

KEY FOCUS AREA: E-Gov

AGENDA DATE: November 10, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Communication and Information Services

CMO: Jeanne Chipperfield, 670-7804
Mark McDaniel, 670-3256

MAPSCO: N/A

SUBJECT

Professional Radio Engineering Services for a New P25 Compliant Trunk Radio System

- * Authorize **(1)** the receipt and deposit of funds from Dallas County in the amount of \$194,895; and **(2)** an increase in appropriations in the amount of \$194,895 in the Capital Projects Reimbursement Fund - Not to exceed \$194,895 - Financing: Capital Projects Reimbursement Funds
- * Authorize a service contract for professional radio engineering services to assist the City with the vendor evaluation and vendor selection process for a new P25 compliant trunk radio system - Black & Veatch Corporation, formerly RCC Consultants, Inc. - Not to exceed \$779,577 - Financing: Current Funds (\$584,682) and Capital Projects Reimbursement Funds (\$194,895)

BACKGROUND

This service contract will provide the City with professional radio engineering services for support during the evaluation and vendor selection process for the new P25 compliant trunk radio system request for competitive sealed proposals (RFCSP) currently solicited by the City. The City is leveraging the specialized services of a professional radio engineering firm to assist with procuring a replacement radio system that meets both current and future radio technology needs for the City as well as federal and state requirements.

BACKGROUND (Continued)

On December 12, 2012, City Council authorized a service contract with RCC Consultants, Inc. (acquired by Black & Veatch Corp.) who through a competitive process was determined to be the most advantageous proposer of five. This service contract provided the City with assistance in the assessment of the City's radio communication operational needs and the development of requirements for a replacement system. This phase has been completed and the City issued an RFCSP for the replacement radio system on April 30, 2015. Due to this vendor's specific knowledge and history with the City's radio system it is necessary to enter into another contract in order for them to assist the City with the next phases of this solicitation.

Key deliverables in this phase include:

- Develop evaluation methodology and tools
- Conduct initial evaluation of all vendor proposals against technical requirements
- Attend presentations by the vendors as a subject matter expert
- Prepare and present evaluation report to City

Due to the complexity and significant cost associated with this radio replacement system, the P25 project is being segmented into multiple phases. Utilizing a professional radio engineering firm will ensure the most qualified vendor is selected in helping the City develop a robust communications solution that meets current and future needs.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 12, 2012, City Council authorized (1) an Interlocal Agreement with Dallas County for participation in the design and implementation of a new P25 compliant trunk radio system; (2) the receipt and deposit of funds from Dallas County; and (3) an increase in appropriations in the Capital Projects Reimbursement Fund by Resolution No.12-3046.

On December 12, 2012, City Council authorized a service contract for professional radio engineering services to assist the City in the assessment of the City's operational needs, develop specifications and requirements for a new P25 compliant trunk radio system and respond to RFCSP questions and develop RFCSP amendments during the solicitation process by Resolution No.12-3047.

Information about this item was provided to the Budget, Finance and Audit Committee on November 2, 2015.

FISCAL INFORMATION

\$584,681.75 - Current Funds
\$194,895.00 - Capital Projects Reimbursement Funds

ETHNIC COMPOSITION

Black & Veatch Corporation

White Male	3,468	White Female	1,255
Black Male	129	Black Female	84
Hispanic Male	197	Hispanic Female	77
Other Male	362	Other Female	140

OWNER

Black & Veatch Corporation

Martin Travers, President
John Janchar, Vice President
Jenny Meegan, Secretary

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize **(1)** the receipt and deposit of funds from Dallas County in the amount of \$194,895; and **(2)** an increase in appropriations in the amount of \$194,895 in the Capital Projects Reimbursement Fund - Not to exceed \$194,895 - Financing: Capital Projects Reimbursement Funds

Black & Veatch Corporation is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractor.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$200,039.39	25.66%
Total non-local contracts	\$579,537.36	74.34%
TOTAL CONTRACT	\$779,576.75	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Apex Engineered Solutions, LLC.	BFDB18347Y0816	\$200,039.39	100.00%
Total Minority - Local		\$200,039.39	100.00%

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$200,039.39	100.00%	\$200,039.39	25.66%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$200,039.39	100.00%	\$200,039.39	25.66%

November 10, 2015

WHEREAS, on December 12, 2012, City Council authorized (1) an Interlocal Agreement with Dallas County for participation in the design and implementation of a new P25 compliant trunk radio system; (2) the receipt and deposit of funds from Dallas County; and (3) an increase in appropriations in the Capital Projects Reimbursement Fund by Resolution No.12-3046; and,

WHEREAS, on December 12, 2012, City Council authorized a service contract for professional radio engineering services to assist the City in the assessment of the City's operational needs, develop specifications and requirements for a new P25 compliant trunk radio system and respond to RFCSP questions and develop RFCSP amendments during the solicitation process by Resolution No.12-3047;

NOW, THEREFORE,

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

Section 1. That the Chief Financial Officer is hereby authorized to deposit Funds from Dallas County in Fund 0556, Dept. DSV, Unit P776, Revenue Source 6511 in the amount of \$194,895.00.

Section 2. That the City Manager is hereby authorized to increase appropriations in the Capital Projects Reimbursement Fund 0556, Dept DSV, Unit P776, Object 3070 in the amount of \$194,895.00.

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.

November 10, 2015

WHEREAS, on December 12, 2012, City Council authorized (1) an Interlocal Agreement with Dallas County for participation in the design and implementation of a new P25 compliant trunk radio system; (2) the receipt and deposit of funds from Dallas County; and (3) an increase in appropriations in the Capital Projects Reimbursement Fund by Resolution No.12-3046; and,

WHEREAS, on December 12, 2012, City Council authorized a service contract for professional radio engineering services to assist the City in the assessment of the City's operational needs, develop specifications and requirements for a new P25 compliant trunk radio system and respond to RFCSP questions and develop RFCSP amendments during the solicitation process by Resolution No.12-3047;

NOW, THEREFORE,

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

Section 1. That the City Manager is authorized to execute a service contract with Black & Veatch Corporation (520478) for professional radio engineering services to assist the City with the vendor evaluation and vendor selection process for a new P25 compliant trunk radio system in an amount not to exceed \$779,576.75, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Black & Veatch Corporation shall be based only on the amount of the services directed to be performed by the City and properly performed by Black & Veatch Corporation under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds from the following appropriations in an amount not to exceed \$779,576.75:

<u>Fund</u>	<u>Dept</u>	<u>Unit</u>	<u>Object</u>	<u>Amount</u>	<u>Encumbrance</u>
0197	DSV	1812	3070	\$584,681.75	MASCDSV16P25P2B
0556	DSV	P776	3070	\$194,895.00	MASCDSV16P25P2B

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 ITEM # 6

KEY FOCUS AREA:	Culture, Arts and Recreation and Educational Enhancements
AGENDA DATE:	November 10, 2015
COUNCIL DISTRICT(S):	All
DEPARTMENT:	Business Development & Procurement Services Park & Recreation
CMO:	Jeanne Chipperfield, 670-7804 Willis Winters, 670-4071
MAPSCO:	N/A

SUBJECT

Authorize a two-year service contract for the maintenance and repair of gymnasium floors at thirty-four recreation centers – Jellison, Inc. dba Jelco, lowest responsible bidder of six - Not to exceed \$243,398 - Financing: Park and Recreation Program Funds (subject to appropriations)

BACKGROUND

This action does not encumber funds; the purpose of a service contract is to establish firm pricing services, for a specific term, which are ordered on an as needed basis.

This service contract will provide for the maintenance and repair of gymnasium floors at thirty-four recreation centers located throughout the City. Over the next two years, twenty gymnasium floors will be stripped, repaired and resurfaced. All gymnasium floors will be cleaned, lightly sanded and refinished annually.

The scope of services included in this contract includes but is not limited to:

- Preparation – remove all layers of finish and game lines down to raw wood and replace flooring that cannot be repaired
- Light sanding – abrade entire floor with fine-grit fiberscreen disc
- Sealing – apply two coats of finish
- Court lining – draw line/logo layout and game lines
- Finishing – thoroughly clean and apply three coats of finish

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 1,281 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone.

BACKGROUND (Continued)

Additionally, in an effort to secure more bids, notifications were sent by the Business Development and Procurement Services' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Approved by the Park and Recreation Board on October 1, 2015.

Information about this item will be provided to the Budget, Finance and Audit Committee on November 2, 2015.

FISCAL INFORMATION

\$243,398.00 - Park and Recreation Program Funds (subject to appropriations)

M/WBE INFORMATION

- 306 - Vendors contacted
- 305 - No response
 - 1 - Response (Bid)
 - 0 - Response (No bid)
 - 0 - Successful

1,281 - M/WBE and Non-M/WBE vendors were contacted

The recommended awardee has fulfilled the good faith requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Council Resolution No. 08-2826 as amended.

ETHNIC COMPOSITION

Jellison, Inc. dba Jelco

White Male	6	White Female	2
Black Male	0	Black Female	0
Hispanic Male	11	Hispanic Female	0
Other Male	0	Other Female	0

BID INFORMATION

The following bids were received from solicitation number BA1518 and were opened on July 30, 2015. This service contract is being awarded in its entirety to the lowest responsive and responsible bidder.

BID INFORMATION (Continued)

*Denotes successful bidder

<u>Bidders</u>	<u>Address</u>	<u>Amount of Bid</u>
*Jellison, Inc. dba Jelco	12928 Lowden Lane Suite G Manchaca, TX 78652	\$ 243,398.00
Quality Hardwood Floors, Inc. (Alternate Bid)	2011 Clovis Barker Road San Marcos, TX 78666	\$ 308,301.48
Z Floor Company	350 Betchan Avenue Dallas, TX 75065	\$ 330,870.00
Elite Refinishers	114 East Niblick Longview, TX 75604	\$ 503,250.00
MRK Industrial Flooring	2526 Mañana Drive Suite 100 Dallas, TX 75220	\$1,497,375.00
Quality Hardwood Floors, Inc.	2011 Clovis Barker Road San Marcos, TX 78666	Non-responsive**

**Quality Hardwood Floors, Inc. was deemed non-responsive due to not meeting specifications.

OWNER

Jellison, Inc. dba Jelco

Jared Jellison, President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a two-year service contract for the maintenance and repair of gymnasium floors at thirty-four recreation centers – Jellison, Inc. dba Jelco, lowest responsible bidder of six - Not to exceed \$243,398 - Financing: Park and Recreation Program Funds (subject to appropriations)

Jellison, Inc. dba Jelco is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$243,398.00	100.00%
TOTAL CONTRACT	\$243,398.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$0.00	0.00%	\$0.00	0.00%

November 10, 2015

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

Section 1. That the City Manager is authorized to execute a service contract with Jellison, Inc. dba Jelco (VS0000070423) for the maintenance and repair of gymnasium floors at thirty-four recreation centers for a term of two years in an amount not to exceed \$243,398.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Jellison, Inc. dba Jelco shall be based only on the amount of the services directed to be performed by the City and properly performed by Jellison, Inc. dba Jelco under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$243,398.00 (subject to appropriations).

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.

KEY FOCUS AREA: E-Gov
AGENDA DATE: November 10, 2015
COUNCIL DISTRICT(S): 2, 3, 14
DEPARTMENT: Business Development & Procurement Services
Aviation
CMO: Jeanne Chipperfield, 670-7804
Ryan S. Evans, 671-9837
MAPSCO: 34E 45Q 63L

SUBJECT

Authorize a three-year consultant services contract for airport financial and related management consulting services for Aviation - Unison Consulting, Inc., most advantageous proposer of three - Not to exceed \$324,788 - Financing: Aviation Current Funds (subject to annual appropriations)

BACKGROUND

This item will authorize a three-year consultant services contract for airport financial and related management consulting services for Aviation. The recommended vendor will conduct a comprehensive review of all current contractual agreements at Dallas Love Field, Dallas Executive Airport and the Dallas Heliport, including concessions, long-term leases and month-to-month leases. To ensure the annual rates and charges are competitive, the vendor will conduct a survey of comparable airports and benchmarking to include airports that serve the same customers or which are similar operationally. Additionally the vendor will review reserve funding policies/strategies at other airports and coordinate efforts with the Federal Aviation Administration grant and Passenger Facility Charge application process.

A six member committee from the following departments reviewed and evaluated the proposals:

- Aviation (2)
- City Controller's Office (1)
- Office of Financial Services (1)
- Business Development and Procurement Services (2)*

*Business Development and Procurement Services evaluated the cost and the Business Inclusion and Development Plan.

BACKGROUND (Continued)

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

- Cost 30%
- Technical support 20%
- Experience and qualifications 20%
- Experience with capital programs 10%
- Approach 5%
- Business Inclusion and Development Plan 15%

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 1,095 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS 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, notifications were sent by the BDPS' ResourceLink Team (RLT) to 25 Chambers of Commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Budget, Finance and Audit Committee on November 2, 2015.

FISCAL INFORMATION

\$324,788.00 - Aviation Current Funds (subject to annual appropriations)

<u>Council District</u>	<u>Amount</u>
2	\$ 290,685.00
3	\$ 32,478.00
14	\$ <u>1,625.00</u>
Total	\$ 324,788.00

M/WBE INFORMATION

224 - Vendors contacted
222 - No response
 2 - Response (Bid)
 0 - Response (No bid)
 1 - Successful

1,095 - M/WBE and Non-M/WBE vendors were contacted

The recommended awardee has fulfilled the good faith requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Council Resolution No. 08-2826 as amended.

ETHNIC COMPOSITION

Unison Consulting, Inc.

White Male	9	White Female	5
Black Male	9	Black Female	12
Hispanic Male	1	Hispanic Female	0
Other Male	1	Other Female	3

PROPOSAL INFORMATION

The following proposals were received from solicitation number BKZ1513 and were opened on June 7, 2015. This contract is being awarded in its entirety to the most advantageous proposer.

*Denotes successful proposer

<u>Proposers</u>	<u>Address</u>	<u>Points</u>	<u>Amount</u>
*Unison Consulting, Inc.	409 W. Huron Suite 400 Chicago, IL 60610	93%	\$ 324,788.00
Leigh Fisher, Inc.	555 Airport Blvd. Suite 300 Burlingame, CA 94010	80%	\$ 525,260.00
Ricondo & Associates, Inc.	20 N. Clark St. Suite 1500 Chicago, IL 60602	61%	\$1,605,920.00

OWNER

Unison Consulting, Inc.

