

**TOWN OF LYONS, COLORADO
RESOLUTION 2024-50**

**A RESOLUTION OF THE TOWN OF LYONS, COLORADO,
RATIFYING THE SECOND AMENDMENT TO THE CONSTRUCTION AGREEMENT
WITH MOUNTAIN CONSTRUCTORS, INC. FOR
US36/BROADWAY IMPROVEMENTS AND MULTIMODAL 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; and

WHEREAS, pursuant to Resolution 2022-137, the Town and Contractor entered into that certain Construction Agreement dated May 1, 2023 ("Original Agreement") for the Contractor to perform the Work as specified in the Contract Documents, for a not-to-exceed cost of **ONE MILLION NINE-HUNDRED AND ELEVEN THOUSAND, FIVE-HUNDRED AND SIXTY DOLLARS AND FIFTY-THREE CENTS (\$1,911,560.53)**; as part of the Construction Services for the US36/Broadway Improvements and Multimodal Project, Project # 23-US36/BRWY IMPRV-03 REBID #2 (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 Parties entered the first amendment to extend the term of the contract until May 20, 2024 at no increase to the contract 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)** ;("First Amendment") and

WHEREAS, the Parties desire to enter into a second amendment to extend the term of the contract until June 28, 2024 at no increase to the contract 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)** ;("Second Amendment") and

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 Second Amendment to the Construction Agreement extending the term of the contract until June 28th, 2024, at no increase to the contract 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.
- (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 3rd DAY of JUNE 2024.

TOWN OF LYONS, COLORADO

By: _____
Hollie Rogin, Mayor

ATTEST:

Dolores M. Vasquez, CMC Town Clerk

EXHIBIT 1-
Mountain Constructors: Amendment 2