

RESOLUTION NO. 2023-76

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING THE PROPOSAL OF BROWN & CALDWELL, INC. FOR THE CONTRACT AMOUNT OF FOUR MILLION NINETY-NINE THOUSAND FIVE HUNDRED NINETY-FIVE DOLLARS (\$4,099,595.00) AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY

WHEREAS, the City of Brighton, Colorado (the “City”) is in the process of constructing the new water treatment plant, and desires to engage the services of an engineer to provide Engineering Services During Construction, Project No. 23-008242 (the “Project”); and

WHEREAS, Brown & Caldwell, Inc. (“Brown & Caldwell”) is the engineer of record on the new water treatment plan project and is the sole engineer that can complete the Project; and

WHEREAS, sufficient appropriation exists for the Project; and

WHEREAS, pursuant to Section 3-8-40 of the Brighton Municipal Code (“BMC”), the City may utilize sole-source procurement when only one vendor possesses the unique and singularly available capability to meet the requirements of the solicitation; and

WHEREAS, Brown & Caldwell can complete the Project for the amount of \$4,099,595.00 (the “Proposal”); and

WHEREAS, pursuant to Section 3-8-60 of the BMC, “[t]he City Council may waive the formal solicitation procedure for contracts greater than one hundred thousand dollars (\$100,000.00)...[if] such waiver will be in the best interest of the City.”

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

Section 1. The City Council hereby finds it is in the best interest of the City to waive formal solicitation requirements of the Article 3-8 of the BMC by utilizing sole-source procurement.

Section 2. The Proposal of Brown & Caldwell is hereby accepted.

Section 3. The City Manager, or designee, after consultation with the City Attorney, is authorized to execute agreement with Brown & Caldwell for the Project on behalf of the City.

Section 4. This Resolution is effective as of the date of its adoption.

RESOLVED this 1<sup>st</sup> day of August 2023.

CITY OF BRIGHTON, COLORADO

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GREGORY MILLS, Mayor

ATTEST:

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NATALIE HOEL, City Clerk

APPROVED AS TO FORM:

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YASMINA GIBBONS, Deputy City Attorney