

**TOWN OF LYONS, COLORADO
RESOLUTION 2023-35**

**A RESOLUTION OF THE TOWN OF LYONS, COLORADO
AWARDING A CONSTRUCTION AGREEMENT TO MOUNTAIN CONSTRUCTORS
FOR BROADWAY UTILITY UNDERGROUNDING CONDUIT INSTALLATION,
PROJECT NUMBER 23-BROADWAYUTIL-01**

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 the Broadway Utility Undergrounding Conduit Installation (“Project”); and

WHEREAS, the Town advertised an Invitation for Bid for Construction on BidNet on May 16, 2023, and received and publicly opened four bids by the due date of May 30, 2023; and

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

WHEREAS, the Town has budgeted \$146,000 from the Electric Fund for Capital Improvements in 2023. The Town has encumbered \$30,000 of this for an HMGP Grant match for the design of another electric utility capital improvement, leaving \$116,000 for this capital project; and

WHEREAS, The work is being divided into two phases. The first phase, Phase I, consists of installing the conduits that will carry the primary electrical lines and the primary communications lines. The Town needs to get this work completed as soon as possible so that the work is completed before the start of the Broadway Multimodal Path Project. Phase II of this work is installing the service conduits to each individual business and residence. Phase II Notice to Proceed is dependent on the Town obtaining agreements from the property owners. The decision to proceed with Phase II is in the sole discretion of the Town. Given this uncertainty, Phase II could be delayed up to 90 days or removed from the contract if the Town is unable to move forward with the work; and

WHEREAS, the Town of Lyons Board of Trustees (“Board”), after full consideration of the proposed agreement and the recommendation of the Town Staff finds that the bid submitted by the Contractor qualifies that company as the lowest, qualified bidder; and

WHEREAS, the Board desires to approve the Construction Agreement in substantially the form attached hereto as **Exhibit 1** for the not-to-exceed amount of **ONE HUNDRED NINETY-FOUR THOUSAND DOLLARS AND ZERO CENTS (\$194,000.00)** to have the Contractor perform the work described in the Construction Agreement with the understanding that Phase II of the project at a cost of **SEVENTY-EIGHT THOUSAND FIVE HUNDRED DOLLARS AND ZERO CENTS (\$78,500.00)** may not be given a Notice to Proceed and Phase I of the contract is **ONE HUNDRED FIFTEEN THOUSAND FIVE HUNDRED DOLLARS AND ZERO CENTS (\$115,500.00)**.

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 hereby:

- (a) Awards the Construction Agreement for the Project to the Contractor.
- (b) Approves the Construction Agreement for Phase I Project cost not-to-exceed **ONE HUNDRED FIFTEEN THOUSAND FIVE HUNDRED DOLLARS AND ZERO CENTS (\$115,500.00)**, a Phase II project cost not-to-exceed **SEVENTY-EIGHT THOUSAND FIVE HUNDRED DOLLARS AND ZERO CENTS (\$78,500.00)** if written permission is provided by the Town to commence Phase II work, and a total not-to-exceed amount of **ONE HUNDRED NINETY-FOUR THOUSAND DOLLARS AND ZERO CENTS (\$194,000.00)** 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 5TH DAY OF JUNE 2023.

TOWN OF LYONS

BY:

Hollie Rogin, Mayor

ATTEST:

Dolores M. Vasquez, CMC, Town Clerk

Exhibit 1

Construction Agreement with Mountain Constructors