

**TOWN OF LYONS, COLORADO
RESOLUTION 2024-49**

**A RESOLUTION OF THE TOWN OF LYONS, COLORADO APPROVING THE FIFTH
AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH HORROCKS
ENGINEERING, INC FOR THE ST. VRAIN TRAIL EXTENSION**

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 and Boulder County; and

WHEREAS, pursuant to Resolution 2022-48, the Town and Contractor entered into that certain Professional Services Agreement dated April 28, 2022 ("Original Agreement") for the Contractor to perform the Work as specified in the Contract Documents, for a not-to-exceed cost of **TWO HUNDRED FORTY-FOUR THOUSAND FIVE HUNDRED SEVENTY-ONE DOLLARS AND NO CENTS (\$244,571.00)**; as part of the Design Services for the St. Vrain Trail Extension Project, Project # 21-SVRT-01 (the "Project"); and

WHEREAS, Section 7.00 of the Original Agreement permits the Town to adjust the Contract Price and requires that the Town pay for the work beyond that described in the Original Agreement in a separate agreement signed by both of the Parties prior to the commencement of the additional work; and

WHEREAS, the Town's Purchasing Policies allow the Mayor or Town Administrator to authorize and execute professional services contracts for less than or equal to \$20,000 and modifications to professional service contracts for less than or equal to \$10,000, and/or for date extensions; and

WHEREAS the Parties entered into a first amendment to the Professional Services Agreement in order to add scope and fee for additional environmental and survey services, as well as for as described in **Exhibits A** for an increase to the contract by **EIGHTEEN THOUSAND, ONE HUNDRED-THIRTY EIGHT DOLLARS AND NO CENTS (\$18,138)** for a total, not-to-exceed amount of **TWO HUNDRED-SIXTY TWO THOUSAND SEVEN HUNDRED NINE DOLLARS AND NO CENTS (\$262,709)** ("First Amendment"),

WHEREAS, the Parties entered into a second amendment to extend the term of the contract until May 30, 2025 at no increase to the contract for a total not-to-exceed amount of **TWO HUNDRED-SIXTY TWO THOUSAND SEVEN HUNDRED NINE DOLLARS AND NO CENTS (\$262,709)** and

WHEREAS, the Parties entered into a third amendment to the Professional Services Agreement in order to add scope and fee for additional environmental, Sub Utility Engineering (SUE) and a rate increase from 2021 to 2023 for remainder of the contract as well as for as described in **Exhibits A** for an increase to the contract by **FORTY SIX THOUSAND EIGHT HUNDRED NINETEEN DOLLARS AND TWENTY-TWO CENTS (\$46,819.22)** for a total, not-to-exceed amount of **THREE HUNDRED NINE THOUSAND FIVE HUNDRED TWENTY EIGHT DOLLARS AND TWENTY-TWO CENTS (\$309,528.22)**

WHEREAS, the Parties entered into a fourth amendment to the Professional Services Agreement in order to add scope and fee for structural design for remainder of the contract as well as for as described in **Exhibits A** for an increase to the contract by **FIFTY SEVEN THOUSAND SEVEN HUNDRED EIGHTY DOLLARS AND NO CENTS (\$57,780.00)** for a total, not-to-exceed amount of **THREE HUNDRED SIXTY-SEVEN THOUSAND THREE HUNDRED EIGHT DOLLARS AND TWENTY-TWO CENTS (\$367,308.22)**

WHEREAS, the Parties desire to enter into a fifth amendment to the Professional Services Agreement in order to increase rates from the 2023 rates to the 2024 rates for remainder of the contract as well as retroactively pay for past services rendered and paid at the original contract rate as described in **Exhibits A** for a decrease to the contract by **TWELVE DOLLARS AND FIFTY-FIVE CENTS (-\$12.55)** for a total, not-to-exceed amount of **THREE HUNDRED SIXTY-SEVEN THOUSAND TWO HUNDRED NINETY-FIVE DOLLARS AND SIXTY-SEVEN CENTS (\$367,295.67)**

WHEREAS, the Town Board of Trustees desires to approve this Fifth Amendment in for the purpose of entering it 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) Approves the Fifth Amendment to the Professional Services Agreement in order to increase rates from the 2023 rates to the 2024 rates for remainder of the contract as well as retroactively pay for past services rendered and paid at the original contract rate as described in **Exhibits A** for a decrease to the contract by **TWELVE DOLLARS AND FIFTY-FIVE CENTS (-\$12.55)** for a total, not-to-exceed amount of **THREE HUNDRED SIXTY-SEVEN THOUSAND TWO HUNDRED NINETY-FIVE DOLLARS AND SIXTY-SEVEN CENTS (\$367,295.67)** attached hereto as **Exhibit A**, and incorporated by reference.
- (b) The approval of the Board for this Amendment is for a 100% design and construction administrative services.
- (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 Agreement that does not increase the obligations of the Town.

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

ADOPTED THIS ____ DAY of June 2024.

TOWN OF LYONS, COLORADO

By: _____
Hollie Rogin, Mayor

ATTEST:

Dolores M. Vasquez, CMC Town Clerk