

RESOLUTION NO. 2026-072

**A RESOLUTION WAIVING THE FORMAL WRITTEN BIDDING
REQUIREMENT ON THE BASIS OF SOLE SOURCE AND APPROVING
AN ON-CALL EQUIPMENT AND SERVICE AGREEMENT BETWEEN
THE TOWN OF CASTLE ROCK AND EVOQUA WATER
TECHNOLOGIES LLC**

WHEREAS, the Town of Castle Rock, Colorado (the “Town”) has determined that Bioxide is a proprietary chemical additive needed to address odor and hydrogen sulfide gas concerns at Castle Oaks Lift Station, Maher Lift Station, and Mitchell Creek Lift Station; and

WHEREAS, Town staff have determined that Evoqua Water Technologies, LLC (the “Contractor”), is the sole provider of Bioxide in the United States, and is best situated to supply Bioxide to the Town; and

WHEREAS, Town has determined that Contractor, in addition to supplying Bioxide to Town, will provide preventative maintenance services and Vaporlink monitoring services (“Services”), which enables the tracking of real-time atmospheric hydrogen sulfide data, at no additional cost to the Town; 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 requirements 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 Contractor is the only supplier that can supply Bioxide to Town, and because its services are of a unique nature, Town Staff recommend 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, and subject to Town Council’s approval, the Town and the Contractor have agreed to the terms and conditions by which Contractor will supply Bioxide and provide Services to the Town (the “Agreement”); and

WHEREAS, Town Staff recommends Town Council approve the Agreement with the Contractor.

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. Approval. The Agreement between the Town and the 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 this Agreement, the Town Council authorizes the expenditure and payment in an amount not to exceed \$600,000.00, unless otherwise authorized in writing by the Town.

PASSED, APPROVED AND ADOPTED this 16th day of June, 2026, 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