

**Town of Lyons, Colorado  
Board of Trustees  
BOT Agenda Cover Sheet  
Agenda Item No: XI.2  
Meeting Date: 4/4/2022**

**TO: Mayor Angelo and Members of the Board of Trustees**

**FROM: Erika Archer, Grant Manager**

**DATE: March 22, 2022**

**ITEM: 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**

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ORDINANCE  
 MOTION / RESOLUTION  
 INFORMATION

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**I. REQUEST OR ISSUE:**

This resolution approves an amendment extending the term date and adding additional fee and scope for J-U-B's construction management contract for the Stormwater Improvements Project.

**II. RECOMMENDED ACTION / NEXT STEP:**

Approve Resolution 2022-31.

**III. FISCAL IMPACTS:**

Expenses for this Professional Services Contract are eligible for reimbursement through 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 ("FEMA") under PW 1078 (Roadway portion only).

**IV. BACKGROUND INFORMATION:**

**About This Contract:**

The Consultant provides Construction Management services for two separate projects: The Stormwater Improvements Project (both High Street and Red Hill Gulch) and the Lyons Roadway Repairs Project. Construction Management services will be required for this project from the Consultant and are being added back to the scope of work, see below:

Currently, the Roadway Repairs Project is complete. Construction Management services are still required, however, for the Stormwater Improvement: Red Hill Gulch project. The specific scope for this portion of the project consists of all services necessary to perform the construction management services as identified in the Scope of Work for the construction of new stormwater facilities required to modify the existing stormwater quality pond(s) on the north side of Bohn Park near the park entrance and 2nd Avenue in order to increase the retention capacity.

**About This Amendment:**

When the Invitation for Bid was issued for the construction contract, the Town included the Department of Labor Wage Determination for Highway Construction as part of the requirements of the Davis Bacon Act. Later, while the project was ongoing, an analysis was performed by the Boulder County Collaborative (funding agent) in which it was determined that the project was 51% HEAVY Construction, and 49% HIGHWAY Construction. Due to the small margin of difference between the two types, this was accidentally overlooked by the Town. When the Town learned that the contract leaned in favor of a HEAVY Determination, corrective action was taken, and an amendment was executed with DeFalco Construction (Construction Contractor) to correct the Wage Determination to HEAVY. As a result of this new determination, several steps were needed by the Prime and Subcontractors in order to come into compliance. This resulted in extra work by J-U-B Engineers in order to apply for additional wage classifications, correct Certified Payrolls and to determine and track any restitution owed to employees. This amendment extends the termination date of J-U-B's contract until June 30, 2022, and adds appropriate additional fee and scope to the contract for these services.

**Contract Info: J-U-B Engineers, Inc.**

Original Agreement:	<u>\$105,934.00</u>
Amendment 1:	\$ 29,699.00
Amendment 2:	\$ 40,388.00
Amendment 3:	<i>Date &amp; Fee Schedule</i>
<u>Amendment 4:</u>	<u>\$18,178 + Date</u> << <i>Current Pending</i>
<b>TOTAL:</b>	<b>\$194,199.00</b>

**V. LEGAL ISSUES:**

None

**VI. CONFLICTS OR ENVIRONMENTAL ISSUES:**

None

**VII. SUMMARY AND ALTERNATIVES:**

None.

**PROPOSED MOTION:**

**"I move to approve 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."**