

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 WATERSMART SOFTWARE CONSERVATION PROGRAM AND APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH WATERSMART SOFTWARE, INC. IN THE AMOUNT OF SIXTY THREE THOUSAND THREE HUNDRED FORTY SIX DOLLARS (\$63,346) FOR 2017, WITH UP TO TWO OPTIONAL ANNUAL RENEWALS THROUGH 2019, SUBJECT TO ANNUAL APPROPRIATION THEREFOR; AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENTS ON BEHALF OF THE WATER ACTIVITY ENTERPRISE; AND SETTING FORTH OTHER DETAILS RELATED THERETO

RESOLUTION NO.: 2017-31

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, the City received grant funding from the Colorado Water Conservation Board for the implementation of the WaterSmart Pilot Program for four thousand customers in 2014 in order to provide direct and individualized water-usage feedback to water customers; and

WHEREAS, the WaterSmart Pilot Program was extended through 2015, and expanded in 2016 to include all City of Brighton water customers, and City Council believes that it is in the best interests of the citizens and in furtherance of its sustainability goals to continue the Program; and

WHEREAS, the WaterSmart Program is in line with the City’s strategic plan by promoting sustainable practices including those practices that protect and extend our water resources; and

WHEREAS, sufficient funding is available within the existing Water Enterprise operating budget to continue the WaterSmart Software Conservation Program to all City water customers; and

WHEREAS, WaterSmart has been set up through the 2014 Pilot Program and the following year to meet the City’s specific formatting and content needs which will limit the cost of setup fees, and staff and customers have become accustomed to the software package; and

WHEREAS, due to the success of the WaterSmart Program and the fact that the WaterSmart software is already set up and integrated into the City's processes, the City Council finds and determines that it is in the best interests of the City, and that good cause exists to waive the formal bid process and award a Professional Services Agreement to WaterSmart Software, Inc. to continue the Program into 2017.

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 waiver of the formal bid process for the WaterSmart Software Conservation Program is hereby approved.
2. The Professional Services Agreement with WaterSmart Software, Inc. in the amount of Sixty Three Thousand Three Hundred Forty Six (\$63,346) is hereby approved through March 31, 2018 with optional renewals through March 31, 2020, subject to annual appropriation therefor.
3. The Mayor is hereby authorized to execute said agreement on behalf of the Water Activity Enterprise.
4. The City Manager is hereby authorized to approve annual renewals to said Agreement for up to two years through March 31, 2020, subject to annual appropriation therefor.

RESOLVED, this 7th day of March, 2017.

CITY OF BRIGHTON, COLORADO

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

APPROVED AS TO FORM:

Margaret R. Brubaker, Esq.
City Attorney