

RESOLUTION NO. 2023-039

**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 BELL MOUNTAIN RANCH WELL A-3 RE-
DRILL**

WHEREAS, the Town of Castle Rock, Colorado (the “Town”) has identified a vendor to provide construction work for the Bell Mountain Ranch Well A-3 Re-Drill Project (the “Project”); and

WHEREAS, the Project selection team has determined Hydro Resources-Rocky Mountain, Inc. (the “Contractor”) is best qualified to perform work for the Project; 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, the item or service has been formally awarded to a vendor by the State of Colorado through cooperative purchasing, 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 or services 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 Project in an amount of \$2,687,445, as the Town currently has a contract in place with Contractor for similar work; 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 complete the Project (“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. Agreement Approval. The Agreement 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. 210-4275-442.76-53 in an amount not to exceed \$2,687,445, plus a Town-managed contingency in the amount of \$268,745, unless otherwise authorized in writing by the Town.

PASSED, APPROVED AND ADOPTED this 21st day of March, 2023 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 Castle Rock Water