Yovette L. Drake, President
Anthony Q. Drake, Vice President
Sharon Sarmiento, Secretary

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year consultant services contract for airport financial and related management consulting services for Aviation - Unison Consulting, Inc., most advantageous proposer of three - Not to exceed \$324,788 - Financing: Aviation Current Funds (subject to annual appropriations)

Unison Consulting, Inc. is a non-local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$324,788.00	100.00%
TOTAL CONTRACT	\$324,788.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Unison Consulting, Inc	BMMB64845N0417	\$228,616.00	70.39%
Total Minority - Non-local		\$228,616.00	70.39%

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$228,616.00	70.39%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$0.00	0.00%	\$228,616.00	70.39%

November 10, 2015

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

Section 1. That the City Manager is authorized to execute a consultant services contract with Unison Consulting, Inc. (VS0000063996) for airport financial and related management consulting services for Aviation for a term of three years in an amount not to exceed \$324,788.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Unison Consulting, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Unison Consulting, Inc. under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$324,788.00 from service contract number MASCAVIUNISON (subject to annual appropriations).

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.

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: November 10, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Street Services

CMO: Jeanne Chipperfield, 670-7804
Jill A. Jordan, P.E., 670-5299

MAPSCO: N/A

SUBJECT

Authorize a three-year service contract for median maintenance and mowing of Texas Department of Transportation rights-of-way within the corporate boundaries of Dallas - Good Earth Corporation, lowest responsible bidder of three - Not to exceed \$9,464,660 - Financing: Current Funds (subject to annual appropriations)

BACKGROUND

This action does not encumber funds; the purpose of a service contract is to establish firm pricing for services, for a specific term, which are ordered on an as needed basis.

This service contract will provide grounds maintenance for approximately 3,300 acres of Texas Department of Transportation (TxDOT) property including highway medians, parkways, side medians, triangles, islands, interchange islands, rights-of-way, shoulders, Green Ribbon Projects and other TxDOT property within Dallas city boundaries. The TxDOT Green Ribbon Program provides landscaping improvements such as plant materials and irrigation along TxDOT rights-of-way to establish a higher level of visual appeal along the corridors increasing aesthetic appeal citywide.

Street Services (STS) will administer, inspect and manage the service contract.

This contract will include all labor, materials and equipment necessary to provide complete and continuous maintenance of all trees, shrubs and ground coverings, and Green Ribbon landscaped areas including but not limited to: mowing, litter removal and disposal, line trimming, pruning, de-weeding, blade edging, and herbicide treatments. The bid was structured in three sections, east, west, and landscaped areas. The east section consists of approximately 1,490 acres and the west consists of approximately 1,760 acres; both are scheduled to be maintained every 21-28 days, weather permitting, during mow season. Section three consists of Green Ribbon Projects citywide, maintenance will be provided in these landscaped areas year round.

BACKGROUND (Continued)

On September 22, 2010, City Council authorized a Landscape Maintenance Agreement with TxDOT for the City to provide supplemental mowing in the parkways and maintain median landscape improvements along US 75 from Spur 366 (Woodall Rodgers Freeway) to IH 635 within TxDOT's right-of-way. TxDOT has removed the previous amenities and landscaping on North Central Expressway and replaced with native grasses which are currently maintained by STS via a separate contract.

This solicitation was structured in a manner which required bidders to submit a response using group pricing. This bid resulted in a 9.20% decrease over comparable prices for the bids awarded 2013.

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 407 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS 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, notifications were sent by the Business Development and Procurement Services' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 22, 2010, City Council authorized a Landscape Maintenance Agreement with Texas Department of Transportation (TxDOT) for the City to assume maintenance of the landscape improvements in the center median and to supplement mowing cycles in the parkways between the frontage roads and main lanes along US 75 from Spur 366 (Woodall Rodgers Freeway) to Interstate Highway 635 by Resolution No. 10-2413.

On February 9, 2011, City Council was briefed on the maintenance of Texas Department of Transportation rights-of-way within the City of Dallas.

On March 9, 2011, City Council authorized a one-year service contract, with two one-year extension options, for median maintenance and mowing of Texas Department of Transportation rights-of-way within the corporate boundaries of Dallas by Resolution No. 11-0679.

On February 8, 2012, City Council authorized Extension Option No. 1 to the service contract and an increase in the service contract for median maintenance and mowing of Texas Department of Transportation rights-of-way within the corporate boundaries of Dallas by Resolution No. 12-0463.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (Continued)

On January 23, 2013, City Council authorized a three-year service contract for median maintenance and mowing of Texas Department of Transportation rights-of-way within the corporate boundaries of Dallas by Resolution No. 13-0242.

Information about this item will be provided to the Budget, Finance and Audit Committee on November 2, 2015.

FISCAL INFORMATION

\$9,464,660.00 - Current Funds (subject to annual appropriations)

M/WBE INFORMATION

- 57 - Vendors contacted
- 56 - No response
 - 1 - Response (Bid)
 - 0 - Response (No bid)
 - 0 - Successful

407 - M/WBE and Non-M/WBE vendors were contacted

The recommended awardee has fulfilled the requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Council Resolution No. 08-2826 as amended.

ETHNIC COMPOSITION

Good Earth Corporation

White Male	16	White Female	2
Black Male	19	Black Female	1
Hispanic Male	117	Hispanic Female	10
Other Male	0	Other Female	0

BID INFORMATION

The following bids were received from solicitation number BF1526 and were opened on October 9, 2015. This service contract is being awarded in its entirety to the lowest responsive and responsible bidder.

BID INFORMATION (Continued)

*Denotes successful bidder

<u>Bidders</u>	<u>Address</u>	<u>Amount</u>
*Good Earth Corporation	8020 Heinen Dr. Dallas, TX 75227	\$ 9,464,660.00
V.L. & I., Inc. dba Urban Landscaping & Irrigation	700 S. Dallas Ave. Lancaster, TX 75146	\$11,796,078.60
Texas Tree & Landscape, LTD	276 Antler Rd. Waco, TX 76712	\$27,082,270.00

OWNER

Good Earth Corporation

Ron Points, President
George Belk, Vice President
Emily Points, Secretary

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year service contract for median maintenance and mowing of Texas Department of Transportation rights-of-way within the corporate boundaries of Dallas - Good Earth Corporation, lowest responsible bidder of three - Not to exceed \$9,464,660 - Financing: Current Funds (subject to annual appropriations)

Good Earth Corporation is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractor.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$7,212,070.00	76.20%
Total non-local contracts	\$2,252,590.00	23.80%
TOTAL CONTRACT	\$9,464,660.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Sun Coast Resources	WFWB63943N0117	\$2,252,590.00	100.00%
Total Minority - Non-local		\$2,252,590.00	100.00%

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$2,252,590.00	23.80%
Total	\$0.00	0.00%	\$2,252,590.00	23.80%

November 10, 2015

WHEREAS, on September 22, 2010, City Council authorized a Landscape Maintenance Agreement with Texas Department of Transportation (TxDOT) for the City to assume maintenance of the landscape improvements in the center median and to supplement mowing cycles in the parkways between the frontage roads and main lanes along US 75 from Spur 366 (Woodall Rodgers Freeway) to Interstate Highway 635 by Resolution No. 10-2413; and,

WHEREAS, on March 9, 2011, City Council authorized a one-year service contract, with two one-year extension options, for median maintenance and mowing of Texas Department of Transportation rights-of-way within the corporate boundaries of Dallas by Resolution No. 11-0679; and,

WHEREAS, on February 8, 2012, City Council authorized Extension Option No. 1 to the service contract and an increase in the service contract for median maintenance and mowing of Texas Department of Transportation rights-of-way within the corporate boundaries of Dallas by Resolution No. 12-0463; and,

WHEREAS, on January 23, 2013, City Council authorized a three-year service contract for median maintenance and mowing of Texas Department of Transportation rights-of-way within the corporate boundaries of Dallas by Resolution No. 13-0242;

NOW, THEREFORE,

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

Section 1. That the City Manager is authorized to execute a service contract with Good Earth Corporation (510006) for median maintenance and mowing of Texas Department of Transportation rights-of-way within the corporate boundaries of Dallas for a term of three years in an amount not to exceed \$9,464,660.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Good Earth Corporation shall be based only on the amount of the services directed to be performed by the City and properly performed by Good Earth Corporation under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$9,464,660.00 (subject to annual appropriations).

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.

KEY FOCUS AREA: E-Gov

AGENDA DATE: November 10, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Water Utilities

CMO: Jeanne Chipperfield, 670-7804
Mark McDaniel, 670-3256

MAPSCO: N/A

SUBJECT

Authorize a three-year service contract for televised sewer inspection, maintenance and repair services - RKM Utility Services, Inc., lowest responsible bidder of two - Not to exceed \$4,760,750 - Financing: Water Utilities Capital Construction Funds (subject to appropriations)

BACKGROUND

This action does not encumber funds; the purpose of a service contract is to establish firm pricing for services for a specific term, which are ordered on an as needed basis.

This service contract will provide televised sewer inspection, maintenance and repair services throughout the City. Services provided include internal pipe inspection (via close circuit television), high velocity sewer cleaning, robotic television inspection, sonar scanning and sewer repair services. The contract will be used by Dallas Water Utilities (DWU) to augment the in-house maintenance program and help to ensure the proper operation of the sanitary sewer system. The overall maintenance of the sanitary sewer system preserves the integrity and efficiency of the sewer lines and associated components. DWU services over 4,000 miles of sanitary sewer pipe. This contract will also assist DWU with maintaining the regulatory requirements of the Texas Commission on Environmental Quality Sanitary Sewer Overflow Initiative.

This solicitation was structured in a manner which required bidders to submit a response using unit pricing. This bid resulted in a 40.08% increase over comparable unit prices for the bid awarded in 2011.

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 980 email bid notifications to vendors registered under respective commodities.

BACKGROUND (Continued)

To further increase competition, BDPS 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, notifications were sent by the BDPS' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 14, 2011, City Council authorized a three-year service contract for televised sewer inspection, maintenance, and repair services by Resolution No. 11-2370.

On May 27, 2015, City Council authorized (1) the rejection of bids received for sewer maintenance and repair services; and (2) the re-advertisement for new bids by Resolution No. 15-0934.

Information about this item will be provided to the Budget, Finance and Audit Committee on November 2, 2015.

FISCAL INFORMATION

\$4,760,750.00 - Water Utilities Capital Construction Funds (subject to appropriations)

M/WBE INFORMATION

235 - Vendors contacted

235 - No response

0 - Response (Bid)

0 - Response (No bid)

0 - Successful

980 - M/WBE and Non-M/WBE vendors were contacted

The recommended awardee has fulfilled the good faith requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Council Resolution No. 08-2826 as amended.

ETHNIC COMPOSITION

RKM Utility Services, Inc.

White Male	42	White Female	1
Black Male	35	Black Female	0
Hispanic Male	243	Hispanic Female	4
Other Male	0	Other Female	0

BID INFORMATION

The following bids were received from solicitation number BM1530 and were opened on July 9, 2015. This service contract is being awarded in its entirety to the lowest responsive and responsible bidder.

*Denotes successful bidder

<u>Bidders</u>	<u>Address</u>	<u>Amount</u>
*RKM Utility Services, Inc.	1805 Royal Ln. Suite 107 Dallas, TX 75229	\$4,760,750.00
ACE Pipe Cleaning, Inc.	4000 Truman Rd. Kansas City, MO 64217	\$5,462,705.00

OWNER

RKM Utility Services, Inc.

Ryan Dowdy, President
Bryan Piper, Vice President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year service contract for televised sewer inspection, maintenance and repair services - RKM Utility Services, Inc., lowest responsible bidder of two - Not to exceed \$4,760,750 - Financing: Water Utilities Capital Construction Funds (subject to appropriations)

RKM Utility Services, Inc. is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$4,392,712.50	92.27%
Total non-local contracts	\$368,037.50	7.73%
TOTAL CONTRACT	\$4,760,750.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	<u>\$0.00</u>	<u>0.00%</u>	<u>\$0.00</u>	<u>0.00%</u>

November 10, 2015

WHEREAS, on September 14, 2011, City Council authorized a three-year service contract for televised sewer inspection, maintenance, and repair services by Resolution No. 11-2370; and,

WHEREAS, on May 27, 2015, City Council authorized (1) the rejection of bids received for sewer maintenance and repair services; and (2) the re-advertisement for new bids by Resolution No. 15-0934;

NOW, THEREFORE,

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

Section 1. That the City Manager is authorized to execute a service contract with RKM Utility Services, Inc. (VS0000026242) for televised sewer inspection, maintenance and repair services for a term of three years in an amount not to exceed \$4,760,750.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to RKM Utility Services, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by RKM Utility Services, Inc. under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$4,760,750.00 (subject to appropriations).

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.

KEY FOCUS AREA: E-Gov

AGENDA DATE: November 10, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Aviation
Sanitation Services
Street Services
Water Utilities

CMO: Jeanne Chipperfield, 670-7804
Ryan S. Evans, 671-9837
Joey Zapata, 670-3009
Jill A. Jordan, P.E., 670-5299
Mark McDaniel, 670-3256

MAPSCO: N/A

SUBJECT

Authorize a three-year service contract for the rental of uniforms - G&K Services, through the Texas Association of School Boards (BuyBoard) - Not to exceed \$458,304 - Financing: Current Funds (\$265,637), Sanitation Current Funds (\$165,011), Water Utilities Current Funds (\$24,952) and Aviation Current Funds (\$2,704) (subject to annual appropriations)

BACKGROUND

This action does not encumber funds; the purpose of a service contract is to establish firm pricing for services, for a specific term, which are ordered on an as needed basis.

This service contract will provide for the rental of uniforms for various City departments. Uniform rental provides the City with a cost effective method to provide uniforms to civilian employees. Uniforms are important because it allows uniformity by department and also allows residents to identify City employees as City representatives.

Each employee utilizing the rental service will receive eleven pairs of pants and eleven shirts. The contractor will pick up heavily soiled or contaminated uniforms from each of the City locations and deliver clean, wrinkle-free uniforms on a weekly basis. As part of this service, repairs to uniforms are included.

BACKGROUND (Continued)

The Texas Association of School Boards (BuyBoard) conforms to the requirements of Texas Statutes that are applicable for competitive bids and proposals, in accordance with the Interlocal Cooperation Act, Chapter 791, Texas Government Code. In addition, BuyBoard receives bids from manufacturers and dealers throughout the United States.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 26, 2013, City Council authorized a five-year service contract for the rental and lease of uniforms by Resolution No. 13-1060.

Information about this item will be provided to the Budget, Finance and Audit Committee on November 2, 2015.

