

**RESOLUTION NO. 22-R-115**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BRAUNTEX MATERIALS AND VULCAN CONSTRUCTION MATERIALS FOR ASPHALT, HOT MIX AND RELATED MATERIALS AND OTHER MATTERS IN CONNECTION THEREWITH**

WHEREAS, the City of Schertz (the “City”) has completed an indefinite quantity – indefinite delivery (“IDIQ”) procurement for asphalt, hot mix, and other related materials; and

WHEREAS, City staff has determined that Brauntex Materials and Vulcan Construction Materials are qualified to provide these materials to the City; and

WHEREAS, the City staff has negotiated a fixed rate for these materials; and

WHEREAS, City staff has determined it is in the best interest of the City and its Citizens to contract these materials on an as-needed basis; and

WHEREAS, Brauntex Materials and Vulcan Construction Materials have a reputation of consistently providing a quality material for best value to the City; and

WHEREAS, the City desires to allow the City Manager to approve and execute an IDIQ contract with Brauntex Materials and Vulcan Construction Materials.

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS THAT:**

Section 1. The City Council hereby authorizes the City Manager to execute and deliver the Agreement with Brauntex Materials and Vulcan Construction Materials in substantially the same form set forth on Exhibit A.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council

Section 3. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this 25th day of October 2022.

CITY OF SCHERTZ, TEXAS

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Ralph Gutierrez, Mayor

ATTEST:

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Brenda Dennis, City Secretary

(CITY SEAL)

EXHIBIT A  
Service Agreements