

RESOLUTION NO. 2024-09-____(R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO RESCIND AND REPEAL RESOLUTION NO. 2024-07-115(R) AWARDING A CONTRACT TO WESTERN MUNICIPAL CONSTRUCTION OF TEXAS, LLC, AND TO EXECUTE A CONTRACT IN THE AMOUNT OF \$5,790,313.80 WITH DDM CONSTRUCTION CORPORATION FOR THE CONSTRUCTION OF THE LELA, JONES, FOOTE & BRADLEY INFRASTRUCTURE IMPROVEMENTS PROJECT AND AUTHORIZING ALL NECESSARY CHANGE ORDERS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY CHANGE ORDERS, NOT TO EXCEED \$6,660,000;

WHEREAS, the City of McKinney, Texas, (“City”) issued invitations to bid to construct the Lela, Jones, Foote & Bradley Infrastructure Improvements (CIP Projects ST2134, WW2134, WA2134) (the “Project”); and

WHEREAS, the City received and opened sealed bids from three contractors on April 11, 2024, for the construction of the Project; and

WHEREAS, the bid documents for the Project required bids to remain binding on the bidders for a period of ninety (90) days following bid opening, and thereafter allowed bids to be withdrawn by the contractors; and

WHEREAS, the City Council of the City of McKinney, Texas (“City Council”) awarded the Bid for the Project to the low bidder Western Municipal Construction of Texas, LLC on July 16, 2024; and

WHEREAS, Western Municipal Construction of Texas, LLC withdrew its bid for the Project because the ninety (90) day bid period expired; and

WHEREAS, the City Council of the City of McKinney, Texas, desires to construct the Lela, Jones, Foote, and Bradley Street Infrastructure Improvements Project (CIP Projects ST2134, WW2134 and WA2134); and

WHEREAS, DDM Construction Corporation submitted the second low bid for the project; and

WHEREAS, the City has prepared a contract with DDM Construction Corporation to construct the Lela, Jones, Foote, and Bradley Street Infrastructure Improvements Project (CIP Projects ST2134, WW2134 and WA2134).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, THAT:

Section 1. The foregoing recitals are hereby found to be true and correct legislative and factual findings of the City of McKinney, Texas, and are fully incorporated into the body of this Resolution.

Section 2. The City Council hereby rescinds and repeals Resolution No. 2024-07-115(R) awarding the construction contract for the Project to Western Municipal Construction of Texas, LLC, and the City Manager is hereby authorized to execute a contract in the amount of \$5,790,313.80 with DDM Construction Corporation for the construction of the Lela, Jones, Foote, and Bradley Street Infrastructure Improvements Project (CIP Projects ST2134, WW2134 and WA2134) and authorizing all necessary change orders under said contract up to the aggregate contract amount, inclusive of any change orders, not to exceed \$6,660,000.

Section 3. This Resolution shall take effect immediately from and after the date of passage, and it is so resolved.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 17th DAY OF SEPTEMBER 2024.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER, Mayor
GERÉ FELTUS, Mayor Pro Tem

CORRECTLY ENROLLED:

EMPRESS DRANE, City Secretary
TENITRUS BETHEL, Deputy City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER, City Attorney
ALAN D. LATHROM, Assistant City Attorney