FISCAL INFORMATION

- \$265,636.90 - Current Funds (subject to annual appropriations)
- \$165,010.56 - Sanitation Current Funds (subject to annual appropriations)
- \$ 24,952.37 - Water Utilities Current Funds (subject to annual appropriations)
- \$ 2,704.09 - Aviation Current Funds (subject to annual appropriations)

ETHNIC COMPOSITION

G&K Services

White Male	39	White Female	6
Black Male	18	Black Female	1
Hispanic Male	33	Hispanic Female	86
Other Male	1	Other Female	1

OWNER

G&K Services

- Douglas Milroy, President
- Ian Davis, Vice President
- Jeffrey Cotter, Secretary
- Tracy Jokinen, Chief Financial Officer

November 10, 2015

WHEREAS, on June 26, 2013, City Council authorized a five-year service contract for the rental and lease of uniforms by Resolution No. 13-1060;

NOW, THEREFORE,

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

Section 1. That the City Manager is authorized to execute a service contract with G&K Services (VS0000061203), through the Texas Association of School Boards (BuyBoard) for the rental of uniforms for a term of three years in an amount not to exceed \$458,303.92, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to G&K Services shall be based only on the amount of the services directed to be performed by the City and properly performed by G&K Services under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$458,303.92 (subject to annual appropriations).

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.

KEY FOCUS AREA: E-Gov

AGENDA DATE: November 10, 2015

COUNCIL DISTRICT(S): 8

DEPARTMENT: Business Development & Procurement Services
Water Utilities

CMO: Jeanne Chipperfield, 670-7804
Mark McDaniel, 670-3256

MAPSCO: 69 A-X

SUBJECT

Authorize **(1)** the purchase of bio-filter organic materials - MTR Enviro-Construction, Inc. in the amount of \$206,800; and **(2)** a service contract for liner repair services at the Southside Wastewater Treatment Plant – Archer Western Construction, LLC in the amount of \$68,000, lowest responsible bidders of four – Total not to exceed \$274,800 - Financing: Water Utilities Capital Construction Funds

BACKGROUND

This purchase will provide bio-filter organic materials and labor for minor repairs for two cell units located at Southside Wastewater Treatment Plant Gravity Belt Thickener Facility. Accumulating gases are piped from the Gravity Belt Thickener Facility to cell units located adjacent to the building. The gases are filtered through the organic bio material before being released into the air. The current filtering materials have reached the end of their life cycle and require replacing. Services rendered under this contract will provide minor repairs to the cell unit lining, replacement of current sprinkler system, replacement of two valve operators and replacement of organic material for filtering. This contract will ensure that the City continues to meet minimum standards set by Texas Commission on Environmental Quality.

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 1,123 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS 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, notifications were sent by the BDPS' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Budget, Finance and Audit Committee on November 2, 2015.

FISCAL INFORMATION

\$274,800.00 – Water Utilities Capital Construction Funds

M/WBE INFORMATION

272 - Vendors contacted
272 - No response
 0 - Response (Bid)
 0 - Response (No bid)
 0 - Successful

1,123 - M/WBE and Non-M/WBE vendors were contacted

The recommended awardees have fulfilled the good faith requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Council Resolution No. 08-2826 as amended.

ETHNIC COMPOSITION

MTR Enviro-Construction, Inc.

White Male	4	White Female	1
Black Male	4	Black Female	4
Hispanic Male	2	Hispanic Female	3
Other Male	0	Other Female	0

Archer Western Construction, LLC

White Male	194	White Female	16
Black Male	28	Black Female	5
Hispanic Male	183	Hispanic Female	9
Other Male	18	Other Female	0

BID INFORMATION

The following bids were received from solicitation number BM1521 and were opened on July 2, 2015. This purchase and service contract are being awarded to the lowest responsive and responsible bidders by line. Information related to this solicitation is available upon request.

BID INFORMATION (Continued)

*Denotes successful bidders

<u>Bidders</u>	<u>Address</u>	<u>Amount</u>
*MTR Enviro-Construction, Inc.	1408 Darr St., Ste. D Irving, TX 75061	Multiple Lines
*Archer Western Construction, LLC	1411 Greenway Dr. Irving, TX 75038	Multiple Lines
Sunset Construction	11041 Ables Ln. Dallas, TX 75229	Multiple Lines
Bella Casa Construction Co.	9137 N Flora Ave Kansas City, MO 64155	Multiple Lines

OWNERS

MTR Enviro-Construction, Inc.

Milton Roberts, President
Rita Roberts, Vice President
Shiloh Roberts, Secretary

Archer Western Construction, LLC

Daniel P Walsh, President
Randy Joe Lee, Vice President
Matthew Walsh, Secretary
Tim Gerken, Treasure

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize **(1)** the purchase of bio-filter organic materials - MTR Enviro-Construction, Inc. in the amount of \$206,800; and **(2)** a service contract for liner repair services at the Southside Wastewater Treatment Plant – Archer Western Construction, LLC in the amount of \$68,000, lowest responsible bidders of four – Total not to exceed \$274,800 - Financing: Water Utilities Capital Construction Funds

MTR Enviro-Construction, Inc. and Archer Western Construction, LLC are local, non-minority firms, have signed the "Business Inclusion & Development" documentation, and propose to use their own workforces.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$274,800.00	100.00%
Total non-local contracts	\$0.00	0.00%
TOTAL CONTRACT	\$274,800.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$0.00	0.00%	\$0.00	0.00%

November 10, 2015

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

Section 1. That the purchase of bio-filter organic materials is authorized with MTR Enviro-Construction, Inc. (VC13823) in an amount not to exceed \$206,800.00.

Section 2. That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for bio-filter organic materials. If a formal contract is required for this purchase instead of a purchase order, the City Manager is authorized to execute the contract upon approval as to form by the City Attorney.

Section 3. That the City Manager is authorized to execute a service contract with Archer Western Construction, LLC (VS0000064407) for liner repair services at the Southside Wastewater Treatment Plant in an amount not to exceed \$68,000.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Archer Western Construction, LLC, shall be based only on the amount of the services directed to be performed by the City and properly performed by Archer Western Construction, LLC under the contract.

Section 4. That the Chief Financial Officer is hereby authorized to disburse funds from the following appropriations in an amount not to exceed \$274,800.00:

<u>Fund</u>	<u>Dept</u>	<u>Unit</u>	<u>Obj</u>	<u>Amount</u>	<u>Encumbrance</u>
0103	DWU	CS50	3110	\$206,800.00	PO-POM00000122141
0103	DWU	CS50	3110	\$ 68,000.00	CT-DWU7A1302EA

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.

KEY FOCUS AREA: E-Gov

AGENDA DATE: November 10, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Water Utilities

CMO: Jeanne Chipperfield, 670-7804
Mark McDaniel, 670-3256

MAPSCO: N/A

SUBJECT

Authorize a three-year master agreement for the purchase of sampling stations and automatic flushing devices with parts and accessories for water mains - Fortiline, Inc. in the amount of \$606,850 or \$621,850 (Tie Bid Line 4), HD Supply Waterworks Ltd. in the amount of \$42,874 and Ferguson Enterprises, Inc. in the amount of \$0 or \$15,000 (Tie Bid - Line 4), lowest responsible bidders of three – Total not to exceed \$664,724 - Financing: Water Utilities Current Funds

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.

This master agreement will allow for the purchase of sampling stations and automatic flushing devices with parts and accessories for water mains. The sampling stations provide a lead free and corrosion resistant environment for regulated sampling programs within the potable water system. Sampling of potable water are acquired to detect contamination as required by the Texas Commission on Environmental Quality (TCEQ).

The automatic flushing device is an effective and efficient tool for accomplishing Texas Commission on Environmental Quality regulated dead-end mainline flushing of the wastewater system. The automatic flushing device allows flushing to occur off-peak and water to be recaptured within the wastewater system.

DWU maintains approximately 300,000 water services within the 4,926 miles water distribution pipeline network.

BACKGROUND (Continued)

Fortiline, Inc. and Ferguson Enterprises, Inc. submitted tie bids for line 4. Texas Local Government Code, Section 271.901 states that when tie bids are received, one bidder must be selected by the casting of lots.

This solicitation was structured in a manner which required bidders to submit a response using unit pricing. This bid resulted in a 14.22% increase over comparable unit prices for the bid awarded in 2013.

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 413 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS 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, notifications were sent by the BDPS' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 23, 2013, City Council authorized a two-year master agreement for the purchase of sampling stations and automatic flushing devices with parts and accessories for water mains by Resolution No. 13-1817.

Information about this item will be provided to the Budget, Finance and Audit Committee on November 2, 2015.

FISCAL INFORMATION

\$664,723.75 - Water Utilities Current Funds

M/WBE INFORMATION

46 - Vendors contacted
46 - No response
0 - Response (Bid)
0 - Response (No Bid)
0 - Successful

413 - M/WBE and Non-M/WBE vendors were contacted

The recommended awardees have fulfilled the good faith requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Council Resolution No. 08-2826 as amended.

ETHNIC COMPOSITION

Fortiline, Inc.

White Male	9	White Female	1
Black Male	2	Black Female	0
Hispanic Male	2	Hispanic Female	0
Other Male	3	Other Female	0

HD Supply Waterworks, Ltd.

White Male	9	White Female	2
Black Male	1	Black Female	0
Hispanic Male	4	Hispanic Female	1
Other Male	0	Other Female	1

Ferguson Enterprises, Inc.

White Male	3	White Female	1
Black Male	0	Black Female	0
Hispanic Male	0	Hispanic Female	0
Other Male	0	Other Female	0

BID INFORMATION

The following bids were received from solicitation number BM1536 and were opened on July 9, 2015. This master agreement is being awarded to the lowest responsive and responsible bidders by line.

*Denotes successful bidders

<u>Bidders</u>	<u>Address</u>	<u>Amount</u>
*Fortiline, Inc.	11200 Seagoville Rd. Balch Springs, TX 75180	Multiple Lines**
*HD Supply Waterworks, Ltd.	4333 Irving Blvd. Dallas, TX 75247	Multiple Lines
*Ferguson Enterprises, Inc.	7982 U.S. Hwy. 69 N. Tyler, TX 75706	Multiple Lines**

**Note: Fortiline, Inc. and Ferguson Enterprises, Inc. submitted tie bids for line 4. Fortiline, Inc. award amount without line 4 is \$14,350.00. If Fortiline, Inc. wins the tie the award amount will be \$29,350.00. Ferguson Enterprises, Inc. award amount without line 4 is \$0.00. If they win the tie the award amount will be \$15,000.00.

OWNERS

Fortiline, Inc.

Tim Tysinger, President
James Cagle, Vice President
Jason Painter, Secretary

HD Supply Waterworks, Ltd.

Jerry L. Webb, President
Donald W. Clayton, Vice President
Judy Borrow, Secretary
Mark R Witkowski, Treasurer

Ferguson Enterprises, Inc.

Frank Roach, President
Kevin Murphy, Vice President
Dave Kelter, Treasurer

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year master agreement for the purchase of sampling stations and automatic flushing devices with parts and accessories for water mains - Fortiline, Inc. in the amount of \$606,850 or \$621,850 (Tie Bid Line 4), HD Supply Waterworks Ltd. in the amount of \$42,874 and Ferguson Enterprises, Inc. in the amount of \$0 or \$15,000 (Tie Bid - Line 4), lowest responsible bidders of three – Total not to exceed \$664,724 - Financing: Water Utilities Current Funds

Fortiline, Inc. and HD Supply Waterworks Ltd. are local, non-minority firms have signed the "Business Inclusion & Development" documentation, and propose to use their own workforces.

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$664,724.00	100.00%
Total non-local contracts	\$0.00	0.00%
TOTAL CONTRACT	\$664,724.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$0.00	0.00%	\$0.00	0.00%

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year master agreement for the purchase of sampling stations and automatic flushing devices with parts and accessories for water mains - Fortiline, Inc. in the amount of \$606,850 or \$621,850 (Tie Bid Line 4), HD Supply Waterworks Ltd. in the amount of \$42,874 and Ferguson Enterprises, Inc. in the amount of \$0 or \$15,000 (Tie Bid - Line 4), lowest responsible bidders of three – Total not to exceed \$664,724 - Financing: Water Utilities Current Funds

Fortiline, Inc. and HD Supply Waterworks Ltd. are local, non-minority firms have signed the "Business Inclusion & Development" documentation, and propose to use their own workforces. Ferguson Enterprises, Inc. is a non-local, non-minority firm has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$649,724.00	97.74%
Total non-local contracts	\$15,000.00	2.26%
TOTAL CONTRACT	\$664,724.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$0.00	0.00%	\$0.00	0.00%

November 10, 2015

WHEREAS, on October 23, 2013, City Council authorized a two-year master agreement for the purchase of sampling stations and automatic flushing devices with parts and accessories for water mains by Resolution No. 13-1817;

NOW, THEREFORE,

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

Section 1. That a master agreement for the purchase of sampling stations and automatic flushing devices with parts and accessories for water mains is authorized with Fortiline, Inc. (VS0000073028) in the amount of \$606,850.00 or \$621,850.00 (Tie Bid line 4), HD Supply Waterworks, Ltd. (VS0000038746) in the amount of \$42,873.75 and Ferguson Enterprises, Inc. (VS87464) in the amount of \$0 or \$15,000.00 (Tie Bid - Line 4), for a term of three-years in a total amount not to exceed \$664,723.75.

Section 2. That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for the purchase of sampling stations and automatic flushing devices with parts and accessories for water mains. If a written contract is required or requested for any or all purchases of sampling stations and automatic flushing devices with parts and accessories for water mains under the master agreement instead of individual purchase orders, the City Manager is authorized to execute the contract upon approval as to form by the City Attorney.

Section 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$664,723.75.

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.

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: November 10, 2015

COUNCIL DISTRICT(S): 1, 7, 9, 14

DEPARTMENT: Public Works Department
Office of Cultural Affairs

CMO: Jill A. Jordan, P.E., 670-5299
Joey Zapata, 670-1204

MAPSCO: 37H; 45F/G; 45K; 45L; 46K; 46Q; 46U; 54H

SUBJECT

State of Texas Energy Conservation Office Loan Star Fund

- * Authorize **(1)** the acceptance of a loan from the State of Texas Energy Conservation Office Loan Star Fund in the amount of \$6,935,946, to be repaid plus interest, beginning in FY 2016-17 for a period of ten years from electric and natural gas energy savings; **(2)** the establishment of appropriations in the amount of \$6,935,946 in the State Energy Conservation Office Loan Star Fund; **(3)** Supplemental Agreement No. 1 to the contract with Pepco Energy Services for **(a)** construction of energy conservation related projects at eight City facilities in an amount not to exceed \$6,935,946 (list attached) and **(b)** measurement and verification for a period not to exceed ten years, in an amount not to exceed \$798,497 to be paid from electric and natural gas savings; **(4)** the acceptance and deposit in the Oncor Rebate Fund of rebates from Oncor Electric Delivery - Total not to exceed \$7,734,443 - Financing: State of Texas Energy Conservation Office Loan Star Funds (\$6,935,946) and Current Funds (\$798,497) (subject to annual appropriations)
- * Authorize **(1)** the repayment of a loan from the State of Texas Energy Conservation Office over a ten year period, plus interest, using savings in the City's annual electricity and natural gas budgets - Total not to exceed \$7,685,946 - Financing: Current Funds - \$7,685,946 (subject to annual appropriations)

BACKGROUND

In 1997, Chapter 302, Texas Local Government Code approved legislation allowing Cities and political subdivisions to enter multi-year contracts for the purpose of implementing energy related conservation projects and use energy savings to repay the debt for a period up to 15 years. The City has implemented four energy conservation projects.

BACKGROUND (Continued)

On September 12, 2014, Administrative Action No. 14-6619 authorized Phase 1 of the Energy Services Contract with Pepco Energy Services, Inc. to perform an energy audit and develop energy conservation related projects at 20 Office of Cultural Affairs facilities throughout the City of Dallas.

On January 28, 2015, Resolution No. 15-0171 authorized a Memorandum of Understanding with the State Energy Conservation Office (SECO) for energy projects at City Hall and various city facilities project in the amount of \$7,000,000.

This Supplemental Agreement No. 1 authorizes energy conservation measures for lighting, controls, and commissioning for conservation management programs. In addition, Pepco Energy Services, Inc. will perform measurement and verification services for a period up to ten years for a total cost not to exceed \$798,497 for this same period. This services will also be paid from guaranteed energy savings.

The terms of the supplemental agreement stipulate, pursuant to Chapter 302, Texas Local Government Code, that the project financing must be repaid from realized annual energy savings, as identified and guaranteed in the contract. An independent third party engineering review was completed by SECO's approved third party consultant.

Project financing for this supplemental agreement will have a term of ten years and will be funded through State Energy Conservation Office's (SECO's) Loan Star Fund in the amount of \$6,935,946, which will be amortized over a ten-year period at a 2.50% interest rate. This interest rate is considered competitive with the City's most recent debt issuance.

This contract will not require any up-front dollars from the City and guarantees the savings. The construction project will be completely funded out of the SECO's Loan Star fund and then repaid with the realized energy savings on an annual basis for a period of ten years. If the annual savings falls below the amount guaranteed by Pepco Energy Services, Inc., they will be contractually obligated to make up the amount of energy savings not realized. Pepco Energy Services will also provide one year guaranteed bonds renewed on an annual basis throughout the duration of the project to further secure the loan.

As required by terms, the City Manager is authorized to repay the SECO loan over ten years, plus interest, through energy savings from the City's annual electricity and natural gas budgets, subject to appropriation by the Council, at the beginning of each fiscal year. The guaranteed energy savings will be deducted from the annual electricity and natural gas budget and set aside for the repayment of the loan to SECO Loan Star Fund in an amount of \$6,935,946 plus interest.

BACKGROUND (Continued)

The City's annual electricity and natural gas budget will include the guaranteed savings for the terms of the loan. As exact electric and gas service rates cannot be known over the ten year term of the repayment, the guaranteed savings from the project will be in the form of units of energy (such as kilowatt hours) and not the rate charged. This means that in the event of a rate increase during the repayment term, the dollar value of the utility savings within the City's budget would increase commensurate with the rate adjustment and not negatively impact the City.

This project is eligible to receive energy and demand reduction incentives from Oncor which will be utilized toward the implementation of this project and other energy conservation efforts.

ESTIMATED SCHEDULE OF PROJECT

Retrofit Schedule will be as follows:

Begin Construction	January 2016
Complete Construction	October 2016
Complete Contract	October 2026

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a Memorandum of Understanding with the State Energy Conservation Office for energy projects at City Hall and various City facilities project in the amount of \$7,000,000 on January 28, 2015, by Resolution No. 15-0171.

Information about this item will be presented to the Budget, Finance, and Audit Committee on November 2, 2015.

FISCAL INFORMATION

State of Texas Energy Conservation Office Loan Star Fund - \$6,935,946
Current Funds - \$798,497 (subject to annual appropriations)

Current Funds - \$7,685,946 (subject to annual appropriations)

ETHNIC COMPOSITION

Pepco Energy Services, Inc.

Hispanic Female	1	Hispanic Male	5
African-American Female	9	African-American Male	15
Other Female	6	Other Male	19
White Female	15	White Male	75

OWNER

Pepco Energy Services, Inc.

John Huffman, President and Chief Executive Officer

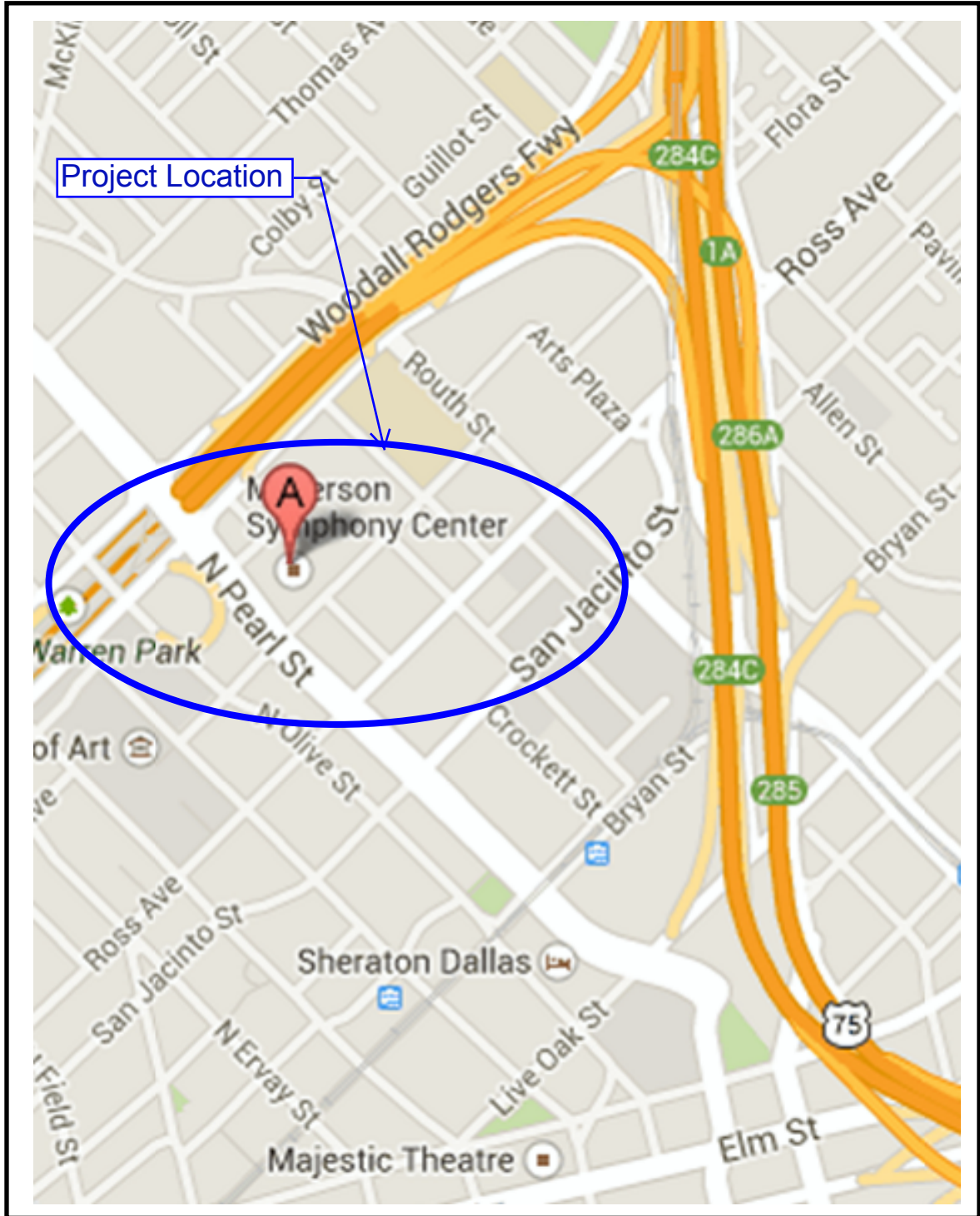
MAP(S)

Attached

City Facilities

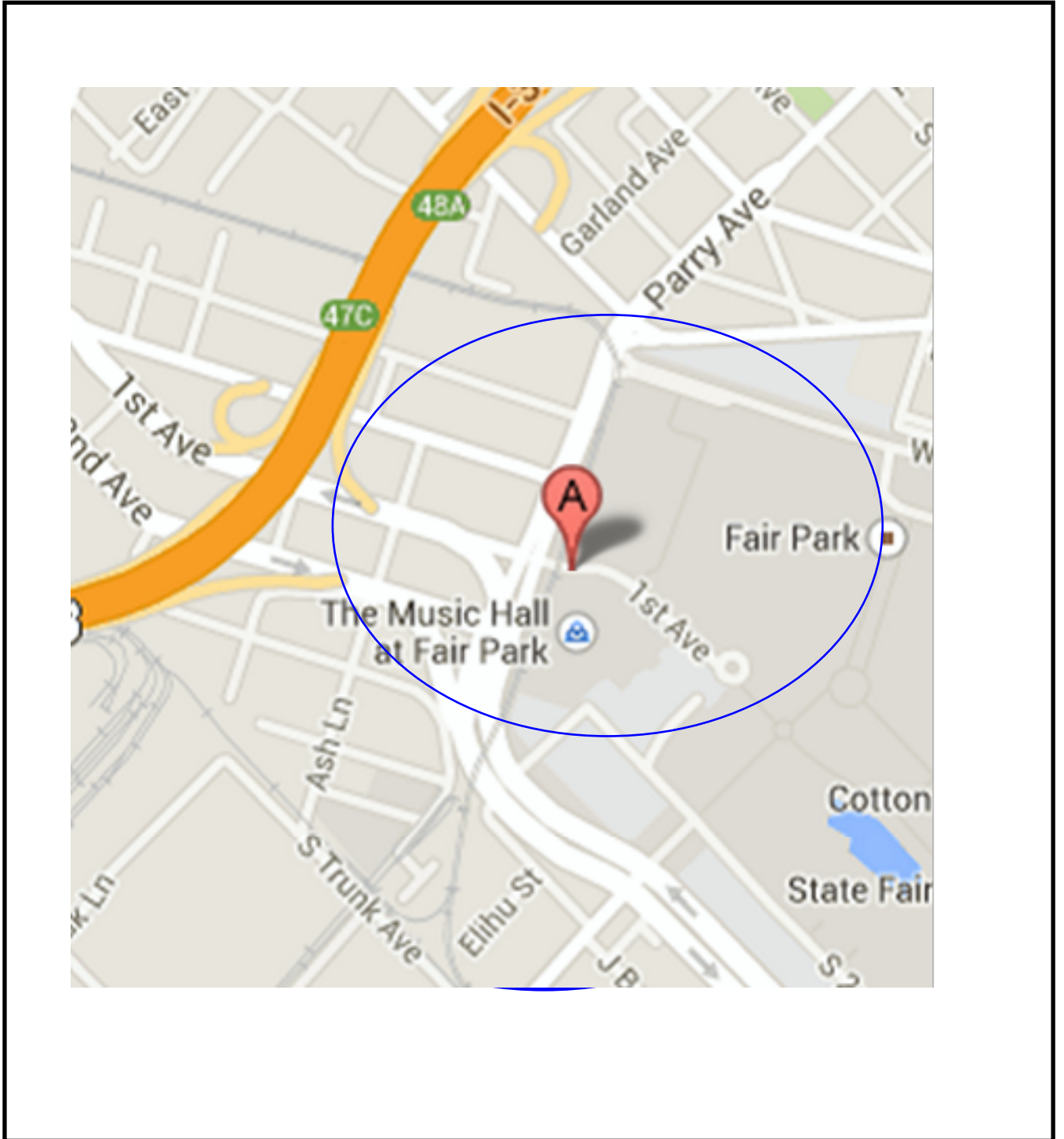
<u>Bldg</u>	<u>Building Name</u>	<u>Address</u>	<u>District</u>	<u>Mapsco</u>
1	Meyerson Symphony Center	2301 Flora St.	14	45F/G
2	Music Hall at Fair Park	909 1st Ave.	7	46K
3	WRR Radio Studio	1516 1st Ave.	7	46Q
4	Latino Cultural Center	2600 Live Oak St.	14	45L
5	Oak Cliff Cultural Center	223 W Jefferson Blvd.	1	54H
6	South Dallas Cultural Center	3400 S Fitzhugh Ave.	7	46U
7	Bath House	521 E Lawther Dr.	9	37H
8	Dallas Museum of Art	1717 N Harwood	14	45K

Meyerson Symphony Center

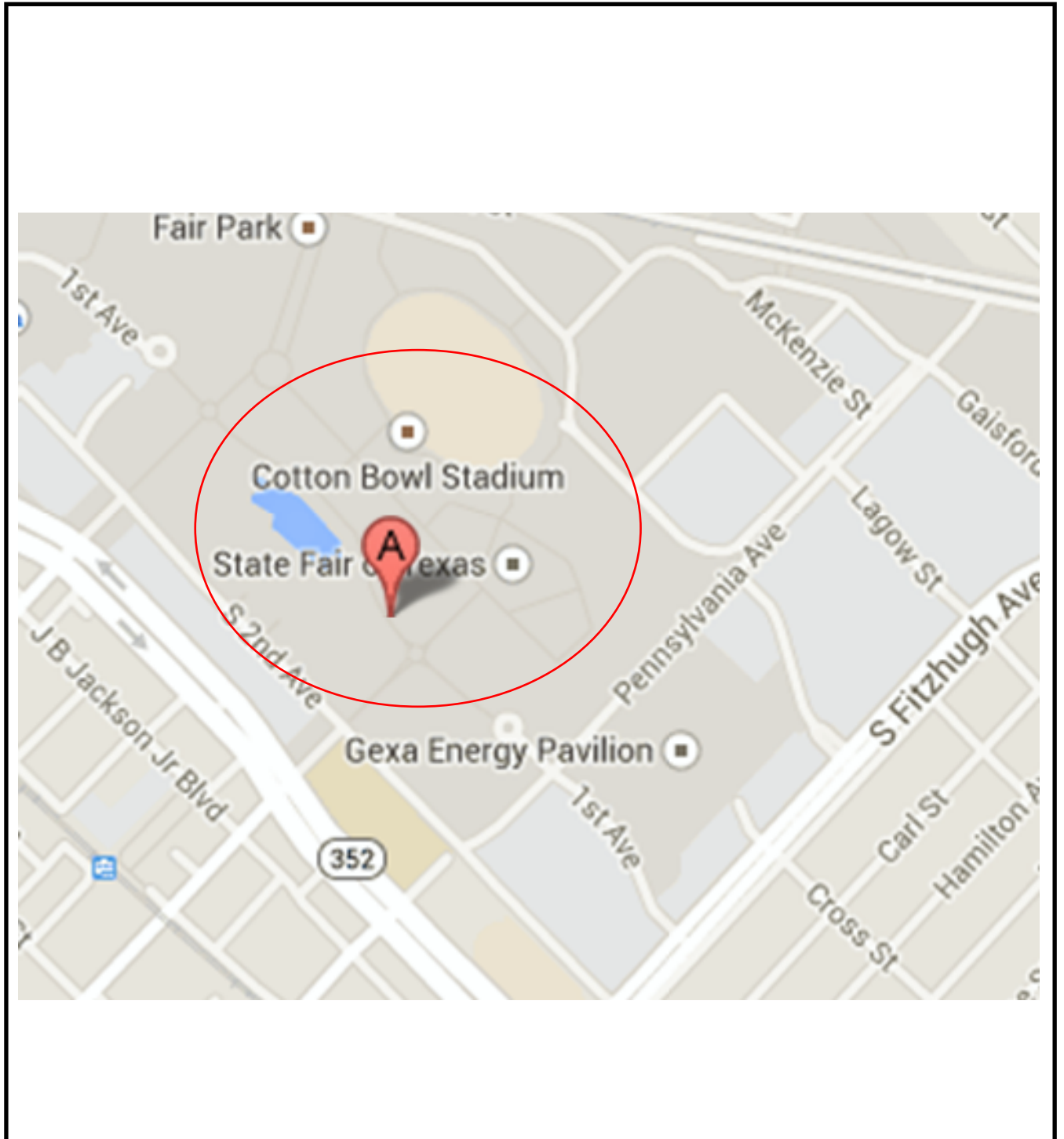


Mapsc0 45F, G

Music Hall at Fair Park

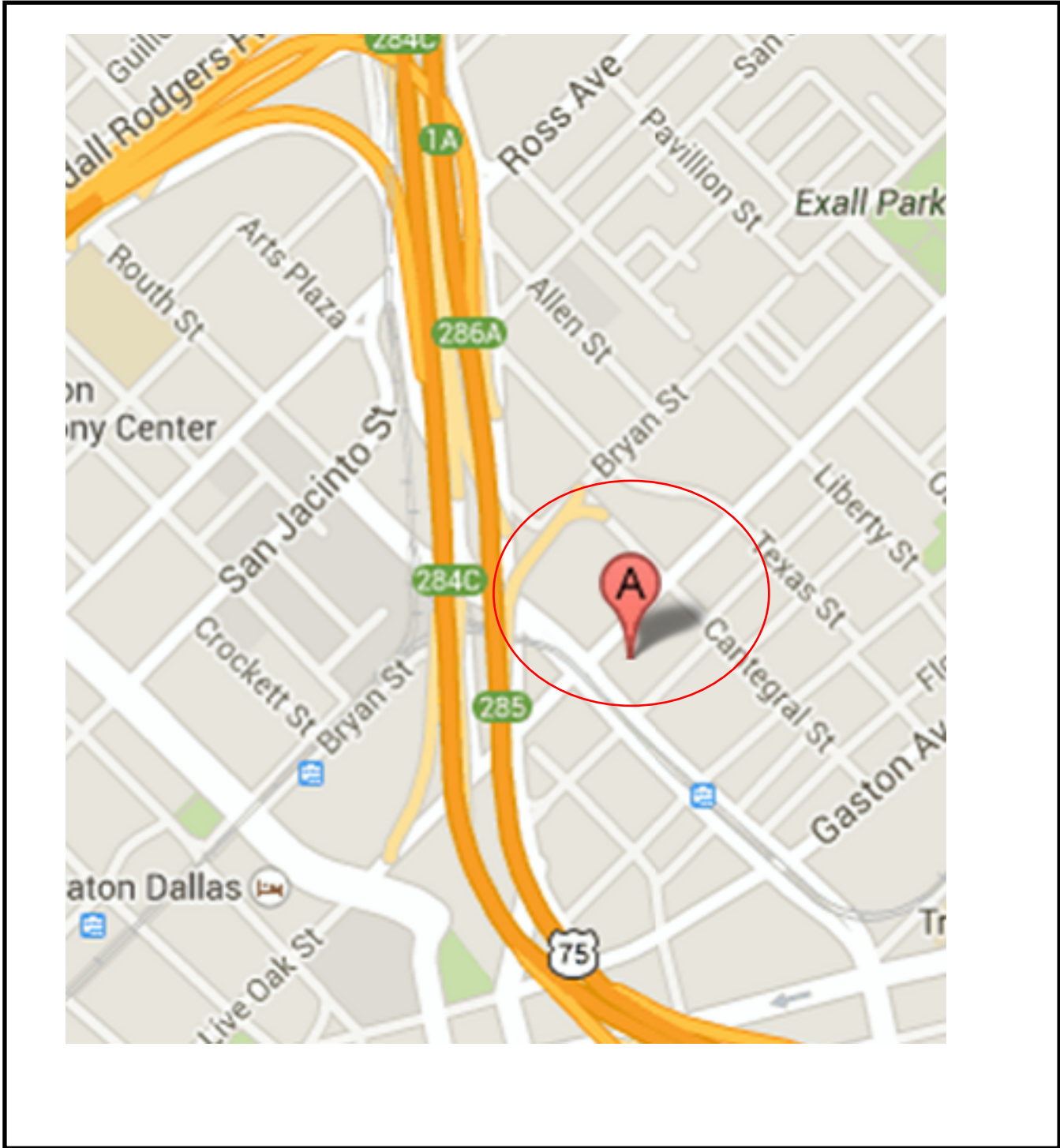


WRR Radio Studio



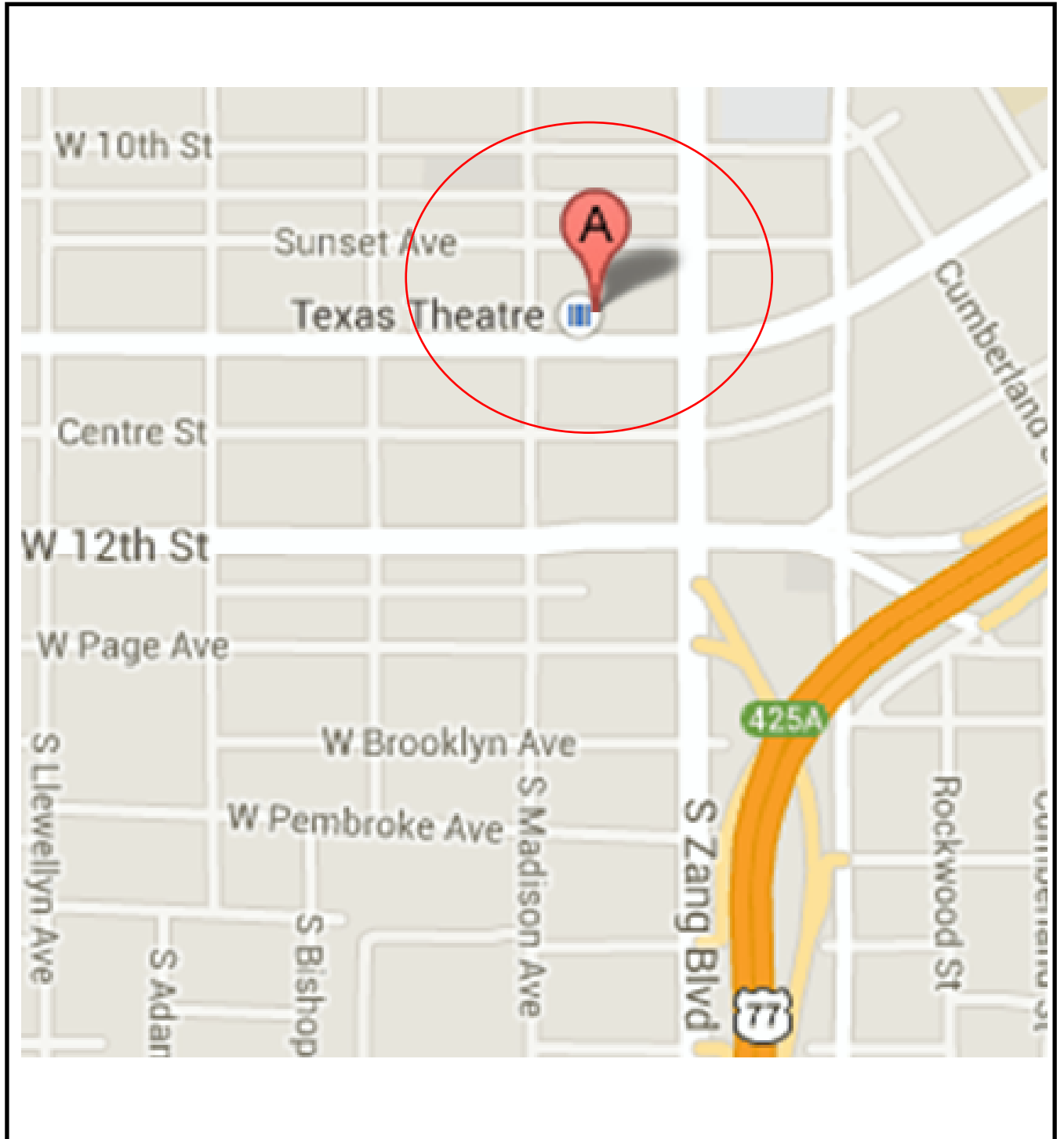
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Latino Cultural Center



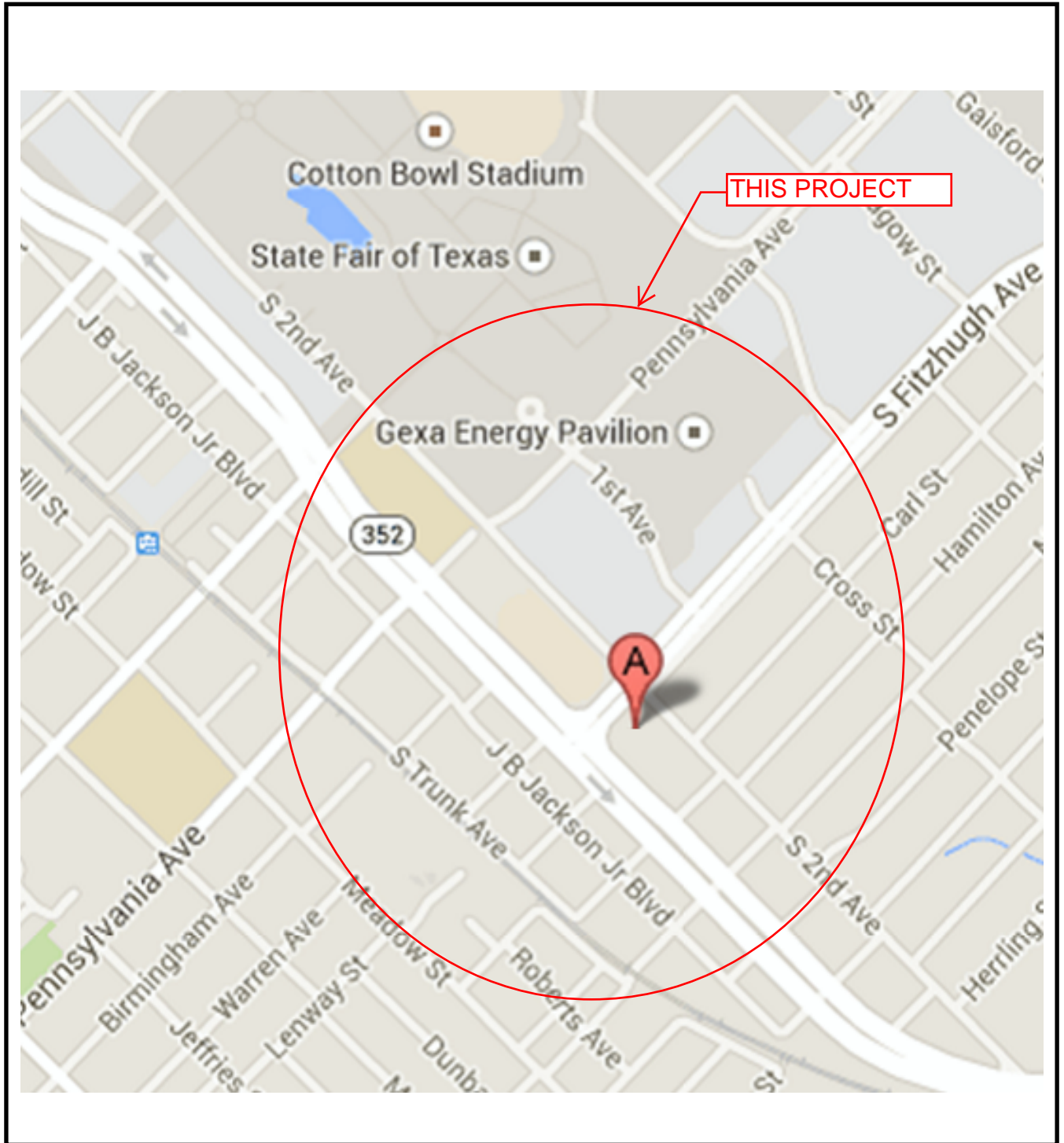
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Oak Cliff Cultural Center



