

**RESOLUTION NO. 2024-038**

**A RESOLUTION WAIVING THE FORMAL WRITTEN BIDDING REQUIREMENT ON THE BASIS OF SOLE SOURCE AND APPROVING AN EQUIPMENT ACQUISITION AGREEMENT WITH BNT ENTERPRISES, LLC D/B/A PEAK MOTOR COACH FOR THE ACQUISITION OF AN AMBULANCE/MEDIC UNIT**

**WHEREAS**, the Town of Castle Rock, Colorado (the “Town”), has identified a vendor to provide a replacement ambulance/medic unit for an aging unit in the Castle Rock Fire Department’s fleet of ambulances/medic units; and

**WHEREAS**, the Town has determined BNT Enterprises, LLC d/b/a Peak Motor Coach (the “Vendor”), is best qualified to provide the replacement ambulance/medic unit; and

**WHEREAS**, under the Town Purchasing Policies and Procedures, the requirement for formal written sealed bids may be waived where only one known source exists, only one single supplier can fulfill the requirements, the service is of a unique nature, the service allows for standardization with existing equipment, or the Town currently has a contract in place with a contractor for similar work (“sole source”); and

**WHEREAS**, according to Section 3.02.060.A.4 of the Castle Rock Municipal Code, Town Council has the authority to waive the requirement for formal written sealed bids on the basis of sole source for the procurement of work or services in excess of \$250,000; and

**WHEREAS**, because the product is of a unique nature and will allow for standardization with existing equipment within the Castle Rock Fire Department’s fleet, Town staff recommends Town Council waive the formal written sealed bid requirement on the basis of sole source; and

**WHEREAS**, subject to Town Council’s waiver of the requirement for formal written sealed bids, the Town and the Vendor have agreed to the terms and conditions by which the Vendor will provide the replacement ambulance/medic unit (the “Agreement”).

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO AS FOLLOWS:**

**Section 1. Sole Source Approval.** The sole source justification form is hereby approved in the same form as presented at tonight’s meeting.

**Section 2. Agreement Approval.** The Agreement between the Town and Contractor is hereby approved in substantially the same form as presented at tonight’s meeting, with such technical changes, additions, modifications, deletions, or amendments as the Town Manager may approve upon consultation with the Town Attorney. The Mayor and other proper Town officials are hereby authorized to execute the Agreement and any technical amendments thereto by and on behalf of the Town.

**Section 3. Encumbrance and Authorization for Payment.** In order to meet the Town's financial obligations under the Agreement, the Town Council authorizes the expenditure and payment from the Fleet Replacement Fund in an amount not to exceed \$275,911.00, unless otherwise authorized in writing by the Town.

**PASSED, APPROVED AND ADOPTED** this 16<sup>th</sup> day of April, 2024, by the Town Council of the Town of Castle Rock, Colorado, on first and final reading, by a vote of \_\_\_ for and \_\_\_ against.

**ATTEST:**

**TOWN OF CASTLE ROCK**

\_\_\_\_\_  
Lisa Anderson, Town Clerk

\_\_\_\_\_  
Jason Gray, Mayor

**Approved as to form:**

**Approved as to content:**

\_\_\_\_\_  
Michael J. Hyman, Town Attorney

\_\_\_\_\_  
Norris W. Croom, Fire Chief