

**RESOLUTION NO. 2022-**

**A RESOLUTION WAIVING FORMAL WRITTEN BIDDING  
REQUIREMENT ON THE BASIS OF SOLE SOURCE AND APPROVING A  
SERVICES AGREEMENT WITH W.W. WHEELER & ASSOCIATES, INC.,  
FOR THE LAWN IRRIGATION RETURN FLOWS QUANTIFICATION  
PROJECT**

**WHEREAS**, the Town of Castle Rock, Colorado (the “Town”) has identified a consultant to provide services for the Lawn Irrigation Return Flows Quantification Project (the “Project”); and

**WHEREAS**, the Town has determined W.W. Wheeler & Associates, Inc., (the “Consultant”) is best suited to complete the Project as the services are of a unique nature and will allow for continued compatibility with other Town services; 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 services, or the Town currently has a contract in place with a vendor for similar work or services (“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 \$336,000.00; and

**WHEREAS**, should Town Council approve the sole source with Consultant, the Town and the Consultant have agreed to the terms and conditions by which the Consultant 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 Consultant 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. 211-4340-443.30-70 in an amount not to exceed \$336,000.00, plus a Town-managed contingency in the amount of \$16,800.00, unless otherwise authorized in writing by the Town.

**PASSED, APPROVED AND ADOPTED** this 1st day of November, 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