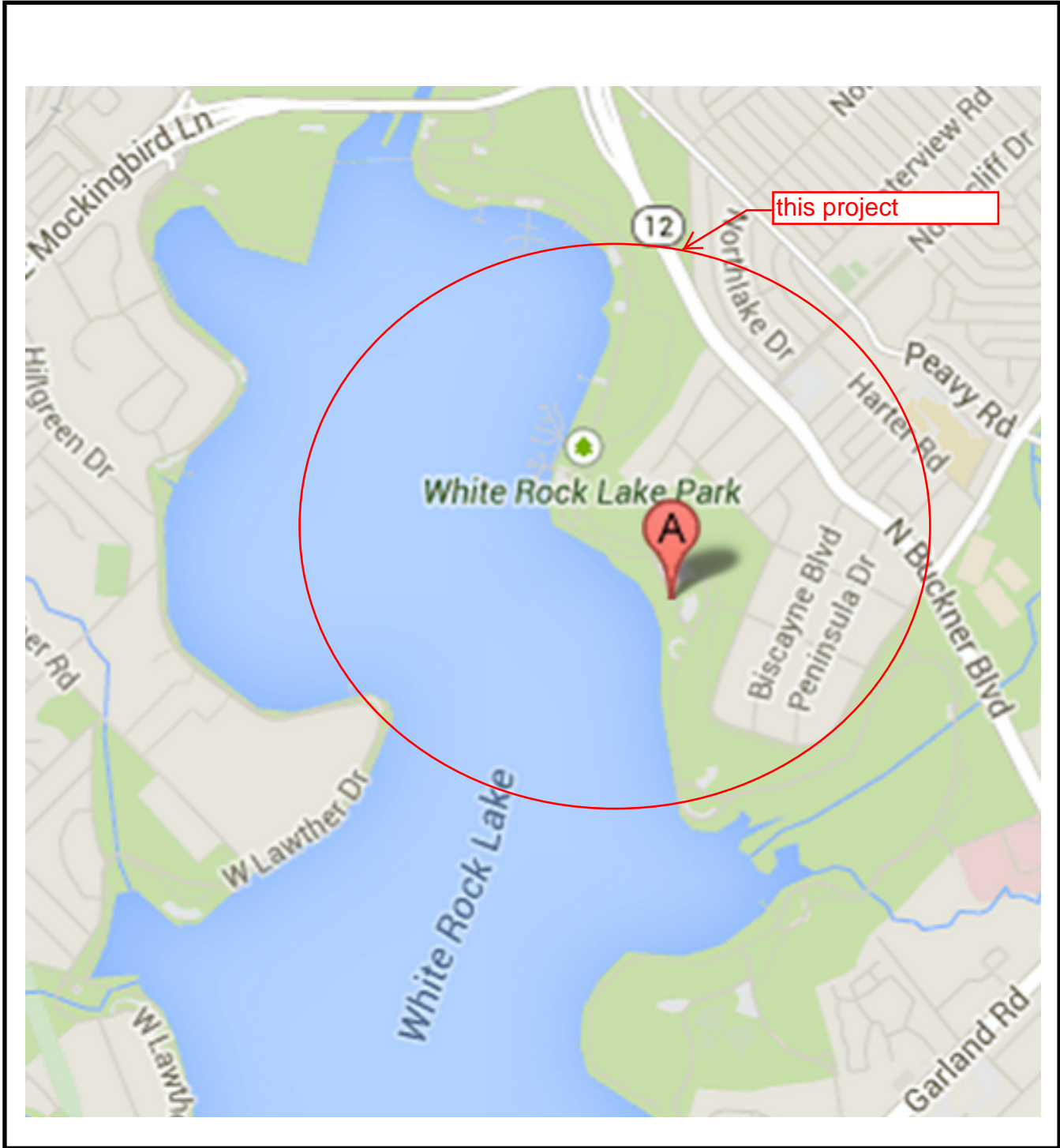
Mapsc0 54H

S Dallas Cultural Center



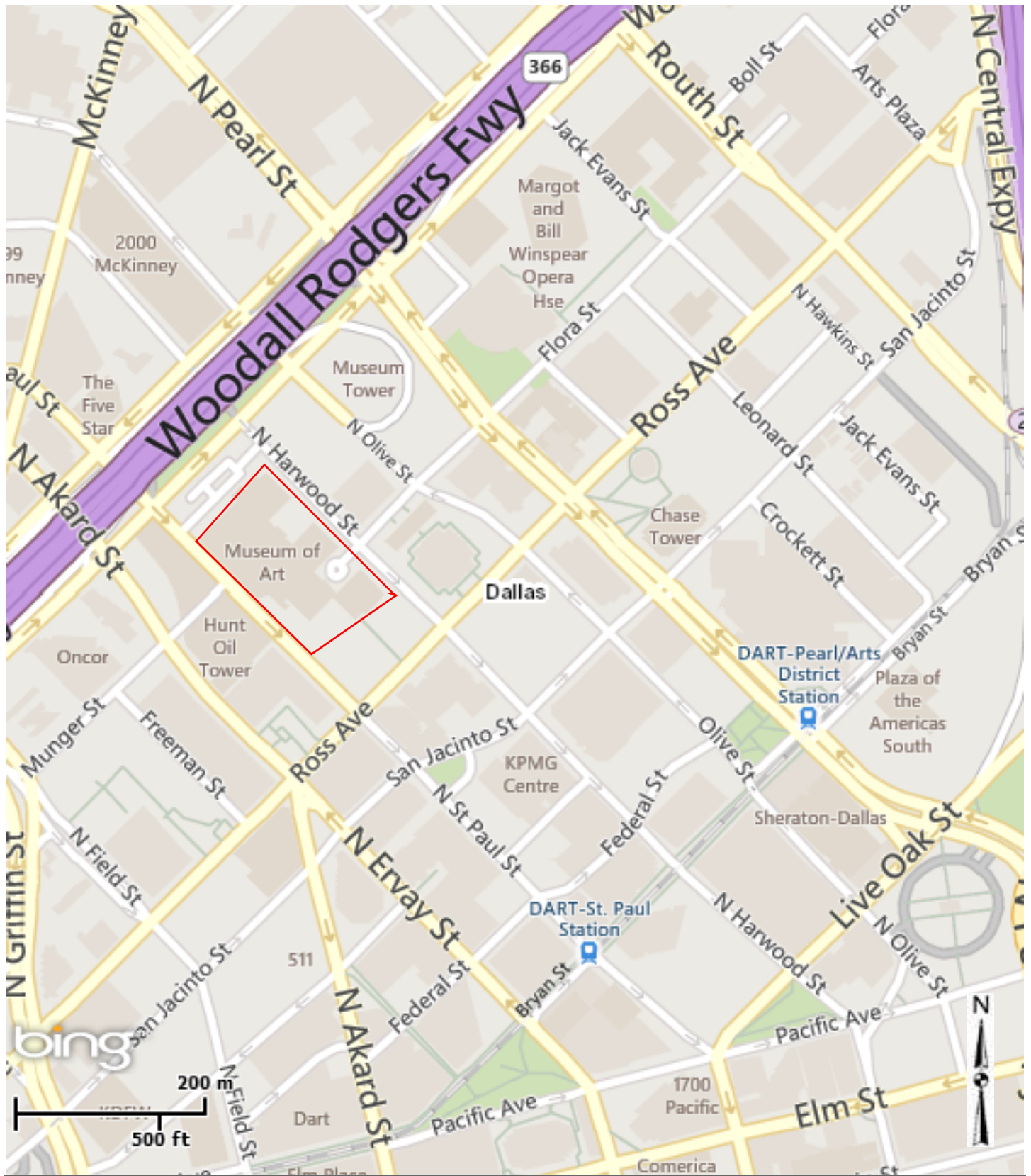
Mapsc0 46U

Bath House



Mapsc0 37H

1717 N Harwood St



Mapsco 45K

November 10, 2015

WHEREAS, Chapter 302 of the Texas Local Government Code, as amended, allows the procurement of energy performance contracts for the purpose of making energy conservation improvements to public buildings; and,

WHEREAS, on September 12, 2014, Administrative Action No. 14-6619 authorized a Comprehensive Energy Savings and Photovoltaic (PV) Performance Contract with Pepco Energy Services, Inc. for an energy audit and development of proposals for energy conservation related projects in the amount of \$5,000; and,

WHEREAS, the energy audit resulted in proposals for energy conservation measures for Office of Cultural Affairs buildings throughout the city of Dallas; and,

WHEREAS, on January 28, 2015, Resolution No. 15-0171 authorized a Memorandum of Understanding with the State Energy Conservation Office (SECO) for energy projects at City Hall and various City facilities in the amount of \$7,000,000; and,

WHEREAS, in April 2015, an independent third party review was completed as required per Chapter 302 of the Texas Local Government Code; and,

WHEREAS, the terms of the contract stipulate, per the Texas Local Government Code Chapter 302, that the project financing must be repaid from realized annual energy savings, as identified and guaranteed in the contract; and,

WHEREAS, it is desirable to authorize **(1)** the acceptance of a loan from the State of Texas Energy Conservation Office Loan Star Fund in the amount of \$6,935,946, to be repaid plus interest, beginning in FY 2016-17 for a period of ten years from electric and natural gas energy savings; **(2)** the establishment of appropriations in the amount of \$6,935,946 in the State Energy Conservation Office Loan Star Fund; **(3)** Supplemental Agreement No. 1 to the contract with Pepco Energy Services for **(a)** construction of energy conservation related projects at eight City facilities in an amount not to exceed \$6,935,946 (list attached) and **(b)** measurement and verification for a period not to exceed ten years, in an amount not to exceed \$798,497 to be paid from electric and natural gas savings; **(4)** the acceptance and deposit in the Oncor Rebate Fund of rebates from Oncor Electric Delivery for a total amount not to exceed \$7,734,443 (subject to annual appropriations)

Now, Therefore,

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

November 10, 2015

Section 1. That the City Manager is hereby authorized to execute a ten-year term loan agreement with SECO LoanSTAR II Program, in the amount of \$6,935,946 for the funding of the energy related projects, upon approval as to form by the City Attorney, of all loan documents required.

Section 2. That the Chief Financial Officer is hereby authorized to receive and deposit loan proceeds from SECO LoanSTAR II Program in the SECO Loan Star Fund 0706, Dept. PBW, Unit 1724, Revenue Source Code 6532, in the amount of \$6,935,946.

Section 3. That the City Manager is hereby authorized to establish appropriations in the SECO LoanStar II Program Fund 0706, Department PBW, Unit 1724, Object Code 4310, in an amount not to exceed \$6,935,946.

Section 4. That the City Manager is hereby authorized to execute Supplemental Agreement No. 1 to the contract with Pepco Energy Services, Inc. for the construction of energy conservation related projects at 8 facilities, in an amount not to exceed \$6,935,946; and for measurement and verification services, in a total amount not to exceed \$798,497 for a ten year period, after it has been approved as to form by the City Attorney.

Section 5. That the Chief Financial Officer is hereby authorized to receive and deposit the Oncor Rebate and incentives funds in the Oncor Rebate Fund EG02, Department PBW, Unit P588, Revenue Source Code 7894.

Section 6. That the Chief Financial Officer is hereby authorized to disburse funds to Pepco Energy Services, Inc. in accordance with the terms and conditions of Supplemental Agreement No. 1 from:

State of Texas Energy Conservation Office LoanStar II Fund
Fund 0706, Department PBW, Unit 1724
Object #4310, Program #PBSEC004, CT PBWSEC004K1
Vendor #VS0000036947, in an amount not to exceed \$6,935,946

Section 7. That the Chief Financial Officer is hereby authorized to transfer funds over a ten year period, from the electricity and natural gas savings in an amount not to exceed \$798,497 from Fund 0001, Department OCA, Unit 4903, Object 3690 to Fund 0575, Department PBW, Unit DG48, Revenue Source 9201 to pay the Measurement and Verification Support Services (subject to annual appropriations).

Section 8. That the Chief Financial Officer is hereby authorized to disburse funds to Pepco Energy Services, Inc. for the Measurement and Verification Support Services, in accordance with the terms and conditions of Supplemental Agreement No. 1 from the electricity and natural gas savings, from:

November 10, 2015

SECO Loan Repayment Fund
Fund 0575, Department PBW, Unit DG48
Object #3070, Job #PBSEC004
Vendor #VS0000036947, in an amount not to exceed \$ 798,497

Section 9. That in the event the guaranteed annual energy savings are not fully achieved, the Pepco Energy Services, Inc. shall reimburse the City in the amount of the difference between the actual energy savings achieved for the contract year in question and the guaranteed annual energy savings, or the performance security required under the supplemental agreement in such amount as is necessary to make payment of the outstanding loan payment for the contract year in question. Pepco Energy Services, Inc. will also maintain a Letter of Credit to provide additional loan security in accordance with the terms of the contract. The City Controller is authorized in such event to deposit the proceeds of any reimbursement or performance security collection in SECO Loan Repayment Fund 0575, Department PBW, Unit DG47, Revenue Source Code 8428.

Section 10. 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.

November 10, 2015

WHEREAS, Chapter 302 of the Texas Local Government Code, as amended, allows the procurement of energy performance contracts for the purpose of making energy conservation improvements to public buildings; and,

WHEREAS, on September 12, 2014, Administrative Action No. 14-6619 authorized a Comprehensive Energy Savings and Photovoltaic (PV) Performance Contract with Pepco Energy Services, Inc. for an energy audit and development of proposals for energy conservation related projects in the amount of \$5,000; and,

WHEREAS, the energy audit resulted in proposals for energy conservation measures for Office of Cultural Affairs buildings throughout the city of Dallas; and,

WHEREAS, on January 28, 2015, Resolution No. 15-0171 authorized a Memorandum of Understanding with the State Energy Conservation Office (SECO) for energy projects at City Hall and various City facilities in the amount of \$7,000,000; and,

WHEREAS, in April 2015, an independent third party review was completed as required per Chapter 302 of the Texas Local Government Code; and,

WHEREAS, the terms of the contract stipulate, per the Texas Local Government Code Chapter 302, that the project financing must be repaid from realized annual energy savings, as identified and guaranteed in the contract; and,

WHEREAS, it is desirable to authorize **(1)** the repayment of a loan from the State of Texas Energy Conservation Office over a ten year period, plus interest, using savings in the City's annual electricity and natural gas budgets for a total amount not to exceed \$7,685,946 (subject to annual appropriations)

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to set aside funds from the annually appropriated electric and natural gas budgets for City departments, in an amount equal to the guaranteed savings, in order to repay the loan and for measurement and verification support services.

November 10, 2015

Section 2. That the Chief Financial Officer is hereby authorized to transfer funds over a ten-year period, from the electricity and natural gas savings in an amount not to exceed \$7,685,946 from Fund 0001, Department OCA, Unit 4903, Object 3690 to Fund 0575, Department PBW, Unit DG47, Revenue Source 9201 to repay the loan (subject to annual appropriations).

