

RESOLUTION NO. 2008-4-40(R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, AUTHORIZING THE PURCHASE OF DRY KILN CEMENT AS THE BASE BID, WITH AN ALTERNATIVE BID FOR THE PURCHASE OF CEMENT FROM AN UNSPECIFIED SOURCE AND THE GIVING OF A PREFERENCE TO BID EVALUATIONS FOR CEMENT PRODUCED AT FACILITIES THAT PRODUCE CEMENT WITH THE EMISSIONS RATES THAT MEET 1.7 POUNDS OF NITROGEN OXIDE (NO_x) PER TON OF CLINKER OR LESS ON CITY CONSTRUCTION BIDS (PREFERENCE MAY ONLY BE GIVEN IF THE COST FOR THE GOODS OR SERVICES WOULD NOT EXCEED 105% OF THE COST OF THE GOODS OR SERVICES PROVIDED BY A VENDOR WHO DOES NOT MEET THE STANDARDS); AUTHORIZING THE CITY MANAGER, OR IN HIS ABSENCE AN EXECUTIVE DIRECTOR, TO APPROVE ANY DOCUMENTS NECESSARY TO EFFECTUATE THIS RESOLUTION. THIS RESOLUTION SHALL BECOME EFFECTIVE IMMEDIATELY UPON PASSAGE.

WHEREAS, the City Council of the City of Plano is committed to improving the air quality of the Dallas/Fort Worth metroplex; and

WHEREAS, Collin County is classified as a non-attainment area with respect to Environmental Protection Agency eight-hour ozone standard; and

WHEREAS, nitrogen oxide (NO_x) is one of the main point source pollutants that contribute to ozone production; and

WHEREAS, cement kilns produce nitrogen oxide (NO_x) emissions in the production of clinker, which is then made into finished cement by milling and grinding; and

WHEREAS, cement kilns are major contributors to air pollution in the D/FW area; and

WHEREAS, technologies used in cement production are undergoing significant changes to reduce air pollution resulting from the manufacturing process; and

WHEREAS, the Texas Commission on Environmental Quality has proposed a new rule setting the source cap limit for emissions at 1.7 pounds

per ton of clinker produced for dry kilns with a compliance date of March 2009; and

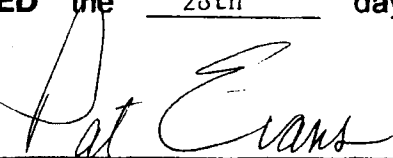
WHEREAS, pursuant to Texas Local Government Code Sec. 271.907 a preference may be given to goods or services of a vendor that demonstrates that the vendor meets or exceeds any state or federal environmental standards relating to air quality, with certain restrictions.

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

Section I. That the City Manager or his designee is hereby authorized, where allowed by law, to provide for the purchase of dry kiln cement as the base bid, with an alternative bid for the purchase of cement from an unspecified source and to give preferential bid evaluation of all cement produced by kilns with emission rates of 1.7 pounds of nitrogen oxide (NO_x) per ton of clinker or less in City of Plano bid packages. Preference may only be given if the cost for the goods or services would not exceed 105% of the cost of the goods or services provided by a vendor who does not meet the standards.

Section II. This resolution shall become effective immediately upon passage.

DULY PASSED AND APPROVED the 28th day of April, 2008.



Pat Evans, MAYOR

ATTEST:



Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:



Diane C. Wetherbee, CITY ATTORNEY