

RESOLUTION NO. {{item.sequential_number}}

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CONTRACT AMENDMENT NUMBER ONE TO THE SERVICES AGREEMENT WITH D&J ENTERPRISES, INC. OF AUBURN, ALABAMA FOR DEBRIS REMOVAL SERVICES IN THE ESTIMATED AMOUNT OF \$1,735,355; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, approval of this item will authorize Contract Amendment No. 1 to the services agreement with D&J Enterprises, Inc. (D&J) for debris removal services - on June 20, 2024, Council approved a primary services agreement with D&J for debris removal services as needed in the event of a disaster or emergency, procured through Request for Proposals No. 23-01-24;

Whereas, D&J has continued to provide debris removal services to load, haul, and dispose of vegetative debris, construction and demolition debris, and tree work in order to be responsive to citizen needs related to damage from the tornadoes and storm that struck the City on May 22, 2024, and additional funding is needed to complete services throughout the City - with the addition of \$1,735,355, the total contract value is \$3,144,105;

Whereas, the scope of services as outlined in the services agreement with D&J provides for unit rates - the City will pay D&J for the work completed at the unit rates defined in the contract;

Whereas, Staff is working with the Federal Emergency Management Agency (FEMA) to apply for reimbursement for debris removal services from the Public Assistance (PA) Grant Program - under the PA Grant, FEMA reimburses up to 75 percent of eligible debris removal expenditures and the City's share of costs is estimated at \$433,839;

Whereas, Staff recommends Council authorize Contract Amendment No. 1 to the services agreement with D&J for debris removal services in the estimated amount of \$1,735,355;

Whereas, a budget adjustment is being presented to Council for approval to appropriate funding for the services agreement with D&J for the debris removal services agreement - upon approval of the budget adjustment, funding for the debris removal services in the amount of \$1,735,355 will be available in Account No. 110-2320-540-2191; and

Whereas, the City Council has considered the matter and deems it in the public interest to authorize this action.

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

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes Contract Amendment No. 1 to the services agreement with D&J Enterprises, Inc. of Auburn, Alabama for debris removal services in the estimated amount of \$1,735,355, and authorizes the City Manager, or her designee, after approval as to form by the City Attorney's Office, to execute any necessary documents.

Part 3: It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **1st** day of **August, 2024**.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Jana Lewellen
City Secretary

Kathryn H. Davis
City Attorney