

**RESOLUTION NO. 23-18**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO,  
AWARDING THE BID OF SCHMIDT CONSTRUCTION COMPANY FOR  
PROJECT NO. 2023-PW-002, 2023 PAVEMENT REHABILITATION – STREET IMPROVEMENT  
PROGRAM, AND APPROVING THE EXECUTION OF A NOTICE OF AWARD**

WHEREAS, the City of Castle Pines (“City”) solicited bids in February of 2023 for Project No. 2023-PW-002, 2023 Pavement Rehabilitation – Street Improvement Program (the “Project”); and

WHEREAS, the City advertised the Project for an ample amount of time in accordance with Colorado law by posting an invitation for bid (“IFB”); and

WHEREAS, the City received four (4) bids in response to the IFB within the time period that the Project was advertised; and

WHEREAS, City Staff evaluated the unit price bids received from bidders together with the specific criteria set forth in the IFB and considered references to determine the lowest responsible bidder for the Project; and

WHEREAS, a copy of the tabulated bid sheet for the Project is on file with the City Clerk’s Office; and

WHEREAS, it is the desire and intent of the City Council to award the bid to the lowest responsible bidder who submitted a bid in compliance with the reasonable and stated specifications contained within the IFB; and

WHEREAS, the City Council, after consideration of the bid submitted and the recommendations of City Staff, finds that EDW. C. LEVY CO. operating under the trade name SCHMIDT CONSTRUCTION COMPANY (“Schmidt”) submitted the lowest responsible bid for the Project; and

WHEREAS, it is in the best interests of the City to award the bid for the Project to Schmidt in the not to exceed amount of One Million Five Hundred Ninety-One Thousand Three Hundred and Seventy-Eight Dollars and 50/100 Cents (\$1,591,378.50), based on the unit price(s) set forth in Schmidt’s bid and the estimated work quantities associated with the Project; and

WHEREAS, the City Council desires to enter into a construction contract with Schmidt to have Schmidt perform the work described with particularity in the IFB and contract documents, which construction contract shall be substantially in the form of contract set forth and included in the IFB.

**THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO, THAT:**

**Section 1.** The City Council hereby: (a) awards the Project to Schmidt in the not to exceed amount of One Million Five Hundred Ninety-One Thousand Three Hundred and Seventy-Eight Dollars and 50/100 Cents (\$1,591,378.50); (b) approves a construction contract with Schmidt in substantially the same form as attached to the IFB (“Construction Contract”); (c) authorizes the City Attorney, in consultation with City Staff, to make or negotiate such changes as may be needed to the Construction Contract so long as any changes do not substantially increase the obligations of the City; and (d) authorizes the City Manager to execute the Construction Contract on behalf of the City when the Construction Contract is in its final form.

**Section 2.** The City Council further authorizes and directs the City Manager or his designee to execute and send a Notice of Award to Schmidt along with a copy of the Construction Contract in accordance with the procedures set forth in the IFB.

**Section 3.** If any section, paragraph, clause, or provision of this Resolution is held to be invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining sections, paragraphs, clauses, or provisions of this Resolution.

**Section 4. Effective Date.** This Resolution shall take effect upon its approval by the City Council.

**INTRODUCED, READ AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES BY A VOTE OF 5 IN FAVOR, 0 AGAINST AND 2 ABSENT ON THIS 28th DAY OF MARCH 2023.**



ATTEST:

Tobi Duffey, MMC, City Clerk

  
Tracy Engerman (Apr 6, 2023 11:51 MDT)

Tracy Engerman, Mayor

APPROVED AS TO FORM:

Linda C. Michow, City Attorney