

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACTING BY AND THROUGH ITS WATER ACTIVITY ENTERPRISE, FINDING THAT GOOD CAUSE EXISTS AND THAT IT IS IN THE BEST INTERESTS OF THE CITY TO WAIVE THE FORMAL BID PROCESS FOR THE ERGER'S POND AUGMENTATION STATION CONSTRUCTION OVERSIGHT PROJECT; ACCEPTING THE PROPOSAL OF BURNS & MCDONNELL ENGINEERING COMPANY, INC., AND AWARDING THE CONTRACT FOR THE ERGER'S POND AUGMENTATION STATION CONSTRUCTION OVERSIGHT TO BURNS & MCDONNELL ENGINEERING COMPANY, INC., AS A SOLE SOURCE PROCUREMENT, IN AN AMOUNT NOT TO EXCEED THREE HUNDRED EIGHTY-THREE THOUSAND FOUR HUNDRED FORTY-SIX DOLLARS (\$383,446.00); AND AUTHORIZING THE MAYOR TO SIGN THE CONTRACT ON BEHALF OF THE CITY AND THE CITY CLERK TO ATTEST THERETO.

RESOLUTION NO.: 2018-34

WHEREAS, pursuant to Section 31-15-101 (1) c of the Colorado revised Statutes, municipalities are vested with the power to enter into contracts; and

WHEREAS, Section 3-8-10 and 3-08-20 of the Brighton Municipal Code recognize certain procurement as not applicable to formal sealed-bid procedures, and authorize the City to enter into said contracts, when it is deemed in the best interest of the City to do so; and

WHEREAS, Article 3-8 Contracts and Purchases §3-8-10 Definitions of the Brighton Municipal Code defines a "Sole-Source Procurement" to mean that "...*only one (1) vendor possesses the unique and singularly available capability to meet the requirements of the solicitation....*"; and

WHEREAS, the City is undertaking the Erger's Pond Augmentation Station Project and has awarded the contract for the Project; and

WHEREAS, Burns & McDonnell Engineering Company, Inc. submitted a proposal for the construction oversight of the Project which has been reviewed by the City; and

WHEREAS, Burns & McDonnell Engineering Company, Inc. provided bidding phase services for the procurement of the construction contractors for the Project; and

WHEREAS, due to the high complexity of the design of the project, construction oversight by the design engineer is preferred, and will ensure that the Project will be constructed in conformance with all design drawings and specifications, ultimately making certain that the City of Brighton will be receiving an optimal product; and

WHEREAS, construction oversight will include, generally, engineering meetings, compliance inspections, field directives, submittal reviews, construction administration, budget tracking, contract invoicing, contract close-out, start-up assistance, operations and maintenance manual preparation, and record drawings for the Project; and

WHEREAS, because of its involvement of and familiarity with the Project, Burns & McDonnell Engineering Company, Inc. possesses the unique and singular capability to provide the construction oversight of the Project; and

WHEREAS, funding for the Project was approved in the 2018 budget; and

WHEREAS, the City believes that Burns & McDonnell Engineering Company, Inc. is the most qualified firm for the Erger's Pond Augmentation Station Construction Oversight; and

WHEREAS, the City Council finds and determines that it is in the best interest of the City, and that good cause exists to waive the formal bid process and to accept the proposal of Burns & McDonnell Engineering Company, Inc., in the amount of Three Hundred Eighty-Three Thousand Four Hundred Forty-Six Dollars (\$383,446.00), to award the contract for the Erger's Pond Augmentation Station Construction Oversight, as a sole-source procurement, to Burns & McDonnell Engineering Company, Inc., in an amount not to exceed Three Hundred Eighty-Three Thousand, Four Hundred Forty-Six Dollars (\$383,446.00), 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, ACTING BY AND THROUGH ITS WATER ACTIVITY ENTERPRISE, AS FOLLOWS:

1. The City Council finds and determines that good cause exists and that it is in the best interests of the City to waive the formal bid process for the Erger's Pond Augmentation Station Construction Oversight and to award the contract for Construction Oversight, as a sole source procurement, to Burns & McDonnell Engineering Company, Inc. in an amount not to exceed Three Hundred Eighty-Three Thousand Four Hundred Forty-Six Dollars (\$383,446.00); and
2. That the Mayor is hereby authorized to sign the contract with Burns & McDonnell Engineering Company, Inc., on behalf of the City, and the City Clerk to Attest thereto.

RESOLVED, this 20th day of March, 2018.

CITY OF BRIGHTON, COLORADO

Kenneth J. Kreutzer, Mayor

ATTEST:

APPROVED AS TO FORM:

Natalie Hoel, City Clerk

Margaret R. Brubaker, Esq.
City Attorney