RESOLUTION NO. 17-006

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PARK, TEXAS, FINDING THAT IT IS REASONABLY NECESSARY, IN DETERMINING THAT A BIDDER IS RESPONSIBLE WITHIN THE MEANING OF CHAPTER 252 OF THE LOCAL GOVERNMENT CODE ("LGC"), TO ADOPT A WRITTEN DEFINITION AND CRITERIA FOR ACCURATELY DETERMINING THE SAFETY RECORD OF A BIDDER; PROVIDING CONFIDENTIALITY AND CONDITIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of University Park submits certain purchases of goods and services to competitive bidding pursuant to Chapter 252 LGC; and

WHEREAS, Section 252.0435 LGC specifically authorizes the City Council to take into account the safety record of a bidder, of the firm, corporation, partnership, or institution represented by the bidder or anyone acting for any of them, to determine who is a responsible bidder (collectively "the bidder");

NOW, THEREFORE, **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITY PARK, TEXAS, THAT:**

SECTION 1. As provided in Section 252.0432 LGC, the City Council hereby finds and determines that it is reasonably necessary for the determination of who is a responsible bidder in a competitive bidding situation under Chapter 252 that the City may take into account the safety record of the bidder, and that the following definition and requirements are not arbitrary and capricious.

SECTION 2. "Safety record" in this Resolution means all aspects of the bidder's professional qualifications, state and local licensure history, work history, complaint history, references, insurability, criminal history, safety practices and training, citations, penalties, reprimands, suspension, work stoppages or code violations that relate to the safety history of the bidder.

SECTION 3. For purposes of this Resolution and by example, the bidder will be assumed to be a plumber seeking to perform services and provide materials to accomplish plumbing work for the City. At a minimum, the following criteria must be met and the bidder must:

A. Be licensed in good standing by the state (if required by state law). The bidder or person in charge of the project must be licensed as a Master Plumber by the Texas State Board of Plumbing Examiners ("TSBPE") and all persons who will perform plumbing work on the project must meet the required level of licensure for that work;

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B. Establish the "fitness" of all persons who have been convicted of a crime who will perform any work on the project. "Fitness" will be determined by application of the criteria contained in TSBPE Board Rules, Section 363.2. Persons deemed unfit will not be permitted to perform work of any kind on the project;

C. Be insurable in the amounts required by the City for the project;

D. Furnish copies of any complaints, citations, stop work orders, administrative penalties, suspensions or revocations of licenses, against bidder and all proposed personnel because of safety complaints within the past five (5) years;

E. List all references for the past five (5) years who will be able to provide information as to the bidder's performance and safety practices;

F. Furnish any other information required by the Director of Public Works or his designee,

SECTION 4. The premise of this Resolution is that the bid is for plumbing services. This Resolution will also apply to bidders who desire to furnish other types of goods and services and the criteria hereof may be read to apply to such bidders.

SECTION 5. In all bid specifications where applicable, the City will give notice to prospective bidders that their safety record may be considered in determining the responsibility of the bidder.

SECTION 6. This Resolution shall take effect immediately from and after its passage, and it is, accordingly, so resolved.

DULY RESOLVED by the City Council of the City of University Park, Texas, this the 6th day of June 2017.

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APPROVED:

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OLIN B. LANE, MAYOR

ATTEST:

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CHRISTINE GREEN, CITY SECRETARY

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APPROVED AS TO FORM:

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CITY ATTORNEY

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