

**A RESOLUTION AUTHORIZING THE FIRST AMENDMENT TO
PROFESSIONAL SERVICES AGREEMENT WITH LOTUS ENGINEERING
AND SUSTAINABILITY, LLC TO PROVIDE SUSTAINABILITY SERVICES**

NO. 2022-78

WHEREAS, The City of Commerce City (“City”), conducted a competitive procurement process through a Request for Proposals;

WHEREAS, the City of Commerce City selected and has contracted since March of 2021 with Lotus Engineering and Sustainability (Lotus) to provide sustainability services to the Department of Community Development;

WHEREAS, the agreement with Lotus expired on August 31, 2022; and Council has requested additional services;

WHEREAS, the Lotus agreement limited expenditures by the City to no more than \$376,859.58;

WHEREAS, the Department of Community Development desires to extend the services from Lotus through May 30, 2023 in order to reflect a previously added task and a new task specified by Council on July 18, 2022. These are Task 8: Provide a high level review of the Suncor Water Quality CDPS and develop of a comment letter to CDPHE, and Task 9: Conduct a GHG Inventory for the municipal operations;

WHEREAS, the Department of Community Development has funds available in its 2022 Budget to continue these contract planning services with no increase to the budget; and

WHEREAS, the cost to the City is \$14,550 for Task 8 and \$8,000 for Task 9 for an aggregate amount of \$22,550.

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 in the public interest.

SECTION 2. Approval of Selection; Contract Authorization. The selection of Lotus Engineering, LLC, to continue its services by extending the term of the current agreement through May 30, 2023 and adding Task 8 and Task 9 as set forth in Exhibit A, attached hereto and incorporated herein by reference, is approved subject to the successful negotiation and execution of all necessary documents with the City, at a total cost not to exceed an additional \$22,550.

This resolution shall not be deemed to grant any right to or interest in the award of a contract to Lotus until the written execution of a written contract acceptable to the City Manager. Upon successful finalization of the contract amendment 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 NOVEMBER 2022.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk