid did not meet the minimum established reserve amount; and

WHEREAS, pursuant to Section 2-26.1(3) of the Dallas City Code, the City may accept or reject the bid received if the established reserve amount is not met; and

WHEREAS, the City Council of the City of Dallas is of the opinion and hereby finds that the best interest and welfare of the public will be served by rejecting the high bid received for the Property and that the Property should be re-advertised for sale and be sold by public auction pursuant to state law subject to the reserve amount; and

WHEREAS, an alternative closing condition for the Property ("alternative closing") shall be recommended as part of the offer for sale whereby City offers the sale of Property subject to a closing delay of six (6) months, to allow for submittal of a zoning change application, at the winning bidder's election at the close of the auction (the "Initial Delay Period"). To avail itself of the Initial Delay Period, at the close of the auction, the winning bidder shall be prepared to deliver a nonrefundable payment equal to 1% of the winning bidder's bid amount (the "Initial Delay Payment") made payable to the City of Dallas. The Initial Delay Payment shall be in addition to and not be credited toward the winning bidder's bid amount. In addition to the Initial Delay Period, the City is making available three (3) separate six (6) month closing delay periods to the winning bidder to further extend the closing before the purchase must be consummated or forfeited. These additional delay periods, must each be elected separately by the winning bidder, and shall be effective only when the winning bidder has delivered a nonrefundable payment amount equal to 1% of the winning bidder's bid amount (the "Extension Delay Payment") to the City of Dallas no later than seven (7) days prior to the expiration of the prior delay period. The Extension Delay Payment(s) shall be in addition to and not credited toward the winning bidder's bid amount. Failure to close the purchase of the Property prior to the expiration of the effective delay period shall result in forfeiture of any claims of winning bidder to the Property.

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Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Council of the City of Dallas does not find that the best interest and welfare of the public will be served by rejecting the high bid received for the Property from Mercy Presbyterian Church.

SECTION 2. That the unwanted and unneeded City-owned property listed on Exhibit "A", attached herein and incorporated by reference, is to be auctioned with a minimum reserve and closing contingency by the City Council and the property is to be advertised for sale and sold by public auction pursuant Section 2-24.1 of the Dallas City Code and Sections 253.008 and Section 272.001 of the Texas Local Government Code.

SECTION 3. That the reserve amount and closing contingency briefed to the Government Performance and Financial Management Committee on March 18, 2019 is hereby established for the sale of property tract listed on Exhibit "A".

SECTION 4. That the Director of Department of Sustainable Development and Construction is authorized to advertise the property listed on Exhibit "A" for sale by public auction and upon conclusion of the advertising period conduct the public auction as authorized herein.

SECTION 5. That the advertisement of the property shall state:

- (a) That the sale shall be by a Deed in a form approved by the City Attorney.
- (b) That the sale shall be subject to the terms, covenants, conditions, reservations, restrictions and exceptions of this authorizing resolution, including without limitation the following:
 - (i) a restriction prohibiting the placement of industrialized housing on the property;
 - (ii) reservation by the City of Dallas of all oil, gas and other minerals in and under the property with a waiver of surface access rights relating to said minerals;
 - (iii) any and all visible and apparent easements and encroachments, whether of record or not;
 - (iv) any and all covenants, conditions, reservations, restrictions, exceptions, easements, rights-of-way, mineral interests, mineral leases, or other instruments of record and applicable to the property or any part thereof; and

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- (v) standby fees, taxes and assessments, if any, by any taxing authority for the year of closing and subsequent years and assessments by any taxing authority for prior years due to changes in land usage or ownership, the payment of said standby fees, taxes, and assessments being assumed by **GRANTEE**.
- (c) That, to the maximum extent allowed by law, the sale shall be strictly on an “AS IS, WHERE IS, WITH ALL FAULTS” basis.
- (d) That as a material part of the consideration for the sale, the grantee and the City shall acknowledge and agree and provided in any relevant instrument that, to the maximum extent allowed by law, (a) **GRANTEE** is taking the property “AS IS, WHERE IS, WITH ALL FAULTS”, (b) the City disclaims responsibility as to the accuracy or completeness of any information relating to the property,
- (e) **GRANTEE** assumes all responsibility to examine all applicable building codes and zoning ordinances to determine if the property can be used for the purposes desired and to check for outstanding or pending code enforcement actions including but not limited to repair or demolition orders, and (d) the City expressly disclaims and grantee expressly waives, any warranty or representation, express or implied, including without limitation any warranty of condition, habitability, merchantability or fitness for a particular purpose of the property. Without limiting the foregoing, the City makes no representations of any nature regarding the property and specifically disclaims any warranty, guaranty or representation, oral or written, express or implied, past, present, or future, concerning: (i) the nature and condition of the property, including without limitation, the water, soil and geology, and the suitability thereof and the property for any and all activities and uses which grantee may elect to conduct thereon, and the existence of any environmental substances, hazards or conditions or presence of any endangered or protected species thereon or compliance with all applicable laws, rules or regulations; (ii) the nature and extent of any right-of-way, lease, possession, lien, encumbrance, license, reservation, condition or otherwise; (iii) the compliance of the property or its operation with any law, ordinance or regulation of any federal, state, or local governmental authority; and (iv) whether or not the property can be developed or utilized for any purpose. For purposes hereof, “environmental substances” means the following: (a) any “hazardous substance” under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C.A. Section 9601 et. seq., as amended, (b) any “hazardous substance” under the Texas Hazardous Substances Spill Prevention and Control Act, Tex. Water Code, Section 26.261, et. seq., as amended, (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubrication oils, (d) any “hazardous chemicals” or “toxic chemicals” under the Occupational Safety and Health Act, 29 U.S.C.A. Section 651 et. seq., as amended, (e) any “hazardous

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waste” under the Resource Conservation and Recovery Act, 42 U.S.C.A. Section 6901 et. seq., as amended, (f) asbestos, (g) polychlorinated biphenyls, (h) underground storage tanks, whether empty, filled, or partially filled with any substance, (i) any substance, the presence of which is prohibited by federal, state or local laws and regulations, and (j) any other substance which by federal, state or local laws and regulations requires special handling or notification of governmental authorities in its collection, storage, treatment or disposal. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated.

- (f) Such other terms and requirements of the sale and/or disclaimers as the City deems necessary, convenient or appropriate.

SECTION 6. That, upon the conclusion of the public auction that has been advertised and conducted pursuant to Section 2-24.1 and state law, as applicable, the highest qualified bid received at such auction for each listed surplus property shall be deemed the sales price and shall be conclusive of the fair market value of such property and shall be accepted by the City.

SECTION 7. That the City Manager or designee is authorized to execute a Purchase and Sales Agreement, approved as to form by the City Attorney, to be entered into with respect to each such surplus property between the City and the highest qualified bidder for such property at such advertised public auction.

SECTION 8. That upon receipt of the consideration from the highest bidder, the City Manager or designee is authorized to execute a Deed in a form approved by City Attorney to be attested by the City Secretary, and other miscellaneous closing documents upon approval as to from by the City Attorney.

SECTION 9. That the sale proceeds shall be deposited into the General Fund, Fund 0001, Department DEV, Balance Sheet 0519, and Department of Sustainable Development and Construction, Real Estate Division shall be reimbursed for the cost of obtaining legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund, Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the Library Facilities Fund, Fund 7T42, Department PBW, Unit T643, Activity LIBF, Program PB06T643, Revenue Code 8416.

SECTION 10. That if a title policy is desired by **GRANTEE**, same shall be at the expense of the **GRANTEE**.

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SECTION 11. That the sale shall be subject to standby fees, taxes and assessments, if any, by any taxing authority for the year of the closing and subsequent years and assessments by any taxing authority for prior years due to changes in land usage or ownership, the payment of said standby fees, taxes and assessments being assumed by **GRANTEE**.

SECTION 12. That this Resolution is also designated for City purposes as Contract No. LIB-2019-00009520.

SECTION 13. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:
CHRISTOPHER J CASO, Interim City Attorney

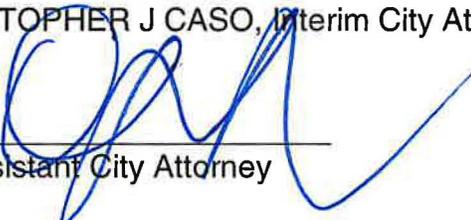
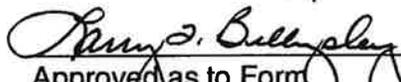
BY: 
Assistant City Attorney

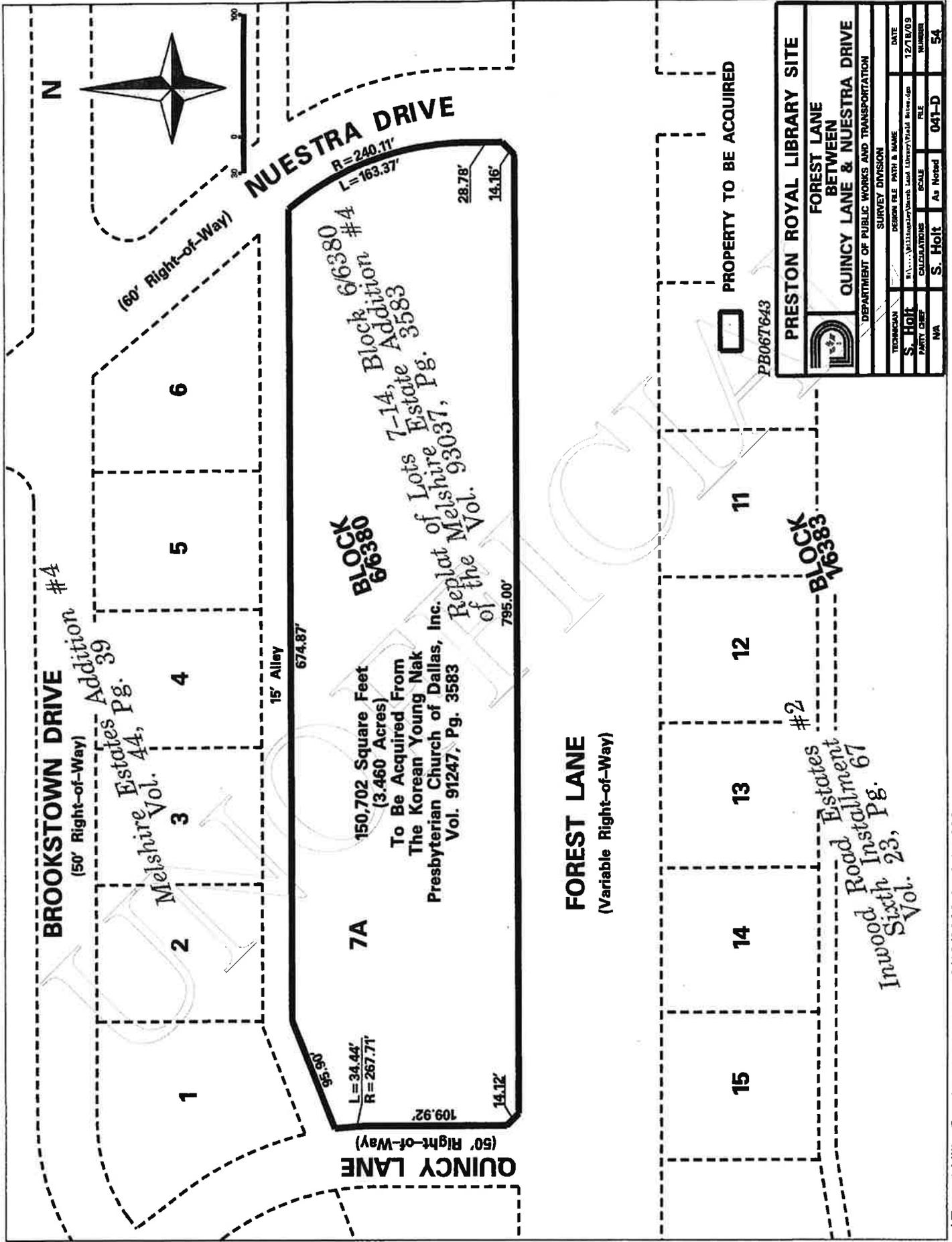
Exhibit A

FIELD NOTES DESCRIBING LAND TO BE ACQUIRED IN CITY BLOCK 6/6380 FROM The Korean Young Nak Presbyterian Church (P.C.A.) of Dallas, Inc.

BEING situated in the S. Lockhart Survey, Abstract Number 821, Dallas County, Texas, and being in Block 6/6380, official City Numbers, and being all of Lot 7-A of Replat of Lots 7,8,9,10,11,12,13, &14 City Block 6/6380, Melshire Estates No. 4, an addition to the City of Dallas, according to the map or plat thereof, recorded in Volume 93037, Page 5914, Deed Records of said county, and being all of the property conveyed to The Korean Young Nak Presbyterian Church (P.C.A.) of Dallas, Inc., a Texas Non-Profit Corporation from Dallas Independent Presbyterian Church, by Warranty Deed dated December 17, 1991, recorded in Volume 91247, Page 3583, of said deed records, and containing approximately 150,702 square feet, or 3.460 acres of land, based on the dimensions of the above referenced plat.


Approved as to Form
Larry T. Billingsley, R.P.L.S.
Chief City Surveyor

18th Dec., 2009
Date





Agenda Information Sheet

File #: 19-409

Item #: 32.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Procurement Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize a three-year service price agreement for grounds maintenance for Water Utilities Department facilities and lots - Good Earth Corporation in an estimated amount of \$1,883,300.00 and Gardner's Touch Lawn Care, LLC in an estimated amount of \$887,754.40, lowest responsive bidders of four - Total estimated amount of \$2,771,054.40 - Financing: Dallas Water Utilities Fund

BACKGROUND

This action does not encumber funds; the purpose of a service price agreement is to establish firm pricing for services, for a specific term, which are ordered on an as needed basis according to annual budgetary appropriations. The estimated amount is intended as guidance rather than a cap on spending under the agreement, so that actual need combined with the amount budgeted will determine the amount spent under this agreement.

This service price agreement will provide grounds maintenance of the Water Utilities Department facilities and lots.

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 509 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, the Office of Business Diversity sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

On November 10, 2015, the City Council authorized a living wage policy that requires contractors to pay their employees a "living wage" rate as established annually by the Massachusetts Institute of Technology Living Wage Calculator for Dallas County by Resolution No. 15-2141. The current calculated living wage during the solicitation process of this contract is \$10.94; the selected vendor meets this requirement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 17, 2015, City Council authorized a three-year service contract for grounds maintenance services at various Dallas Water Utilities' properties and the Dallas Animal Shelter with Weldon's Lawn and Tree, Urban Landscaping & Irrigation, and JBA Land Management, LLC by Resolution No. 15-1230.

The Government Performance & Financial Management Committee will receive this item for consideration on April 1, 2019.

