

**TOWN OF LYONS, COLORADO
RESOLUTION 2022-46**

**A RESOLUTION OF THE TOWN OF LYONS, COLORADO RATIFYING THE THIRD
AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH
MURRAYSMITH, INC. FOR DESIGN SERVICES FOR THE 4TH AVENUE PEDESTRIAN
BRIDGE, TRAIL CONNECTIONS, AND STREET IMPROVEMENTS 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 2021-07 the Town and Murraysmith, Inc. (Contractor) entered into that certain Professional Services Agreement dated February 12, 2021 (“Original Agreement”) for the Contractor to perform the Work as specified in the Contract Documents, for a not-to-exceed cost of **ONE HUNDRED FIFTY-SEVEN THOUSAND EIGHT HUNDRED TWENTY-THREE DOLLARS AND NO CENTS (\$157,823.00)** as part of the Project/Services Name: Design Services for 4th Avenue Pedestrian Bridge (the “Project”); 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, 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 under INF-00072; and

WHEREAS, the Contractor and the Town Administrator executed the **First Amendment** dated June 14, 2021, to extend the term of the Original Agreement until April 30, 2022, at no increase to contract amount; and

WHEREAS, pursuant to Resolution 2021-121 and to the amendment provisions of the Original Agreement, the Parties entered into that certain **Second Amendment** to the Original Agreement dated January 4, 2022, to add scope and fee for additional CDOT coordination and submittal efforts, as well as for other unanticipated scope exceedance for an increase to the contract by **FORTY-FIVE THOUSAND FOUR HUNDRED SEVENTY-FIVE DOLLARS AND NO CENTS (\$45,475.00)**; and

WHEREAS, the Town’s Purchasing Policy allows the Town Administrator to execute modifications to professional services 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 April 5, 2022 to extend the term of the Original Agreement until June 30, 2022 at no increase to the contract amount for a total, not-to-exceed amount of **TWO HUNDRED THREE THOUSAND TWO HUNDRED NINETY-EIGHT DOLLARS AND NO CENTS (\$203,298.00)** (“Third Amendment”); and

WHEREAS, the Town of Lyons Board of Trustees desires to ratify the Third 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 Third Amendment to the Construction Agreement to extend the term of the contract until June 30, 2022, at no increase to the total not-to-exceed contract amount of **TWO HUNDRED THREE THOUSAND TWO HUNDRED NINETY-EIGHT DOLLARS AND NO CENTS (\$203,298.00)** 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;

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

ADOPTED THIS 2nd DAY OF MAY, 2022.

TOWN OF LYONS

Hollie Rogin, Mayor

ATTEST:

Dolores M. Vasquez, CMC, Town Clerk

Exhibit 1:
Murraysmith, Inc – Amendment 3