

**CITY OF BRIGHTON
CITY COUNCIL RESOLUTION**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACTING BY AND THROUGH ITS WATER ACTIVITY ENTERPRISE, TO FIND AND ACKNOWLEDGE THAT GOOD CAUSE EXISTS AND THAT IT IS IN THE BEST INTERESTS OF THE CITY TO WAIVE THE FORMAL REQUEST FOR PROPOSAL PROCEDURES FOR PROFESSIONAL SERVICES CONTRACT FOR WATER RESOURCES LEGAL SERVICES AND APPROVE AN EXTENSION OF THE CURRENT PROFESSIONAL SERVICES CONTRACT FOR WATER RESOURCES LEGAL SERVICES WITH FISCHER, BROWN, BARTLETT, AND GUNN, P.C. IN AN AMOUNT NOT TO EXCEED TWO HUNDRED EIGHTY FIVE DOLLARS (\$285.00) PER HOUR FOR CALENDAR YEAR 2018; AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENTS ON BEHALF OF THE WATER ACTIVITY ENTERPRISE; AND SETTING FORTH OTHER DETAILS RELATED THERETO.

RESOLUTION NO: 2017-148

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 “professional services contracts” as not susceptible 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, Section 3-8-120 of the Brighton Municipal Code provides that, ‘for good cause shown’, the City Council can waive the formal procurement process for contracts greater than \$50,000; and

WHEREAS, Fischer, Brown, Bartlett, and Gunn, P.C. provides expert advice and expertise in water resources legal services related to the protection and acquisition of City of Brighton water rights; and

WHEREAS, Fischer, Brown, Bartlett, and Gunn, P.C. have extensive knowledge in ongoing utility matters that are critical to the preservation and operation of the City’s water supplies; and

WHEREAS, Fischer, Brown, Bartlett, and Gunn, P.C. have agreed to provide services related to water resources legal services for the City and enter into a Professional Services Agreement with the City’s Water Activity Enterprise; and

WHEREAS, the City believes that Fischer, Brown, Bartlett, and Gunn, P.C. possesses the expertise and essential knowledge necessary to perform the services as specifically set forth in the subject Agreements and that the terms thereof are reasonable; and

WHEREAS, the rates provided by Fischer, Brown, Bartlett, and Gunn, P.C. are competitive; and

WHEREAS, this contract will be funded through and limited by available operating budget as approved by the City Council in the calendar year in which work will be completed; and

WHEREAS, the City Council believes that it is in the best interest of the City to waive the formal request for proposal procedures and approve the Professional Services Agreement for Water Resources Legal Services.

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. A waiver of formal proposal process for the Professional Services Agreement for Water Resources Legal Services is hereby approved.
2. The Professional Services Agreement for Water Resources Legal services with Fischer, Brown, Bartlett, and Gunn, P.C. in an amount not to exceed two hundred eighty five dollars (\$285.00) per hour, is hereby approved for calendar year 2018.
3. The Mayor is hereby authorized to execute said agreement on behalf of the Water Activity Enterprise.

RESOLVED THIS 19th DAY OF December, 2017

CITY OF BRIGHTON, COLORADO

Richard N. McLean, Mayor

Attest:

Natalie Hoel, City Clerk

Approved as to form:

Margaret R. Brubaker, Esq., City Attorney