

RESOLUTION NO. 2023-

**A RESOLUTION WAIVING FORMAL WRITTEN BIDDING
REQUIREMENT ON THE BASIS OF SOLE SOURCE AND APPROVING
AN EQUIPMENT AND SERVICES ACQUISITION AGREEMENT WITH
LANDSCAPE STRUCTURES, INC., FOR THE PLUM CREEK NORTH
PARK PROJECT**

WHEREAS, the Town of Castle Rock, Colorado (the “Town”) has identified a contractor to provide playground equipment for the Plum Creek North Park Project (the “Project”); and

WHEREAS, the Town has determined Landscape Structures, Inc., (the “Contractor”) is best suited to complete 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 \$352,341.88, as the product is of a unique nature, allows for standardization with existing equipment, and will provide exceptional value to the Town; 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 as presented at tonight’s meeting, with such technical changes, additions, modifications, or deletions as the Town Manager may approve upon consultation with the Town Attorney.

Section 2. 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 account no. 130-5275-452.75-21 in an amount not to exceed \$352,341.88, plus a Town-managed contingency in the amount of \$35,234.00, unless otherwise authorized in writing by the Town. Any expenditure of the Town-managed contingency for purposes within the original scope of the Agreement may be authorized through a technical amendment to the Agreement as provided in Section 2 of this Resolution.

PASSED, APPROVED AND ADOPTED this 20th day of June, 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

Jeff Brauer, Director of Parks & Recreation