

**TOWN OF LYONS, COLORADO
RESOLUTION 2023-21**

**A RESOLUTION OF THE TOWN OF LYONS, COLORADO RATIFYING THE SIXTH
AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH MURRAYSMITH, INC.,
NOW KNOWN AS CONSOR, FOR THE
SAFE ROUTES TO SCHOOL PEDESTRIAN BRIDGE 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, the Town has obtained funding for the Project from the Colorado Department of Transportation (CDOT); and

WHEREAS, 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; 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; and

WHEREAS, expenses for this Professional Services Contract are eligible for reimbursement through the Colorado Department of Transportation (CDOT); 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 the 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, pursuant to the amendment provisions of the Original Agreement, the Parties entered into that certain **Fourth Amendment** to the Original Agreement dated April 5, 2022, 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, pursuant to the amendment provisions of the Original Agreement, the Parties entered into that certain **Fifth Amendment** to the Original Agreement dated April 5, 2022, to extend the term of the Original Agreement until September 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 changes and additional work related to the bridge caissons and retaining for an increase to the contract by **TWENTY-NINE THOUSAND FIFTY DOLLARS AND NO CENTS (\$29,050.00)** for a total, not-to-exceed amount of **TWO HUNDRED FIFTY-THREE THOUSAND THREE HUNDRED THIRTY-SIX DOLLARS AND NO CENTS (\$253,336.00)** ("Sixth Amendment"); and

WHEREAS, the Town Board of Trustees desires to ratify this Sixth Amendment substantially attached hereto as **Exhibit A**.

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 Sixth Amendment to the Construction Agreement increase to the contract by **TWENTY-NINE THOUSAND FIFTY DOLLARS AND NO CENTS (\$29,050.00)** for a total, not-to-exceed amount of **TWO HUNDRED FIFTY-THREE THOUSAND THREE HUNDRED THIRTY-SIX DOLLARS AND NO CENTS (\$253,336.00)** in substantially the form attached hereto as Exhibit A.
- (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 _____ DAY of _____, 2023.

TOWN OF LYONS, COLORADO

By: _____

ATTEST:

Dolores M. Vasquez, CMC Town Clerk

EXHIBIT A-
Consor (Formerly Murraysmith Inc.)
Memo for Additional Engineering Fees