

ORDINANCE NO. 2021-4339

AN ORDINANCE OF THE CITY OF ARANSAS PASS, TEXAS REMOVING THE OPERATION OF THE COMPETITIVE BIDDING REQUIREMENTS OF THE APPLICABLE COMPETITIVE BIDDING PROCEDURES OF THE CITY OF ARANSAS PASS DURING THE DECLARED STATE OF EMERGENCY; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Mayor of Aransas Pass, Texas has declared a local disaster due to severe winter weather dated February 15, 2021, in accordance with Chapter 418 of the Texas Government Code; and

WHEREAS, the City Council of the City of Aransas Pass, Texas has declared a state of emergency by Ordinance No. 2021-4338 dated February 22, 2021, in accordance with Section 418.108 of the Texas Disaster Act of 1975; and

WHEREAS, the City Council of the City of Aransas Pass, Texas deems it in the public interest to remove requirements pertaining to purchasing and competitive bidding procedures during the declared state of emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARANSAS PASS, TEXAS:

1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.
2. That the operation of the competitive bidding requirements of the City of Aransas Pass are hereby removed for a period of seven (7) calendar days from and after February 22, 2021; provided, however, that insofar as practical, bids, quotations, or estimates of material, labor and other costs for purchases, goods, works, and the like described shall be diligently solicited and procured before entering into contract therefore, and such contract, if awarded, shall be made to the lowest, best or expedient bid, quotation, or estimate received. The determination of the lowest, best, or expedient bid, quotation or estimate shall be within the sole discretion of the City Manager or his designee, and his decision shall be final. City Manager shall take into consideration any applicable or eligible federal reimbursement requirements prior to non-competitive bidding purchases.
3. Pursuant to Section 5150 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, in the expenditure of Federal Funds for debris clearance, distribution of supplies, reconstruction, and other major disaster or emergency assistance activities that may be carried out by contract or agreement with private organizations, firms or individuals, preference shall be given, to the extent feasible and practical, to those organizations, firms and individuals residing or doing business primarily in the affected area.
4. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.
5. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.
6. In accordance with the Texas Disaster Act, this Ordinance shall be effective immediately upon adoption.

FINALLY ENACTED THIS 22nd day of February, 2021, at a special meeting of the Elective Council of the City of Aransas Pass, Texas at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, TITLE 5, SUBTITLE A, CHAPTER 551.

CITY OF ARANSAS PASS, TEXAS

Ramiro Gomez, Mayor

ATTEST:

Mary Juarez, City Secretary