

**RESOLUTION NO. 2024-073**

**A RESOLUTION APPROVING A SERVICES AGREEMENT WITH  
BURNS & MCDONNELL ENGINEERING COMPANY, INC., FOR  
CONSTRUCTION PHASE ENGINEERING SERVICES FOR THE PLUM  
CREEK WATER PURIFICATION FACILITY EXPANSION PROJECT**

**WHEREAS,** Burns & McDonnell Engineering Company, Inc. (the “Consultant”) served as the design consultant for the Plum Creek Water Purification Facility Expansion Project (the “Project”); and

**WHEREAS,** the Town of Castle Rock, Colorado (the “Town”), has determined that the Consultant has direct knowledge of and experience with the specialized components designed for the Project, and is best qualified to efficiently and effectively provide engineering services for the construction phase of the Project; 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 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,** because the Town has a contract in place with the Consultant for like services and the compatibility and/or continuity of those services is paramount to the success of the Project, Town Staff recommends 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, the Town and the Consultant have agreed to the terms and conditions by which the Consultant will provide the construction phase engineering services (the “Agreement”); and

**WHEREAS,** Town Staff recommends Town Council approve the Agreement with the Consultant.

**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. Agreement Approval.** The Agreement between the Town and Consultant 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 the Advanced Oxidation Facility Fund in an amount not to exceed \$3,824,954.00, plus a Town-managed contingency in the amount of \$191,248.00, 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 2<sup>nd</sup> day of July, 2024, 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