

**TOWN OF LYONS, COLORADO
RESOLUTION 2022-32**

**A RESOLUTION OF THE TOWN OF LYONS, COLORADO RATIFYING THE SECOND AMENDMENT
TO THE CONSTRUCTION AGREEMENT WITH SOUTHPAW ELECTRIC CORPORATION
FOR THE BACK-UP POWER PUBLIC WORKS GENERATOR PROJECT**

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 2021-61, the Town and Southpaw Electric Company ("Contractor") entered into that certain Construction Agreement, Project Number 21-BUPP-01, dated July 23, 2021 ("Original Agreement") for Contractor to perform the Work as specified in the Contract Documents, for a not-to-exceed cost of **SEVENTY-FIVE THOUSAND FOUR HUNDRED THIRTY-ONE DOLLARS AND FOUR CENTS (\$75,431.04)** (the "Project"); and

WHEREAS, the Town has obtained funding for the Back-Up Power Public Works Generator 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-00075); and

WHEREAS, Section 7 of the Agreement requires that any amendment to the Agreement be in writing and signed by the Parties; and

WHEREAS, the Contractor and the Town Administrator executed a **First Amendment** dated January 21, 2022 to extend the term of the Original Agreement until January 31, 2022 at no increase to the contract amount; and

WHEREAS, the Town's Purchasing Policy allows the Town Administrator to execute modifications to construction agreements that incur less than or equal to a \$10,000 increase to the contract price and/or for term extensions; and

WHEREAS, the Contractor and the Town Administrator executed an amendment dated March 28, 2022 to extend the term of the contract until February 20, 2022 at no increase to the contract amount, for a total not-to-exceed total contract amount of **Seventy-Five Thousand Four Hundred Thirty-One Dollars and Four Cents (\$75,431.04)**; ("**Second Amendment**") and

WHEREAS, the Town of Lyons Board of Trustees desires to ratify the Second Amendment to the Original Agreement in substantially the form attached hereto as **Exhibit 1** for the purpose of entering the Amendment into the permanent Town record;

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) Ratifies the Second Amendment to the Construction Agreement to extend the term of

the contract until February 20, 2022 at no increase to the total not-to-exceed contract amount of **SEVENTY-FIVE THOUSAND FOUR HUNDRED THIRTY-ONE DOLLARS AND FOUR CENTS (\$75,431.04)** (“**Second Amendment**”), in substantially the form attached hereto in **Exhibit 1**; and

- (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 Construction Agreement that does not increase the obligations of the Town;

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:
SouthPaw Electric - Amendment 2