

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT WITH MICHAEL BAKER INTERNATIONAL, INC. FOR DESIGN AND PRECONSTRUCTION SERVICES FOR THE WIDENING OF AND IMPROVEMENTS TO COLORADO BOULEVARD**

**NO. 2022-15**

WHEREAS, the City of Commerce City (“City”), along with the Colorado Department of Transportation (“CDOT,” together with the City, “Parties”), intend to design and construct road widening and other improvements along Colorado Boulevard for the section of road between 68th Avenue and 70th Avenue (“Project”);

WHEREAS, the Parties have previously executed an intergovernmental agreement dated October 5, 2021, regarding funding, maintenance, and other aspects of the Project;

WHEREAS, pursuant to the previously approved intergovernmental agreement, the City and CDOT have agreed to share the cost of professional design and preconstruction services (“Design Services”) for the Project;

WHEREAS, CDOT has agreed to reimburse the City 80% of the total cost of the Design Services (“CDOT Share”), and the City has agreed to contribute a 20% of the total cost;

WHEREAS, following a formal solicitation process conducted by the Parties’ selection committee in accordance with the federal Brooks Act, which required the committee to consider proposals on a “no fee” basis, the Parties have selected Michael Baker International, Inc. (“MBI”) as the most qualified entity to perform the Design Services for the Project;

WHEREAS, MBI’s cost proposal for completion of the Design Services as submitted to the Parties is \$485,871.32;

WHEREAS, although the majority of the cost for the Design Services will be covered by CDOT through reimbursement payments made to the City, the City will be paying MBI its full compensation for the Design Services directly, and the City’s Procurement Policy requires the approval of the City Council for procurements having an aggregate expenditure in excess of \$250,000;

WHEREAS, funding for the City’s contribution for the Design Services has been made available through the Colorado Blvd Bicycle and Pedestrian Improvements Fund; and

WHEREAS, the City Council has determined that there is a compelling public need and purpose for the Project and the Design Services, and that the Design Services are necessary and required for the completion of the Project and the public health, safety, and welfare of the citizens of the City.

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

**SECTION 1. Findings.** The recitals to this resolution are incorporated as findings of the City Council. This resolution is found to be necessary for the preservation of the public health, safety, and welfare and in the public interest.

**SECTION 2. Approval of Selection; Contract Authorization.** The Parties' selection of MBI to perform the Design Services is approved, subject to the successful negotiation and execution of a written contract with the City, at a cost which shall not exceed \$485,871.32. This resolution shall not be deemed to grant any right to or interest in the award of a contract to MBI until the execution of a written contract acceptable to the City Manager. Upon successful finalization of the contract and approval as to form by the City Attorney, the City Manager is hereby authorized to execute, and the City Clerk to attest, the contract on behalf of the City.

RESOLVED AND PASSED THIS 7TH DAY OF MARCH, 2022.

CITY OF COMMERCE CITY, COLORADO

---

Benjamin A. Huseman, Mayor

ATTEST

---

Dylan A. Gibson, City Clerk