

Resolution No. 01-24

RESOLUTION: To find, pursuant to Section 17-88(a) of the Rockville City Code, that a unique or unusual circumstance exists in the procurement for engineering services for the City's Water Treatment Plant Electrical Systems Upgrade Project; award a contract to CDM Smith, Inc. for the final construction phase engineering services for the project; and to authorize the City Manager to execute the contract

WHEREAS, Rockville City Code, Section 17-88(a), "*Special Procurement*," authorizes the Awarding Authority to use non-competitive procurement methods, upon written determination that a unique or unusual circumstance exists that makes competitive procurement contrary to the City's interest; and

WHEREAS, in accordance with Rockville City Code Section 17-39(a), Mayor and Council is the Awarding Authority for contracts with a value in excess of \$100,000; and

WHEREAS, Mayor and Council awarded a contract ("**Contract**") for construction engineering services to CDM Smith, Inc. for the Water Treatment Plant Electrical Systems Upgrade Project ("**Project**") on January 22, 2018; and

WHEREAS, CDM Smith Inc. is the engineer of record for the Project as they developed and sealed the project's design drawings and specifications and provided construction phase engineering services for the Project; and

WHEREAS, the Contract expired before the construction engineering services could be completed; and

WHEREAS, the City needs additional engineering services from the engineer of record to complete the Project; and

WHEREAS, utilizing another engineering firm via a competitive procurement process for the needed construction phase engineering services creates additional risks and liabilities for the Project; and

WHEREAS, it is highly unlikely that other engineering firms would be willing and able to provide the construction phase engineering services because these firms have not drafted and sealed the designs for the Project; and

WHEREAS, CDM Smith Inc. has agreed to provide these services within the scope of the original Contract; and

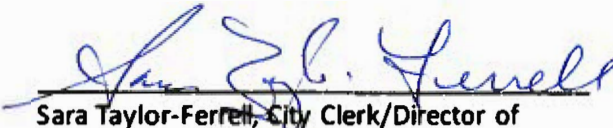
WHEREAS, the City Manager has determined that utilizing CDM Smith Inc. would be consistent with the best interests of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF ROCKVILLE, that Mayor and Council find that a unique or unusual circumstance exists that makes competitive procurement contrary to the City's interest for the final construction phase engineering services for the Project; and

BE IT FURTHER RESOLVED, that the Mayor and Council do hereby award a Contract to CGM Smith Inc., for completion of the construction phase engineering services for the Project; and

BE IT FURTHER RESOLVED, that the Mayor and Council authorize the City Manager to execute this Contract.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution adopted by the Mayor and Council at its meeting of March 18, 2024.


Sara Taylor-Ferrell, City Clerk/Director of
Council Operations