

**TOWN OF LYONS, COLORADO
RESOLUTION 2022-31**

**A RESOLUTION OF THE TOWN OF LYONS, COLORADO APPROVING THE FOURTH
AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH J-U-B
ENGINEERS, INC. FOR CONSTRUCTION MANAGEMENT SERVICES FOR
STORMWATER IMPROVEMENTS AND LYONS ROADWAY REPAIRS PROJECTS**

WHEREAS, the Town of Lyons ("Town") has the authority to enter into contracts for any lawful municipal purpose pursuant to C.R.S. § 31-15-101; and

WHEREAS, pursuant to Resolution 2020-60, the Town and J-U-B Engineers, Inc. ("Contractor") entered into that certain Professional Services Agreement, Project Number 20-STRM-RDWHY-01, dated April 7, 2020 ("Original Agreement") for Contractor to perform the Work as specified in the Contract Documents, for a not-to-exceed cost of **ONE HUNDRED FIVE THOUSAND NINE HUNDRED THIRTY-FOUR DOLLARS AND NO CENTS (\$105,934.00)** (the "Project"); and

WHEREAS, the Town has obtained funding for the Stormwater Improvements Project and the Lyons Roadway Repairs Project from the Department of Housing and Urban Development Community Development Block Grant Disaster Recovery ("CBDG-DR") administered by the Boulder County Collaborative under the Intergovernmental Agreement between the Town of Lyons and the City of Longmont (INF-00068 and INF-00054) and the Federal Emergency Management Agency under PW 1078; and

WHEREAS, Sections 1.3 and 10.12 of the Agreement require that any amendment to the Agreement be in writing and signed by the Parties; and

WHEREAS, pursuant to Resolution 2020-159 and to the amendment provisions of the Original Agreement, the Parties entered into that certain **First Amendment** to the Original Agreement dated October 21, 2020 in order to update their Scope of Work and Fee, as well as to correct the execution date on the Original Agreement for an increase of **TWENTY-NINE THOUSAND SIX HUNDRED NINETY-NINE DOLLARS AND NO CENTS (\$29,699.00)**; and

WHEREAS, pursuant to Resolution 2021-14 and to the amendment provisions of the Original Agreement, the Parties entered into that certain **Second Amendment** to the Original Agreement dated February 9, 2021 in order to add scope and fee to include construction management services for Red Hill Gulch improvements and to extend the term of the contract until September 30, 2021 for an increase to the contract amount of **FORTY THOUSAND THREE HUNDRED EIGHTY-EIGHT DOLLARS AND NO CENTS (\$40,388.00)**; and

WHEREAS, pursuant to Resolution 2021-106 and to the amendment provisions of the Original Agreement, the Parties entered into that certain **Third Amendment** to the Original Agreement dated October 13, 2021 in order to extend the term of the contract until December 31, 2021 and to update the staffing roles listed within the Project Fee Schedule at no increase to the contract amount; and

WHEREAS, the contractor requires an amendment to extend the term of the contract until June 30, 2022 and to add additional scope and fee as shown in **Exhibit 1** at an increase to the contract amount of **EIGHTEEN THOUSAND ONE HUNDRED SEVENTY-EIGHT DOLLARS AND NO CENTS (\$18,178.00)** for a total not-to-exceed amount of **ONE HUNDRED NINETY-FOUR THOUSAND ONE HUNDRED NINETY-NINE DOLLARS AND NO CENTS (\$194,199.00)** ("**Fourth Amendment**"); and

WHEREAS, the Town of Lyons Board of Trustees desires to approve the Fourth Amendment to the Original Agreement with the Contractor and authorizes the Mayor to execute such Fourth Amendment on behalf of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, COLORADO:

Section 1. The above recitals are hereby incorporated by reference.

Section 2. The Board of Trustees hereby:

- (a) Approves the Second Amendment to the Professional Services Agreement to add scope and fee as well as an extension of the term until June 30, 2022 for an additional **EIGHTEEN THOUSAND ONE HUNDRED SEVENTY-EIGHT DOLLARS AND NO CENTS (\$18,178.00)** for a total not-to-exceed amount of **ONE HUNDRED NINETY-FOUR THOUSAND ONE HUNDRED NINETY-NINE DOLLARS AND NO CENTS (\$194,199.00)** (“**Fourth Amendment**”), in substantially the form attached hereto in **Exhibit 1**;
- (b) authorizes the Town Administrator and the Town Attorney, in consultation with the Mayor, to make such changes as may be necessary to correct any non-material errors or language in the Professional Services Agreement that does not increase the obligations of the Town;
- (c) authorizes the Mayor or Mayor Pro Tem to execute the Fourth Amendment on behalf of the Town after Contractor has signed the Professional Services Agreement and the Town Clerk to attest such signature; and

Section 3. This resolution shall take effect immediately upon adoption.

ADOPTED THIS 4TH DAY OF APRIL, 2022.

TOWN OF LYONS

Nicholas Angelo, Mayor

ATTEST:

Dolores M. Vasquez, CMC, Town Clerk

Exhibit 1:
J-U-B Engineers, Inc. - Amendment 4