FISCAL INFORMATION

Dallas Water Utilities Fund - \$2,771,054.40 (Estimated amount)

FY2018-19 \$ 694,562.58

FY2019-20 \$ 1,038,245.91

FY2020-21 \$ 1,038,245.91

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

| Contract Amount | Category | M/WBE Goal | M/WBE % | M/WBE \$ |
|---|-----------------|-------------------|----------------|-----------------|
| \$2,771,054.40 | Other Services | 23.80% | 6.80% | \$188,300.00 |
| <ul style="list-style-type: none"> • This contract does not meet the M/WBE goal, but complies with good faith efforts. | | | | |

PROCUREMENT INFORMATION

Method of Evaluation for Award Type:

| | |
|---------|--|
| Low Bid | <ul style="list-style-type: none"> • Recommended vendor is based on the lowest competitive quoted price, who is also technically and financially capable of performing and completing the contract, and otherwise meets all material specification requirements • Negotiations are not allowed |
|---------|--|

The Office of Procurement Services received the following bids from solicitation number BI1817. We opened them on August 31, 2018. We recommend the City Council award this service price agreement to the lowest responsive and responsible bidders by line. Information related to this solicitation is available upon request.

*Denotes successful bidders

| <u>Bidders</u> | <u>Address</u> | <u>Amount</u> |
|------------------------------------|---|----------------------|
| *Good Earth Corporation | 7922 Forney Rd. Dallas, TX 75227 | Multiple Lines |
| *Gardner's Touch Lawn Care, LLC | 3200 Todd Ave. Fort Worth, TX 76110 | Multiple Lines |
| Stellar Execucare Cleaning | 6523 Autumnwoods Trl Dallas, TX 75232 | Multiple Lines |
| Urban Landscaping & Irrigation | 700 S. Dallas Ave. Lancaster, TX 75146 | Multiple Lines |

OWNERS

Good Earth Corporation

George Belk, Chief Operating Officer

Gardner's Touch Lawn Care, LLC

Reginald R. Gardner Jr., Owner

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WHEREAS, on June 17, 2015, City Council authorized a three-year service contract for grounds maintenance services at various Dallas Water Utilities' properties and the Dallas Animal Shelter with Weldon's Lawn and Tree in the amount of \$828,335.00, Urban Landscaping & Irrigation in the amount of \$84,625.00, and JBa Land Management, LLC in the amount of \$18,780.00, by Resolution No. 15-1230.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager is hereby authorized to execute a service price agreement with Good Earth Corporation (510006) in the estimated amount of \$1,883,300.00 and Gardner's Touch Lawn Care LLC (VC19912) in the estimated amount of \$887,754.40, approved as to form by the City Attorney, for grounds maintenance for Water Utilities Department facilities and lots, for a term of three-years, in a total estimated amount of \$2,771,054.40. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Good Earth and Gardner's Touch Lawn Care LLC shall be based only on the amount of the services directed to be performed by the City and properly performed by Good Earth and Gardner's Touch Lawn Care LLC under the contract. The amount payable pursuant to the service price agreement may exceed the estimated amount, but may not exceed the amount of budgetary appropriations for this service price agreement during its term.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an estimated amount of at least \$2,771,054.40, but not more than the amount of budgetary appropriations for this service price agreement during its term to Good Earth Corporation and Gardner's Touch Lawn Care LLC from Service Contract No. DWU-2019-00009562.

SECTION 3. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.



Agenda Information Sheet

File #: 19-417

Item #: 33.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Procurement Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize a five-year service contract, with a one-year renewal option, for licenses, training, maintenance, and support of a vendor hosted short-term rental and hotel occupancy tax system - MUNIRevs Inc. dba LODGINGRevs, most advantageous proposer of four - Not to exceed \$495,000 - Financing: Convention Center Fund (subject to annual appropriations)

BACKGROUND

This service contract will provide licenses, training, maintenance, and support of a vendor hosted hotel occupancy tax (HOT) and short-term rental (STR) online portal for the City Controller's Office.

This system includes electronic compliance monitoring, registration, billing, and remittance capabilities for the City, hoteliers, and STR hosts. The system also provides continuous discovery of the STRs within the city limits, communication with STR hosts regarding requirements for registration and self-reporting, and training on the process to register. Importantly, this system will be more efficient for the City Controller's Office because it will eliminate the manual processes currently in place to manage HOT collections and provide the ability to pay HOT and Tourism Public Improvement District (TPID) Assessment Fees electronically. This system will become increasingly important as the number registered STRs continues to grow. In 2018, the City had 52 STRs registered and paying HOT/TPID. With the significant growth of the city as a major tourism destination, it is estimated there may be up to 2,000 STRs currently operating in the city.

