

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, FINDING GOOD CAUSE TO WAIVE THE FORMAL BID PROCESS FOR THE “FISHING POND” PROJECT IN KEN MITCHELL LAKES CELL 1; APPROVING A CONTRACT WITH CLAYSTONE CONSTRUCTION INC. IN THE AMOUNT OF \$98,871.70 FOR THE CONSTRUCTION OF THE “FISHING POND”; AND AUTHORIZING THE MAYOR TO SIGN THE CONTRACT ON BEHALF OF THE CITY AND THE CITY CLERK TO ATTEST THERETO.**

***RESOLUTION NUMBER: 2015-61***

**WHEREAS**, Chapter 3.08 of the Brighton Municipal Code, sets forth the requirements and procedures for purchasing of supplies or services and contracting for public works or professional services; and

**WHEREAS**, Section 3-8-120 of the Brighton Municipal Code provides, in pertinent part, that the City Council may waive the formal bid procedure for contracts greater than \$50,000, for good cause shown, and a determination that such waiver will be in the best interests of the City; and

**WHEREAS**, the City solicited three (3) informal bids for the construction of the “Fish Pond” in Ken Mitchell Lakes Cell 1; and

**WHEREAS**, CLAYSTONE Construction Inc. is currently working in Ken Mitchell Lakes Cell 1 on behalf of the City, and has represented that it can complete the “Fish Pond” Project in a timely fashion; and

**WHEREAS**, the City believes that the bid of CLAYSTONE Construction Inc. is the lowest and most responsive and responsible cost for the Construction of the “Fish Pond” in Ken Mitchell Lakes Cell 1; and

**WHEREAS**, the City Council finds and determines that good cause exists to waive the formal bid procedure for the construction of the “Fish Pond” in Ken Mitchell Cell 1; and

**WHEREAS**, the City finds and determines that it is in the best interests of the City to accept the bid of CLAYSTONE Construction Inc. in the amount of Ninety-Eight Thousand Eight Hundred Seventy-One and 70/100 Dollars (\$98,871.70), to award the contract for the construction of the “Fish Pond” in Ken Mitchell Cell 1 to CLAYSTONE Construction Inc., in an amount not to exceed Ninety-Eight Thousand Eight Hundred Seventy-One and 70/100 Dollars (\$98,871.70), and to authorize the Mayor to sign the contract on behalf of the City and the City Clerk to Attest thereto.

***NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO AS FOLLOWS:***

1. The City Council finds and determines that good cause exists and it is in the best interest of the City to waive the requirement for formal bids for the construction of the “Fish Pond” in Ken Mitchell Lakes Cell 1; and
2. That the proposal from CLAYSTONE Construction Inc. is the lowest and most responsive and responsible cost for the construction of the “Fish Pond” in Ken Mitchell Lakes Cell 1; and

3. That the proposal of CLAYSTONE Construction Inc. in the amount of Ninety-Eight Thousand Eight Hundred Seventy-One and 70/100 Dollars (\$98,871.70), is hereby approved; and
4. That funding was approved in the 2015 budget for the “Fish Pond” improvements in Ken Mitchell Lakes Cell 1; and
5. That the Contract for the Construction of the “Fish Pond” in Ken Mitchell Lakes Cell 1 is hereby awarded to CLAYSTONE Construction Inc. in the amount not to exceed Ninety-Eight Thousand Eight Hundred Seventy-One and 70/100 Dollars (\$98,871.70); and
6. That the Mayor is hereby authorized to sign the contract with CLAYSTONE Construction Inc. on behalf of the City and the City Clerk to Attest thereto.

**RESOLVED**, this 2<sup>nd</sup> day of June, 2015.

**CITY OF BRIGHTON, COLORADO  
CITY COUNCIL**

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Richard N. McLean, Mayor

**ATTEST:**

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Natalie Hoel, City Clerk

***Approved as to Form:***

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Margaret R. Brubaker, Esq., City Attorney