

**TOWN OF LYONS, COLORADO
RESOLUTION 2023-31**

**A RESOLUTION OF THE TOWN OF LYONS, COLORADO
AWARDING AND APPROVING A CONSTRUCTION AGREEMENT WITH
MOUNTAIN CONSTRUCTORS, INC. FOR US36 BROADWAY
IMPROVEMENTS & MULTIMODAL TRAIL, PROJECT
BID NUMBER 23-US36/BRWY IMPRV-03 REBID #2**

WHEREAS, the Town of Lyons (the "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 desires to enter into a contract for Construction Services for US36/Broadway Improvements & Multimodal Trail, Project ("Project") as part of CDOT funded Capital Improvement Project; and

WHEREAS, the Town advertised an Invitation for Bid for Construction on BidNet on April 12, 2023, and received and publicly opened one bid by the due date of April 26, 2023; and

WHEREAS, Town Staff evaluated the bids received to determine the scope of work and cost by Mountain Constructors, Inc. ("Contractor") are both reasonable and necessary for the Project; and

WHEREAS, expenses for this Construction Agreement are eligible for reimbursement through the Colorado Department of Transportation (CDOT), Revitalizing Main Street (RMS), Stimulus Funds, well as other sources; and

WHEREAS, the Town Staff and the Town Consulting Engineer recommend that the Town award the Agreement for work based on the Contractor's Bid; and

WHEREAS, the Board, after full consideration of the proposed agreement and the recommendation of the Town Staff and the Town Consulting Engineer, finds that the bid submitted by the Contractor qualifies that company as the lowest, qualified bidder; and

WHEREAS, the Town Board of Trustees desires to approve the Construction Agreement in substantially the form attached hereto as **Exhibit 1** for the not-to-exceed amount of **ONE MILLION NINE-HUNDRED AND ELEVEN THOUSAND, FIVE-HUNDRED AND SIXTY DOLLARS AND FIFTY-THREE CENTS (\$1,911,560.53)** to have the Contractor perform the work described in the Construction Agreement;

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) Awards the Construction Agreement for the Project to the Contractor.
- (b) Approves the Construction Agreement for a total not-to-exceed amount of **ONE MILLION NINE-HUNDRED AND ELEVEN THOUSAND, FIVE-HUNDRED AND SIXTY DOLLARS AND FIFTY-THREE CENTS (\$1,911,560.53)** in substantially the form attached hereto as **Exhibit 1**.
- (c) 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 Services Agreement that does not increase the obligations of the Town.
- (d) Authorizes Town Staff to complete and send to the Contractor the completed Construction Agreement for review and signature.
- (e) Authorizes the Mayor or Mayor Pro Term to execute the complete Construction Agreement on behalf of the Town after Contractor has signed the Construction Agreement and the Town Clerk to attest such signature.

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

ADOPTED THIS 1st DAY OF MAY 2023.

TOWN OF LYONS

BY:

Hollie Rogin, Mayor

ATTEST:

Dolores M. Vasquez, CMC, Town Clerk

Exhibit 1

Construction Agreement with Mountain Constructors, Inc.