The City collects a 7 percent HOT from approximately 250 hotels and STR hosts based on their room receipts each month. The City also collects the TPID Assessment Fees for the Dallas TPID Board. The hoteliers and STR hosts self-report their receipts and exemptions and pay accordingly. A common question that the City Controller's Office receives is why the self-reporting and payment of the monthly tax is not available online. Currently, hoteliers and hosts are required to fill out and mail or hand deliver a reporting form/spreadsheet along with their payment.

A seven member committee from the following departments reviewed and evaluated the qualifications:

- City Controller’s Office (2)
- Department of Communication and Information Services (1)
- Department of Convention and Event Services (1)
- Water Utilities (1)
- Office of Business Diversity (1)*
- Office of Procurement Services (1)*

*The Office of Procurement Services evaluated cost and the Office of Business Diversity evaluated the Business Inclusion and Development Plan.

The committee selected the successful respondent on the basis of demonstrated competence and qualifications under the following criteria:

- Cost to the City 30 points
- Technical match 25 points
- Functional match 20 points
- Business Inclusion and Development Plan (BID) 15 points
- Capabilities and expertise 10 points

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 2,235 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, the Office of Business Diversity sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

On November 10, 2015, the City Council authorized a living wage policy that requires contractors to pay their employees a “living wage” rate as established annually by the Massachusetts Institute of Technology Living Wage Calculator for Dallas County by Resolution No. 15-2141. The current calculated living wage during the solicitation process of this contract is \$11.15; the selected vendor meets this requirement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Government Performance & Financial Management Committee will receive this item for consideration on April 1, 2019.

FISCAL INFORMATION

Convention Center Fund - \$495,000.00 (subject to annual appropriations)

FY 2019 \$111,000.00
 FY 2020 \$ 96,000.00 (subject to annual appropriations)
 FY 2021 \$ 96,000.00 (subject to annual appropriations)
 FY 2022 \$ 96,000.00 (subject to annual appropriations)
 FY 2023 \$ 96,000.00 (subject to annual appropriations)

M/WBE INFORMATION

In accordance with the City’s Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

| Contract Amount | Category | M/WBE Goal | M/WBE % | M/WBE \$ |
|---|----------------|------------|---------|----------|
| \$495,000.00 | Other Services | 23.80% | 0.00% | \$0.00 |
| <ul style="list-style-type: none"> • This contract does not meet the M/WBE goal, but complies with good faith efforts. | | | | |

PROCUREMENT INFORMATION

Method of Evaluation for Award Type:

| | |
|---|---|
| Request for Competitive Sealed Proposal | <ul style="list-style-type: none"> • Utilized for high technology procurements, insurance procurements, and other goods and services • Recommended offeror whose proposal is most advantageous to the City, considering the relative importance of price, and other evaluation factors stated in the specifications • Always involves a team evaluation • Allows for negotiation on contract terms, including price |
|---|---|

The Office of Procurement Services received the following proposals from solicitation number BUZ1902. We opened them on December 20, 2018. We recommend the City Council award this service contract in its entirety to the most advantageous proposer.

