

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND
EXECUTE A CONTRACT WITH EST, INC. FOR DESIGN AND PRECONSTRUCTION
SERVICES FOR THE 88TH AVENUE WIDENING PROJECT**

NO. 2021-46

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 on 88th Avenue for the section of road between I-76 and Highway 2 (“Project”), and have previously executed an intergovernmental agreement 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, with each Party agreeing to contribute a 50% share of the estimated \$2,500,000.00 for completion of the Design Services;

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 EST, Inc. (“EST”) as the most qualified entity to perform the Design Services for the Project;

WHEREAS, funding for the Design Services has been made available through the 88th Avenue Capital Improvements and Preservation Plan Fund, and CDOT has agreed to reimburse the City for its share of up to \$1,250,00.00 in accordance with the terms and conditions of the previously executed intergovernmental agreement between the Parties; 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 EST 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 \$2,500,000.00. This resolution shall not be deemed to grant any right to or interest in the award of a contract to EST 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 21ST DAY OF JUNE, 2021.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk