

**RESOLUTION NO. 2022-**

**A RESOLUTION WAIVING FORMAL WRITTEN BIDDING  
REQUIREMENT ON THE BASIS OF SOLE SOURCE AND APPROVING A  
CONSTRUCTION CONTRACT WITH HYDRO RESOURCES – ROCKY  
MOUNTAIN, INC., FOR THE DRILLING OF THE EAST PLUM CREEK  
OPEN SPACE WELLS**

**WHEREAS**, the Town of Castle Rock, Colorado (the “Town”) has identified a contractor to provide well drilling, constructing and testing work for Castle Rock Water (the “Work”); and

**WHEREAS**, the Town has determined Hydro Resources – Rocky Mountain, Inc., (the “Contractor”) is best suited to complete the Work as Contractor has previously completed like work for the Town and this will allow for standardization of Town equipment; and

**WHEREAS**, under the Town Procurement Code, 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 vendor for similar Work (“sole source”); and

**WHEREAS**, according to Section 3.02.060.A.4 of the Town Procurement 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 in excess of \$250,000; and

**WHEREAS**, Town Staff recommends Town Council waive the formal written sealed bid requirement on the basis of sole source for the Work in an amount of \$4,483,540.00; and

**WHEREAS**, should Town Council approve the sole source with Contractor, the Town and the Contractor have agreed to the terms and conditions by which the Contractor will provide the Work (“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 substantially the same form attached as *Exhibit 1*, with such technical changes, additions, modifications, or deletions 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 by and on behalf of the Town.

**Section 2. Construction Contract Approval.** The Construction Contract between the Town and Contractor is hereby approved in substantially the same form attached as *Exhibit 2*, with such technical changes, additions, modifications, or deletions 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 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 account no. 210-4275-442.75-39 in an amount not to exceed \$4,483,540.00, plus a Town-managed contingency in the amount of \$448,354.00, unless otherwise authorized in writing by the Town.

**PASSED, APPROVED AND ADOPTED** this 18th day of October, 2022 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

\_\_\_\_\_  
Mark Marlowe, Director of Castle Rock Water