Section 3. That the Chief Financial Officer is hereby authorized to disburse funds to the State of Texas to repay the loan, in accordance with the terms and conditions of the loan agreement, in an amount not to exceed \$6,935,946 plus interest over a ten year period, subject to annual appropriations, beginning FY 2016-17, from the electricity and natural gas savings, from:

SECO Loan Repayment Fund
Fund 0575, Department PBW, Unit DG47
Obj. 3535, Job #PBSEC004
Vendor #269648, in an amount not to exceed \$7,685,946

Section 4. That in the event the guaranteed annual energy savings are not fully achieved, the Pepco Energy Services, Inc. shall reimburse the City in the amount of the difference between the actual energy savings achieved for the contract year in question and the guaranteed annual energy savings, or the performance security required under the supplemental agreement in such amount as is necessary to make payment of the outstanding loan payment for the contract year in question. Pepco Energy Services, Inc. will also maintain a Letter of Credit to provide additional loan security in accordance with the terms of the contract. The Chief Financial Officer is authorized in such event to deposit the proceeds of any reimbursement or performance security collection in SECO Loan Repayment Fund 0575, Department PBW, Unit DG47, Revenue Source Code 8428.

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.

Memorandum



CITY OF DALLAS

DATE October 30, 2015

TO Members of the Budget, Finance & Audit Committee: Jennifer S. Gates (Chair), Philip T. Kingston (Vice Chair), Erik Wilson, Rickey D. Callahan, Scott Griggs, Lee M. Kleinman

SUBJECT Upcoming Draft Addendum Item on the November 10, 2015 City Council Agenda- A resolution acknowledging receipt of the Ethics Advisory Commission Rules of Procedure

The November 10, 2015 Council Agenda will include an item for consideration to accept a resolution acknowledging receipt of the Ethics Advisory Commission Rules of Procedure adopted by the Commission on August 27, 2015, October 1, 2015, and October 16, 2015, at no cost consideration to the City.

On June 28, 2000 the Dallas City Council approved Ordinance 24316 adding Chapter 12A "Code of Ethics" as amended. Chapter 12A created the Ethics Advisory Commission to be composed of seven members appointed by the Dallas City Council. On May 21, 2001, the Dallas City Council appointed the seven members of the Ethics Advisory Commission.

As a part of the Ethics Advisory Commission roles and responsibilities the Rules of Procedure were created to assist the commission in its own internal organization and operation in a manner and form consistent with Chapter 12A "Code of Ethics."

In 2015, the Ethics Advisory Commission amended its rules to further enhance its internal organization and to ensure uniformity of its rules with the recent revisions to Chapter 12A of the Dallas City Code.

Attached is the revised Rules of Procedures. EAC Chair, John Rogers, and I will be present to answer any questions the Committee may have. Please let me know if you need additional information.

A handwritten signature in blue ink, appearing to read 'Rosa A. Rios'.

Rosa A. Rios
City Secretary

Attachment

c: Honorable Mayor and Members of City Council
A.C. Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Craig D. Kinton, City Auditor
Daniel F. Solis, Administrative Judge
Ryan S. Evans, First Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager

Joey Zapata, Assistant City Manager
Mark McDaniel, Assistant City Manager
Eric D. Campbell, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Sana Syed, Public Information Officer
Elsa Cantu, Assistant to the City Manager

KEY FOCUS AREA: E-Gov
AGENDA DATE: November 10, 2015
COUNCIL DISTRICT(S): N/A
DEPARTMENT: City Secretary
CMO: Rosa Rios, 670-3738
MAPSCO: N/A

SUBJECT

A resolution acknowledging receipt of the Ethics Advisory Commission Rules of Procedure adopted by the Commission on August 27, 2015, October 1, 2015, and October 16, 2015 - Financing: No cost consideration to the City

BACKGROUND

On June 28, 2000 the Dallas City Council approved Ordinance 24316 adding Chapter 12A "Code of Ethics" as amended. Chapter 12A created the Ethics Advisory Commission to be composed of seven members appointed by the Dallas City Council. On May 21, 2001, the Dallas City Council appointed the seven members of the Ethics Advisory Commission.

As a part of the Ethics Advisory Commission roles and responsibilities the Rules of Procedure were created to assist the commission in its own internal organization and operation in a manner and form consistent with Chapter 12A "Code of Ethics".

In 2015, the Ethics Advisory Commission amended its rules to further enhance its internal organization and to ensure uniformity of its rules with the recent revisions to Chapter 12A of the Dallas City Code.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 16, 2009, City Council acknowledged receipt of the Ethics Advisory Commission Rules of Procedure adopted by the commission on October 27, 2006, and amended March 30, 2007, April 13, 2007, August 28, 2009, February 20, 2009 and March 27, 2009 by Resolution No. 09-2267.

FISCAL INFORMATION

No cost consideration to the city.

November 10, 2015

WHEREAS, Subsection (c)(1) of Section 12A-25 of the Dallas City Code empowers the Ethics Advisory Commission to establish, amend, and rescind rules and procedures governing its own internal organization and operations in a manner and form consistent with Chapter 12A; and

WHEREAS, the Ethics Advisory Commission adopted its Rules of Procedure on October 27, 2006; and

WHEREAS, the Ethics Advisory Commission last amended its Rules of Procedure on April 17, 2009, and submitted all previous amendments to the City Council on September 16, 2009; and

WHEREAS, the City Council adopted revisions to Chapter 12A on the Dallas City Code on February 25, 2015 (Ordinance 29660) and June 1, 2015 (Ordinance 29770)

WHEREAS, the Ethics Advisory Commission amended its Rules of Procedure on August 27, 2015, October 1, 2015, and October 16, 2015, to further enhance its internal organization and ensure uniformity of its rules with the recent revisions to Chapter 12A on the Dallas City Code adopted by the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. The City Council acknowledges receipt of the Ethics Advisory Commission Rules of Procedure adopted by the Commission on August 27, 2015, October 1, 2015, and October 16, 2015, attached here to as Exhibit A.

SECTION 2. 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 resolved.



ETHICS ADVISORY COMMISSION

RULES OF PROCEDURE

CITY OF DALLAS, TEXAS

Adopted: 10/27/06

**Amended on 03/30/07, 04/13/07, 08/28/08, 02/20/09,
03/27/09, 04/17/09, 08/27/15, 10/1/15, and 10/16/15**

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Section 1 JURISDICTION AND POWERS

1.1 Jurisdiction. The ethics advisory commission shall have jurisdiction to review and make findings concerning any alleged violation of Dallas City Code Chapter 12A (the Code of Ethics) by any person subject to those provisions, including but not limited to current city officials and employees, former city officials and employees, and persons doing business with the city, if a complaint is filed within one year after the date of the alleged violation.

[See Dallas City Code, Section 12A-25]

1.2 Powers. The ethics advisory commission has the following powers only:

- (1) To establish, amend, and rescind rules and procedures governing its own internal organization and operations in a manner and form consistent with 12A;
- (2) To meet as often as necessary to fulfill its responsibilities;
- (3) To request from the city manager through the city council the appointment of such staff as is necessary to carry out the duties of the commission;
- (4) To review, index, maintain on file, and dispose of sworn complaints;
- (5) To make findings of fact as necessary for the disposition of a complaint;
- (6) To make notifications, extend deadlines, and conduct investigations;
- (7) To advise and make recommendations to the city council concerning the city's ethics code and ethics policies;
- (8) To make determinations that complaints are frivolous, make findings of facts, and sanction persons who file frivolous complaints;
- (9) Such other powers as are specifically granted in 12A or by the city council.

[See Dallas City Code, Section 12A-25]

1.3 Amendments to the Rules. After amending the Rules of Procedure, the ethics advisory commission shall provide a copy of the amended rules to the city council for acknowledgment of receipt by resolution.

Section 2 MEETINGS OTHER THAN HEARINGS

2.1 Regular Meetings. The ethics advisory commission shall hold regular quarterly meetings, as the responsibilities of the board necessitate, at a location within a city building. The meeting time is 9:00 a.m. on the third Friday of each month, unless the chair cancels the meeting or establishes another meeting time.

[See Dallas City Code, Section 8-2]

2.2 Special Meetings. Special meetings may be called by the chair at any time. Special meetings shall be called by the chair upon the written request of three members of the commission.

[See Dallas City Code, Section 8-3]

2.3 Quorum. At the beginning of each regular or special meeting, the chair shall determine whether or not a quorum exists to properly transact business of the commission. A quorum exists when there are physically present a simple majority of the number of members officially appointed to the commission, regardless of the total number of members actually provided for the commission. If a quorum does not exist 30 minutes after the time for which the meeting was

called, the chair shall adjourn the meeting and either reschedule the meeting at its next regular time or call a special meeting, depending on the circumstances.

[See Dallas City Code, Section 8-4]

2.4 Notice of Meetings. Notice of all special and regular meetings of the commission shall be published in accordance with the Texas Open Meetings Act.

[See Dallas City Code, Section 8-4]

2.5 Citizen Speakers. At the discretion of the commission, citizens may speak at regular and special meetings of the commission. Each speaker will have a maximum of three minutes to speak unless the time limit is shortened or extended by a majority vote of the commission.

Citizen speakers and other members of the public attending a commission meeting shall comply with the rules of conduct and decorum set forth in Section 8-25 of the Dallas City Code.

2.6 Public Character of Meetings and Actions. All meetings of the commission shall be open to the public unless pertaining to matters authorized under the Texas Open Meetings Act to be discussed in executive session. All actions of the commission shall be public and sufficient copies of the minutes shall be filed with the city secretary, who will make them available to staff members, the news media, and other interested persons upon request.

[See Dallas City Code, Section 8-6(a)]

2.7 Executive Session. When meeting in executive session, the chair shall publicly announce the category under the Texas Open Meetings Act that permits the executive session, tape record the executive session, and comply with all other requirements of the Texas Open Meetings Act applicable to executive sessions.

[See Dallas City Code, Section 8-6(b)]

Section 3 FILING OF COMPLAINTS

3.1 Complaint Form. All complaints must be submitted to the commission through the city secretary's office, on the complaint form provided by the city secretary's office and available on the city's website. The complaint must contain the information and items required by 12A-26(a), and any evidence submitted must be in the format required by 12A-26(b). The commission shall not consider a complaint until it is accepted by the city secretary's office.

[See Dallas City Code, Chapter 12A-26(a)-(b)]

3.2 Supplementing Complaints. A complete complaint, as defined by 12A-26(c), may be supplemented as provided in this rule. Supplements to a complete complaint must be submitted to the commission through the city secretary's office with the complaint supplement form provided by the city secretary's office and available on the city's website. A complainant may supplement a complete complaint in accordance with this section for the following reasons only:

- (1) to correct incorrect statements in the complete complaint;
- (2) to allege a new or additional violation of Chapter 12A of the code;
- (3) to provide names, addresses, email addresses, and telephone numbers of witnesses, if any, that can offer testimony in support of the complaint; or

- (4) to provide other sources of evidence that the complainant recommends should be considered by the ethics advisory commission.

Supplements to a complaint may only be filed within seven days after the city secretary's acceptance of the original completed complaint.

3.3 Responses and Procedural Requests. The person charged in the complaint shall have the opportunity to submit a sworn statement, together with such other information he or she feels is relevant.

This response shall be submitted on the respondent form provided by the city secretary's office and available on the city's website.

The response must be received in the city secretary's office at least four days before the date of the preliminary panel hearing so that the panel may have sufficient time to review the response.

Failure to file the response in a timely manner may result in a continuance or reset of the preliminary panel hearing.

Procedural motions by the respondent to the complaint must be filed with the city secretary's office four days before the preliminary panel hearing. The preliminary panel will consider procedural motions before making a finding on the complaint.

[See Dallas City Code, Chapter 12A-26(e)]

3.4 Withdrawal of Complaints. After being filed with the city secretary's office, a completed complaint may not be withdrawn, unless the respondent agrees to the withdrawal in writing. A request to withdraw a complaint must be made on the form provided by the city secretary's office and available on the city's website, and must contain the notarized signatures of both the complainant and the respondent. The request must be received by the city secretary's office no later than 9:00 a.m. of the last business day before the date scheduled for the preliminary panel meeting at which the complaint will be reviewed.

3.5 Multiple Complaints. Multiple complete complaints that are filed with the city secretary's office within seven days of each other may be combined and processed together if:

- (1) The same complainant files the same or substantially similar complaints against multiple respondents; or
- (2) Different complainants file the same or substantially similar complaints against the same respondent.

The determination to combine multiple complaints will be made by the chair or vice-chair, whoever is serving on the preliminary panel, after consultation with the city secretary's office. If combined, one preliminary panel would review all the complaints at one meeting. The preliminary panel, however, would make a finding on each complaint individually as to whether a claim is stated and is supported by just cause.

3.6 Frivolous Complaints. If the ethics advisory commission or a preliminary panel has unanimously dismissed a complaint, the commission or panel may, by affirmative vote of at least two-thirds present, order complainant to show cause as to why the commission should not determine that the complaint is frivolous. A frivolous complaint is one that is groundless and is

brought either in bad faith or for the purpose of harassment. GROUNDLESS means there is no basis in law or fact.

The complainant and the person charged in the complaint shall have an opportunity to submit a sworn response within 10 days after the date notice of the show cause order was provided by the city secretary. This response must be submitted on the frivolous complaint response form provided by the city secretary's office and available on the city's website. As an alternative to a response, the person charged in a complaint may, within 10 days after the date the complainant was given notice of the show cause order, file with the city secretary a notice to terminate the hearing on the frivolous complaint on a form provided by the city secretary's office.

The complainant and the person charged in the complaint shall be entitled to:

- (1) The right to attend the show cause hearing.
- (2) The right to make a statement.
- (3) The right to present and cross-examine witnesses.
- (4) The right to be represented by legal counsel or another advisor.

A complaint may only be deemed frivolous upon an affirmative vote of three-fifths of all commission members present and voting. An affirmative finding must be supported by "clear and convincing" evidence, as defined in 12A-28(b).

[See Dallas City Code, Chapter 12A-40.1]

Section 4 PRELIMINARY PANEL MEETINGS

4.1 Preliminary Panel Selection. A commission member (including the chair and vice-chair) selected for a preliminary panel shall serve on that panel, unless excused in writing by the chair for a valid medical, business, or personal reasons, or if other such conflict of interest exists as determined by the city attorney.