*Denotes successful proposer

| <u>Proposers</u> | <u>Address</u> | <u>Score</u> | <u>Amount</u> |
|-----------------------------------|---|--------------|---------------|
| *MUNIREvs Inc. dba LODGINGRevs | 900 Main Ave. Suite 10 Durango, CO 81301 | 86.25 | \$495,000.00 |
| LTAS Technologies, Inc. | 505 Consumers Rd. Suite 314 Toronto, Ontario M2J4V8 | 49.38 | \$702,685.00 |

| | | | |
|----------------------------------|---|-------|----------------|
| NebuLogic Technologies, LLC | 5700 Granite Pkwy. Suite 405 Plano, TX 75024 | 48.87 | \$830,822.00 |
| Pioneer Technology Group, LLC | 1100 Central Park Dr. Suite 100 Sanford, FL 32771 | 39.54 | \$2,563,500.00 |

OWNER**MUNIREvs Inc. dba LODGINGREvs**

Erin Neer, President

April 10, 2019

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager is hereby authorized to execute a service contract with MUNIRevs Inc. dba LODGINGRevs (VS99581), approved as to form by the City Attorney, for licenses, training, maintenance, and support of a vendor hosted short-term rental and hotel occupancy tax system for a term of five years, with a one-year renewal option, in an amount not to exceed \$495,000. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to MUNIRevs Inc. dba LODGINGRevs shall be based only on the amount of the services directed to be performed by the City and properly performed by MUNIRevs Inc. dba LODGINGRevs under the contract.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$495,000 (subject to annual appropriations) to MUNIRevs Inc. dba LODGINGRevs from Master Agreement Service Contract No. MASC-DSV-2019-00009686.

SECTION 3. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.



Agenda Information Sheet

File #: 19-233

Item #: 35.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: April 10, 2019

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Procurement Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize a three-year master agreement for the purchase of laboratory supplies and equipment - Taylor Distribution Group, LLC in an estimated amount of \$3,439,031.37, Hach Company in an estimated amount of \$1,209,494.00, Fox Scientific, Inc. in an estimated amount of \$642,979.00, and Horizon Technology, Inc. in an estimated amount of \$53,000.00, lowest responsible bidders of six - Total estimated amount of \$5,344,504.37 - Financing: General Fund (\$262,900.00), Dallas Water Utilities Fund (\$5,019,104.37), Aviation Fund (\$60,000.00), and Sanitation Services Fund (\$2,500.00)

BACKGROUND

This action does not encumber funds; the purpose of a master agreement is to establish firm pricing for goods, for a specific term, which are ordered on an as needed basis according to annual budgetary appropriations. The estimated amount is intended as guidance rather than a cap on spending under the agreement, so that actual need combined with the amount budgeted will determine the amount spent under this agreement. We anticipate the following City departments will use this agreement:

- Water Utilities Department
- Police Department
- Department of Aviation
- Department of Sanitation Services

This master agreement will allow for the purchase of laboratory supplies and equipment. This master agreement will be used to purchase laboratory supplies for testing water and wastewater. The Water Utilities Department will perform an estimated 930 tests daily on approximately 470 million gallons of drinking water and 480 tests on approximately 180 million gallons of wastewater.

Testing is necessary to comply with State and Environmental Protection Agency (EPA) requirements. In addition, this agreement will allow each division the flexibility to purchase newly standardized laboratory supplies, equipment, and chemicals as required by the EPA due to mandatory updates.

The Police Department's Crime Scene Response Section will utilize this master agreement to purchase various supplies needed for the division to document, photograph, process, and collect evidence from crime scenes. In 2018, the Police Department's Crime Scene Response Section responded to over 16,000 calls for service.

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 6,777 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, the Office of Business Diversity sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Government Performance & Financial Management Committee will receive this item for consideration on April 1, 2019.

FISCAL INFORMATION

General Fund - \$262,900.00 (Estimated amount)
 Dallas Water Utilities Fund - \$5,019,104.37 (Estimated amount)
 Aviation Fund - \$60,000.00 (Estimated amount)
 Sanitation Services Fund - \$2,500.00 (Estimated amount)

| Fund | FY 2018-19 | FY 2019-20 | FY 2020-21 | Total |
|-----------------------------|----------------|----------------|----------------|----------------|
| General Fund | \$45,000.00 | \$108,950.00 | \$108,950.00 | \$262,900.00 |
| Dallas Water Utilities Fund | \$1,123,849.69 | \$1,947,627.35 | \$1,947,627.33 | \$5,019,104.37 |
| Aviation Fund | \$20,000.00 | \$20,000.00 | \$20,000.00 | \$60,000.00 |
| Sanitation Services Fund | \$833.33 | \$833.33 | \$833.34 | \$2,500.00 |
| Total | \$1,189,683.02 | \$2,077,410.68 | \$2,077,410.67 | \$5,344,504.37 |

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

| Contract Amount | Category | M/WBE Goal | M/WBE % | M/WBE \$ |
|---|----------|------------|---------|----------------|
| \$5,344,504.37 | Goods | 18.00% | 76.38% | \$4,082,010.37 |
| <ul style="list-style-type: none"> • This contract exceeds the M/WBE goal. | | | | |

PROCUREMENT INFORMATION

Method of Evaluation for Award Type:

| | |
|---------|--|
| Low Bid | <ul style="list-style-type: none"> • Recommended vendor is based on the lowest competitive quoted price, who is also technically and financially capable of performing and completing the contract, and otherwise meets all material specification requirements • Negotiations are not allowed |
|---------|--|

The Office of Procurement Services received the following bids from solicitation number BL1810. We opened them on October 19, 2018. We recommend the City Council award this master agreement to the lowest responsive and responsible bidders by line. Information related to this solicitation is available upon request.

*Denotes successful bidders

| <u>Bidders</u> | <u>Address</u> | <u>Amount</u> |
|---------------------------------------|--|----------------------|
| *Taylor Distribution Group, LLC | 15950 North Dallas Pkwy. #400 Dallas, TX 75248 | Multiple Lines |
| *Hach Company | 5600 Lindbergh Dr. Loveland, CO 80538 | Multiple Lines |
| *Fox Scientific, Inc. | 8221 E. FM 917 Alvarado, TX 76009 | Multiple Lines |
| *Horizon Technology, Inc. | 16 Northwestern Dr. Salem, NH 03079 | Multiple Lines |
| BVA Scientific, Inc. | 231 E. Nakoma St. #300 San Antonio, TX 78216 | Multiple Lines |
| HD Supply Facilities dba USA Bluebook | 3781 Burwood Dr. Waukegan, IL 60085 | Multiple Lines |

OWNERS

Taylor Distribution Group, LLC

Artura Taylor, President
John Taylor, Vice President

Hach Company

Kevin Alexius Klau, President
Michael J. Strycker, Vice President
James F. O'Reilly, Secretary
Frank T. McFaden, Treasurer

Fox Scientific, Inc.

Tim Green, President
Paisley Green, Vice President
Debra Cline, Treasurer

Horizon Technology, Inc.

Torben Jørgenson, President
Scott Carr, Vice President
Lars Bäckman, Secretary
Erika Söderberg, Treasurer

April 10, 2019

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That a master agreement for the purchase of laboratory supplies and equipment is authorized with Taylor Distribution Group, LLC (VS0000063028) in the estimated amount of \$3,439,031.37, Hach Company (029911) in the estimated amount of \$1,209,494.00, Fox Scientific, Inc. (267154) in the estimated amount of \$642,979.00, Horizon Technology, Inc. (504384) in the estimated amount of \$53,000.00, approved as to form by the City Attorney, for a term of three years in a total estimated amount of \$5,344,504.37. The amount payable pursuant to this master agreement may exceed the estimated amount, but may not exceed the amount of budgetary appropriations for this master agreement during its term.

SECTION 2. That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for laboratory supplies and equipment. If a written contract is required or requested for any or all purchases for laboratory supplies and equipment under the master agreement instead of individual purchase orders, the City Manager is hereby authorized to execute a contract, approved as to form by the City Attorney.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an estimated amount of at least \$5,344,504.37, but not more than the amount of budgetary appropriations for this master agreement during its term to Taylor Distribution Group, LLC, Hach Company, Fox Scientific, Inc. and Horizon Technology, Inc. from Master Agreement No. POM-2019-00009190.

SECTION 4. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.