

**TOWN OF LYONS, COLORADO  
RESOLUTION 2022-50**

**A RESOLUTION OF THE TOWN OF LYONS, COLORADO  
APPROVING THE FOURTH AMENDMENT TO THE PROFESSIONAL SERVICES  
AGREEMENT WITH MURRAYSMITH, INC. FOR DESIGN SERVICES FOR  
THE 4<sup>TH</sup> 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 4<sup>th</sup> 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**, pursuant to the amendment provisions of the Original Agreement, the Parties entered into that certain **Third Amendment** to the Original Agreement dated April 5, 2022, to extend the term of the Original Agreement until June 30, 2022, at no increase to the contract amount; and

**WHEREAS**, the Parties desire to enter into another amendment to the Professional Services Agreement in order to add scope and fee in order to coordinate changes to the location of one of the bridge abutments for an increase to the contract by **TWENTY THOUSAND NINE HUNDRED EIGHTY-EIGHT DOLLARS AND NO CENTS (\$20,988.00)** for a total, not-to-exceed amount of **TWO HUNDRED TWENTY-FOUR THOUSAND TWO HUNDRED EIGHTY-SIX DOLLARS AND NO CENTS (\$224,286.00)** (“**Fourth Amendment**”);

and

**WHEREAS**, the Town Board of Trustees desires to approve the Fourth Amendment to the Original Agreement in substantially the form attached hereto as **Exhibit 1**;

**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 Fourth Amendment to the Construction Agreement to add scope and fee in order to coordinate changes to the location of one of the bridge abutments for an increase to the contract by **TWENTY THOUSAND NINE HUNDRED EIGHTY-EIGHT DOLLARS AND NO CENTS (\$20,988.00)** for a total, not-to-exceed amount of **TWO HUNDRED TWENTY-FOUR THOUSAND TWO HUNDRED EIGHTY-SIX DOLLARS AND NO CENTS (\$224,286.00)** 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;
- (c) Authorizes the Mayor or Mayor Pro Tem to execute the Fourth Amendment on behalf of the Town after the Contractor has signed the Amendment and the Town Clerk to attest such signature; and

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

**ADOPTED THIS 2<sup>nd</sup> DAY OF MAY, 2022.**

TOWN OF LYONS

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Hollie Rogin, Mayor

ATTEST:

Dolores M. Vasquez, CMC, Town Clerk

**Exhibit 1:**  
**Murraysmith, Inc – Amendment 4**