4.2 Responsibilities of Preliminary Panel. Within 30 days after receipt of a complete complaint, the preliminary panel must meet and make a preliminary finding as to whether or not the complaint states a claim under Chapter 12A and is supported by just cause. "Just cause" means such cause as is found to exist upon a reasonable inquiry that would induce a reasonably intelligent and prudent person to believe that a person has committed an act or acts constituting an ethical violation under Chapter 12A.

[See Dallas City Code, Chapter 12A-26(g)(1)]

4.3 Preliminary Panel Meetings. At a preliminary panel meeting, the panel will not take any testimony and will consider only the complete complaint(s), supplements to the complaint(s) submitted under Section 3.2 of these rules, response(s), and procedural motion(s) as submitted to the city secretary's office. At the preliminary panel meeting, the response shall only be considered to the extent that it addresses whether or not the complaint states a claim under 12A and is supported by just cause.

In determining whether the complaint states a claim and is supported by just cause, the panel will consider each section of Chapter 12A that the complainant alleges has been violated. The

panel should also consider whether other sections of Chapter 12A not alleged by the complainant may have been violated based on the facts presented in the complaint.

If the preliminary finding is that the complaint does not state a claim under Chapter 12A or is not supported by just cause based upon the statements and evidence submitted the complaint must be dismissed. A determination that a complaint be dismissed can only be made upon the affirmative vote of at least two of the three preliminary panel members. Written notice of the dismissal must be sent to both the person who made the complaint and the person about whom the complaint was made, identifying the reason or reasons for dismissal.

[See Dallas City Code, Chapter 12A-26(g)(2)]

If a complaint is not summarily dismissed, the panel will forward the complaint to the full commission for an evidentiary hearing.

[See Dallas City Code, Chapter 12A-27(a)]

Section 5 EVIDENTIARY HEARING

5.1 Scheduling Evidentiary Hearing. Within seven days after the preliminary panel issues a decision to forward a complaint to the full EAC for an evidentiary hearing, the city secretary's office, in consultation with the chair and after polling members of the EAC, shall select the date for the evidentiary hearing.

5.2 Notice of Hearing Date. At least 10 days prior to the hearing, written notice of the hearing will be sent to the complainant, the person charged in the complaint, the EAC, and the city attorney's office by certified mail or personal service. Courier service may be used to provide notice by personal service. If consent is given in writing, a person entitled to notice may agree to accept notice by facsimile, email, or first class mail.

[See Dallas City Code, Section 12A-27(a)]

5.3 Responses. The person charged in the complaint shall have the opportunity to submit a sworn statement, together with such other information he/she feels is relevant, in response to the charges to be considered at the evidentiary hearing. Responses should be received in the city secretary's office at least four days before the date of the evidentiary hearing so that the EAC may have sufficient time to review the responses.

Failure to file a response in a timely manner may result in the continuance or reset of the evidentiary hearing. If a response is not received by the city secretary's office before the four-day deadline, the EAC, at its discretion, may waive the requirement and the response may be considered at the hearing.

5.4 Procedural Requests. All procedural motions that the complainant or person charged in the complaint wishes the EAC to consider at the evidentiary hearing must be filed with the city secretary's office at least four days prior to the evidentiary hearing.

Within one business day after receipt, the city secretary's office will promptly forward the procedural motions to the EAC, the city attorney's office, the complainant, and the person charged in the complaint.

In addition to other procedural motions, the EAC may consider a request for a reset or continuance of a hearing. The EAC may also, on its own motion, reset or continue a hearing.

At the beginning of the hearing, the EAC will consider and rule upon procedural motions.

5.5 Quorum Requirement. A quorum of at least four commissioners must be present for an evidentiary hearing. If no quorum is present within 30 minutes after the posted start time, the city secretary shall reschedule the hearing date and provide all parties with written notice by certified mail, personal service, or by other means agreed to in writing by the parties, at least 10 days before the new hearing date.

[See Dallas City Code, Section 12A-28(c) & Section 8-4]

5.6 Executive Session. The EAC may go into executive session and shall publicly announce the purpose of such a session and the provision under the Texas Open Meetings Act that permits such session. All executive sessions of the EAC shall be recorded as required by Section 8-6 of the Dallas City Code.

5.7 Hearing Procedures. Evidentiary hearings shall be conducted in accordance with this section.

The chair shall call the hearing to order, announce the time the hearing is called to order, and state whether a quorum of the EAC is present. The chair shall identify the complaint being considered by the EAC.

Each of the following persons attending the hearing shall state his/her name and title for the record:

- EAC members.
- City Secretary's Office staff.
- City Attorney's Office staff.
- Complainant and legal counsel.
- Person charged in the complaint and legal counsel.

The city secretary's office shall administer an oath to everyone who is to provide testimony during the hearing.

The chair shall provide an overview of the complaint by summarizing the complaint form and the complaint supplement form, if any, submitted by the complainant.

The EAC will then consider procedural motions by the complainant and/or person charged in the complaint. Each procedural motion will be decided by a majority vote of the EAC members present.

The complainant or his/her legal counsel may, at the discretion of the EAC, be given an opportunity to present a case, which may include:

- Presenting evidence.
- Calling and questioning witnesses.
- Playing audio or video recordings.
- Giving direct testimony.

The person charged in the complaint, or his/her legal counsel, shall then be given an opportunity to present a case, which may include:

- Presenting evidence.
- Calling and questioning witnesses.
- Playing audio or video recordings.
- Giving direct testimony.

[See Dallas City Code, Section 12A-28(d)-(e)]

EAC members may ask questions of the complainant and/or person charged in the complaint at any time during the hearing, unless otherwise directed by the chair.

If the complainant is not present, the person charged in the complaint will still be given an opportunity to present his/her case. Likewise, if the person charged in the complaint is not present, the complainant may, at the discretion of the EAC, still be given an opportunity to present his/her case.

Once both the complainant and person charged in the complaint have presented their cases, the EAC will discuss the evidence presented and make a determination on the complaint.

After a written decision is issued in accordance with Section 5.9 of these rules, the chair shall announce the hearing is adjourned and state the time of adjournment.

5.8 Written Decision. At the conclusion of the hearing, the EAC shall issue a written decision on the evidentiary hearing decision form provided by the city secretary's office and available on the city's website. The EAC shall make all reasonable efforts to issue that decision within 60 days after receipt of the complete complaint. A decision to find an ethics violation must be by an affirmative vote of at least three-fifths of the commission members present and voting.

[See Dallas City Code, Section 12A-28(b) & 12A-29(a)]

At the termination of the hearing, each EAC member participating in the hearing shall sign the evidentiary hearing decision form.

5.9 Notification. Within ten days after the written decision is issued, the city secretary's office, on behalf of the EAC, shall forward copies of the findings and decision to the complainant, the person charged in the complaint, the city attorney's office, the city council, any EAC member not participating in the decision, and any person or body to whom a complaint is being referred for sanctions under Section 12A-30(a).

The city secretary shall make the findings and decision available to the public as authorized by law.

5.10 Sanctions. When the EAC refers a matter to the city council as prescribed in Section 12A-30(a)(3) and (4) of the code of ethics, the city secretary's office shall prepare a resolution that states the findings of the EAC and any recommended sanctions. The city secretary's office shall place the resolution for council action on the first available city council voting agenda meeting occurring after the date of the EAC decision.

[See Dallas City Code, Section 12A-30(b)(1)(2)(3)(4)(5)]

Section 6 PETITIONS FOR DECLARATORY RULING

6.1 Declaratory Ruling. Any city official or employee against whom public allegations of ethics violations have been made in the media or elsewhere may file a petition for a declaratory ruling with the city secretary's office to obtain from the EAC a determination of the compliance or lack of compliance of the petitioner's action(s) with the City's Code of Ethics.

[See Dallas City Code, Section 12A-31]

The city official or employee petitioning for a declaratory ruling should request the EAC to review the public allegations of ethics violations made against the city official or employee and make known its findings. The request shall include the city official's or employee's sworn statement affirming his/her innocence.

The petition for a declaratory ruling shall:

- (1) state the specific provision or provisions of the ethics code that the city official or employee has publicly been accused of violating;
- (2) present evidence that such allegations have been made public; and
- (3) provide sources of evidence that the city official or employee believes should be considered by the EAC in order to make a determination on the petition.

6.2 Withdrawal of Request for Declaratory Ruling. After being filed with the city secretary's office, a request for declaratory ruling may be withdrawn by written request of the petitioner. The written request must be received by the city secretary's office no later than 9:00 A.M. of the last business day before the date scheduled for the hearing on the request for declaratory ruling.

6.3 Scheduling Hearing for Declaratory Ruling. Within five business days after a petition for a declaratory ruling is received, the city secretary's office, in consultation with the chair, and after polling members of the EAC, shall select the date for the hearing to consider the petition.

6.4 Notice of Hearing Date. At least 10 days prior to the hearing, written notice of the hearing will be sent to the person requesting a declaratory ruling, the EAC, and the city attorney's office by certified mail or personal service. Courier service may be used to provide notice by personal service. If consent is given in writing, a person entitled to notice may agree to accept notice by facsimile, email, or first class mail.

6.5 Quorum Requirement. A quorum of at least four commissioners must be present for a hearing to consider a petition for a declaratory ruling. If no quorum is present within 30 minutes after the posted start time, the city secretary shall reschedule the hearing date and provide all parties with written notice by certified mail or personal service at least 10 days prior to the new hearing date. If consent is given in writing, persons entitled to notice may agree to accept notice by facsimile, email, or first class mail.

6.6 Executive Session. The EAC may go into executive session and shall publicly announce the purpose of such a session and the provision under the Texas Open Meetings Act that permits such session. All executive sessions of the EAC shall be recorded as required by Section 8-6 of the Dallas City Code.

6.7 Hearing Procedures. Hearings on petitions for declaratory rulings shall be conducted in accordance with this section.

The chair shall call the hearing to order, announce the time the hearing is called to order, and state whether a quorum of the EAC is present.

The chair shall identify the petition being considered by the EAC.

Each of the following persons attending the hearing shall state his/her name and title for the record:

- EAC members.
- City Secretary's Office staff.
- City Attorney's Office staff.
- Petitioner and legal counsel.

The city secretary's office shall administer an oath to everyone who is to provide testimony during the hearing.

The chair shall provide an overview of the petition to be considered by summarizing the materials submitted by the petitioner.

The petitioner, or his/her legal counsel, shall then be given an opportunity to present a case, which may include:

- Presenting evidence.
- Calling and questioning witnesses.
- Playing audio or video recordings.
- Giving direct testimony.

The EAC members may ask the petitioner questions at any time during the hearing, unless otherwise directed by the chair.

After the petitioner has presented his/her case, the EAC will discuss the evidence presented and make a determination on the petition for a declaratory ruling.

After a written decision is issued in accordance with Section 6.9 of these rules, the chair shall announce that the hearing is adjourned and state the time of adjournment.

6.8 Continuance for Additional Information. The EAC may, in the course of deliberations, decide that additional information is needed to make a finding. The EAC may, on its own motion, continue the hearing in order to receive and review information from sources not available during the hearing.

The EAC may request that the petitioner provide additional information to support his/her request for declaratory ruling. Information requested must be submitted to the city secretary's office no later than three days prior to the date the hearing is to reconvene.

The EAC may request that the city secretary's office obtain additional information contained in city records maintained by the city secretary's office that the EAC deems necessary to making a finding, subject to any restrictions set forth in the Texas Public Information Act. No later than three days before the hearing is to reconvene, the city secretary's office shall provide the EAC with the requested information or advise the EAC that the information is not available.

6.9 Written decision. At the conclusion of a hearing to consider a petition for a declaratory ruling, the EAC shall issue a written decision. A decision on a petition for a declaratory ruling must be by a majority vote of the commission members present and voting.

6.10 Notification. Within 10 days after a written decision is issued, the city secretary's office, on behalf of the EAC, shall forward copies of the written decision to the petitioner, the city attorney's office, the city council, and any EAC member not participating in the decision.

The city secretary shall make the findings and decision of the EAC available to the public as authorized by law.

[See Dallas City Code, Section 12A-31]

Section 7 CITY STAFF PARTICIPATION

7.1 City Secretary. The city secretary's office provides administrative support to the commission as is necessary to carry out the duties of the commission. The city secretary shall review complaints for completeness, be represented at all meetings and hearings of the commission to provide support, clarify issues and concerns, swear in witnesses at hearings, and maintain records of the meetings and hearings.

7.2 City Attorney. The city attorney's office acts as the legal counsel to the commission. The city attorney shall be represented at all meetings and hearings of the commission as needed to provide legal advice when appropriate and to clarify issues and concerns.

[See Dallas City Code, Section 12A-32(a)]

7.3 Independent Counsel. An independent outside attorney, who does not otherwise represent the city, a city official, or an employee in his or her official capacity, may be appointed by the city council, at the recommendation of the city attorney, to serve as legal counsel to the EAC for a particular case when:

- (1) a complaint is filed relating to an alleged violation of Chapter 12A by a city council member or by a city employee who is a department director of higher rank;
- (2) the ethics advisory commission requests such an appointment; or
- (3) the city attorney requests such an appointment for good cause shown.

[See Dallas City Code, Section 12A-32(b)]

If an independent outside attorney is appointed to serve as the commission's legal counsel regarding a particular complaint, the deadline established in Section 12A-26(g)(1) of the city code for making a preliminary finding on the complaint will automatically be extended until 30 days after the date of appointment of the independent outside attorney.

**ETHICS ADVISORY COMMISSION (EAC)
RULES OF PROCEDURE COMPARATIVE TABLE**

NOTE – The following is a list of amendments to the EAC Rules of Procedure and the disposition of those amendments, beginning with the amendment of March 30, 2007.

DATE OF AMENDMENT	SECTION/FORM	DISPOSITION BY SECTION/FORM	
03/30/07	Added: Amended Complaint Form	3.2	Exhibit B
	Added: Preliminary Panel Checklist	4.3	Exhibit E
	Added: Respondent Form	3.3	Exhibit C
04/13/07	Added: Withdrawal Form	3.5	Exhibit D
	Added: Complaint Form	3.1	Exhibit A
08/28/08	Added: Evidentiary Hearing Decision Form	5	Exhibit G
02/20/09	Added: Ethics Advisory Commission Evidentiary Hearings	5	Section
03/27/09	Added: Petition For Declaratory Ruling	6	Section
04/17/09	Added: Declaratory Ruling Written Decision Form	6.10	Exhibit I
08/27/15	Revised: All Sections; Removed Exhibits	1-7	Sections
10/1/15	Revised: Rule on Supplementing Complaints	3.2	Section
10/16/15	Added: Method of Delivery of Amended Rules to Council	1	Section