

A RESOLUTION AUTHORIZING AMENDMENT OF A CONTRACT FOR NON-IRRIGATED LANDSCAPE MAINTENANCE SERVICES WITH RUBICON CONTRACTING, LLC

NO. 2024-026

WHEREAS, the City of Commerce City (“City”), contracts for general and programmatic non-irrigated landscaping maintenance services, including City owned and maintained parcels (“Services”);

WHEREAS, the City engaged in a formal competitive public solicitation process consistent with applicable requirements to select a contractor to provide the Services. After reviewing all the proposals, a determination was made that it was in the best interests of the City to award two separate and non-exclusive contracts to Applied Property Services, Inc. and Rubicon Contracting, LLC (“Contractors”) for one-year terms, with an option for four (4) additional one-year term extensions. Based upon this determination, a recommendation was made that the contracts for the Services be awarded to said Contractors;

WHEREAS, the City executed two separate Master Service Agreements with the Contractors with a not to exceed amount of \$240,000 for the Services. The agreement with Rubicon Contracting, LLC was executed on September 8, 2023 and the agreement with Applied Property Services, Inc. was executed on October 3, 2023;

WHEREAS, City Council directed City Staff to increase levels of Service in the City’s rights-of-way, parks, open spaces, and undeveloped properties;

WHEREAS, the City’s desired increase in levels of Services requires an increase of the not to exceed amount of the agreements with the Contractors through amendments to the original agreements; and

WHEREAS, the cost to the City for the increased Services will now exceed \$250,000.00 and, pursuant to the City’s procurement policies and the City Manager’s commitment to the City Council, the City Council must approve any procurement in excess of \$250,000.00.

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. Contract Amendment Approval. The amendment to the contract for the Services with Rubicon Contracting, LLC is hereby approved, subject to the successful finalization of the amendment to the services agreement on terms acceptable to the City Manager

Section 3. Authorization to Negotiate. The City Manager is hereby authorized to negotiate and finalize the details of the amendment to the master services agreement with Rubicon Contracting, LLC, including final pricing and payment terms, consistent with the services agreement with Rubicon Contracting, LLC.

Section 4. Execution and Attestation. Upon successful finalization of the amendment to the existing contract with Rubicon Contracting, LLC and approval as to form by the City Attorney, the City Manager is hereby authorized to execute, and the City Clerk to attest, the amendment to the contract on behalf of the City.

RESOLVED AND PASSED THIS 18TH DAY OF MARCH, 2024.

CITY OF COMMERCE CITY, COLORADO

Steven J. Douglas, Mayor

ATTEST

Dylan A. Gibson, City Clerk