

RESOLUTION NO. 2023-

A RESOLUTION WAIVING THE FORMAL WRITTEN BIDDING REQUIREMENT ON THE BASIS OF SOLE SOURCE AND APPROVING AN EQUIPMENT AND SERVICES ACQUISITION AGREEMENT WITH PALL CORPORATION FOR THE PLUM CREEK WATER PURIFICATION FACILITY PALL MEMBRANE FILTER MODULE REPLACEMENT PROJECT

WHEREAS, the Town of Castle Rock, Colorado (the “Town”) has identified a contractor to provide membranes for Castle Rock Water’s Pall Membrane Filter Module Replacement Project (the “Project”); and

WHEREAS, the Town has determined Pall Corporation. (the “Contractor”) is best suited to complete the Project as the work is of a unique nature and 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 contractor 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 \$365,899, plus a 5% contingency of \$18,295, for a total authorization amount of \$384,194; 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 Purchase.

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.

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 (i) the transfer of \$500,000.00 in funds budgeted and appropriated for fiscal year 2023 from account no. 211-4375-443.40-90 to account no. 211-4360-443.40-32; and (ii) the expenditure and payment from account no. 211-4360-443.40-32 in an amount not to exceed \$365,899.00, plus a Town-managed contingency in the amount of \$18,295.00, unless otherwise authorized in writing by the Town.

PASSED, APPROVED AND ADOPTED this 17th day of January, 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 of Castle Rock Water