

RESOLUTION NO. 2022-

**A RESOLUTION WAIVING FORMAL WRITTEN BIDDING
REQUIREMENT ON THE BASIS OF SOLE SOURCE AND APPROVING
AN EQUIPMENT AND SERVICES ACQUISITION AGREEMENT WITH
DANA KEPNER COMPANY, LLC FOR THE FLEXNET
INFRASTRUCTURE AND REGIONAL NETWORK INTERFACE
SOFTWARE**

WHEREAS, the Town of Castle Rock, Colorado (the “Town”) has identified a vendor to provide advanced metering infrastructure base station equipment and regional network interface software for Castle Rock Water (the “Equipment”); and

WHEREAS, the Town has determined Dana Kepner Company, LLC, (the “Vendor”) is best suited to provide the Equipment as Vendor is the Town’s current vendor for all metering equipment and this will allow for standardization of Town infrastructure; 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 Equipment (“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 Equipment 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 Equipment in an amount of \$268,986.31; and

WHEREAS, should Town Council approve the sole source with Vendor, the Town and Vendor have agreed to the terms and conditions by which Vendor will provide the Equipment (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. Equipment and Services Acquisition Agreement Approval. The Agreement between the Town and Vendor 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: (i) account no. 210-4275-442-77-15 in the amount of \$134,493.16; (ii) account no. 211-4375-443-77-15 in the amount of \$67,246.58; and (iii) account no. 213-4575-445-77-15 in the amount of \$67,246.57, for a total not to exceed amount of \$268,986.31, 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