

RESOLUTION NO: 2020-20

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 CONTRACT RENEWAL WITH FISCHER, BROWN, BARTLETT, AND GUNN, P.C., FOR THE PROVISION OF WATER-RELATED LEGAL SERVICES TO THE CITY IN THE NOT-TO-EXCEED AMOUNT OF ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$175,000), AND TO AUTHORIZE THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT ON BEHALF OF THE CITY

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, Sections 3-8-10 and 3-8-20 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., have extensive knowledge in ongoing water rights matters that are critical to the preservation and operation of the City’s water supply; and

WHEREAS, the City believes that Fischer, Brown, Bartlett, and Gunn, P.C., has the expertise and essential knowledge necessary to perform the services in calendar year 2020; and

WHEREAS, funding for their services was approved in the 2020 budget; and

WHEREAS, the City Council believes that it is in the best interest of the City to award the not-to-exceed amount of One Hundred Seventy-Five Thousand Dollars (\$175,000) to Fischer, Brown, Bartlett, and Gunn, P.C., for calendar year 2020 for water-related legal services.

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

Section 1. Good cause exists and it is in the best interests of the City to waive the formal request for proposal procedures for the renewal of the contract with Fischer, Brown, Bartlett, and Gunn, P.C., for calendar year 2020.

Section 2. Fischer, Brown, Bartlett, and Gunn, P.C., shall provide expert advice and expertise related to the procurement and protection of water supplies for the City in the not-to-exceed amount of One Hundred Seventy-Five Thousand Dollars (\$175,000) for calendar year 2020.

Section 3. The City Manager is hereby authorized to sign a professional services agreement with Fischer, Brown, Bartlett, and Gunn, P.C., on behalf of the City, and the City Clerk to attest thereto.

RESOLVED this 18th day of February, 2020.

CITY OF BRIGHTON, COLORADO

GREGORY MILLS, Mayor

ATTEST:

NATALIE HOEL, City Clerk

APPROVED AS TO FORM:

JACK D. BAJOREK, City Attorney