

**TOWN OF LYONS, COLORADO
RESOLUTION 2016-118**

**A RESOLUTION AWARDING THE BID FOR A PORTION OF THE BOHN PARK
CONSTRUCTION PROJECT, PROJECT NUMBER PW: 20E-1, TO DEFALCO
CONSTRUCTION COMPANY AND APPROVING A CONSTRUCTION AGREEMENT**

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 the construction and restoration of Bohn Park due to damages caused by flooding in September 2013; and

WHEREAS, the Town solicited proposals for the Lyons Bohn Park Flood Recovery Construction Project PW: 20E-1 ("Project") in accordance with Colorado law by posting a Project Manual that included an invitation to bid ("Project Manual") with separate bid schedules on the Rocky Mountain E-Purchasing System on October 10, 2016; and

WHEREAS, Town Staff has evaluated the bids received by the deadline of November 9, 2016 from five (5) companies that submitted proposals together with the specific criteria set forth in the Project Manual to determine the responsible and responsive bidder for the Project; and

WHEREAS, Town Staff, the Town Engineer, and the Project Consultants recommended that the Town award the contract for work on Base Bid Item No. 1 and Bid Alternate No. 4 together; and

WHEREAS, it is the desire and intent of the Town Board of Trustees ("Board") to award the bid for Base Bid No. 1 and Bid Alternate No. 4 to the responsible and responsive bidder who submitted a proposal in compliance with the reasonable and stated specifications contained within the Project Manual; and

WHEREAS, the Board, after full consideration of the bids submitted and the recommendation of the Town Staff, the Town Engineer, and the Project Consultants presented to the Board at the December 19, 2016 regular meeting, finds that the proposal submitted by DEFALCO CONSTRUCTION COMPANY, a Colorado corporation (the successful bidder, hereinafter the "Contractor"), qualifies that company as the lowest responsible bidder; and

WHEREAS, it is in the best interests of the Town to award the bid for Base Bid Item No. 1 and Bid Alternate No. 4 of the Project to the Contractor in the not-to-exceed amount of **Four Million Three Hundred Thirty-Seven Thousand Eighty-Three Dollars and Twenty-One Cents (\$4,337,083.21)** stated in the Construction Agreement, based on the specific scope of work set forth in the Contractor's bid and the estimated work quantities associated with those portions of the Project; and

WHEREAS, the Town has set aside contingency funds for the Project equal to **Four Hundred Thirty-Three Thousand Seven Hundred Eight Dollars and Thirty-Two Cents (\$433,708.32)**, which is ten percent (10%) of the not-to-exceed amount stated in the Construction Agreement; and

WHEREAS, the total amount appropriated for the Project is the sum of **Four Million Seven Hundred Seventy Thousand Seven Hundred Ninety-One Dollars and Fifty-Three Cents (\$4,770,791.53)**, which includes the not-to-exceed amount and the contingency funds; and

WHEREAS, funding for Base Bid No. 1 will come from multiple grant fund sources such as the Federal Emergency Management Agency, Town Insurance, and Colorado Parks and Wildlife, and separate funding for Bid Alternate No. 4 will come from the Colorado Department

of Public Health and Environment; and

WHEREAS, the Town desires to enter into a construction agreement with the Contractor in substantially the form attached hereto as **Exhibit "A"** to have the Contractor perform the work described with particularity in the Project Manual beginning in January 2017 and with a projected completion date of August 25, 2017 ("Construction Agreement"); and

WHEREAS, the Town of Lyons Board of Trustees desires to award the bid to the Contractor and to approve the Construction Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, COLORADO:

Section 1. The Town Board of Trustees hereby:

- (a) awards the bid for Base Bid No. 1 and Bid Alternate No. 4 of the Bohn Park Construction Project PW: 20E-1 to DeFalco Construction Company in the not-to-exceed amount of **Four Million Three Hundred Thirty-Seven Thousand Eighty-Three Dollars and Twenty-One Cents (\$4,337,083.21)**;
- (b) authorizes the Town Attorney to finalize and to make such changes as may be needed to correct any nonmaterial errors or language or to negotiate such changes to the Construction Agreement as may be appropriate that do not substantially increase the obligations of the Town;
- (c) authorizes Town Staff to complete final revisions to exhibits and to attach such exhibits to the Construction Agreement in consultation with the Town Attorney;
- (d) authorizes Town Staff complete and send to the Contractor a Notice of Award and the completed Construction Agreement for review and signature;
- (e) authorizes the Mayor to execute the complete Construction Agreement on behalf of the Town after Contractor has signed the Construction Agreement;
- (f) authorizes Town Staff to complete and send to the Contractor a Notice to Proceed after the Mayor has reviewed and executed the Construction Agreement.

Section 2. This Resolution shall take effect immediately upon adoption.

ADOPTED this _____ day of December 2016.

TOWN OF LYONS

By: _____
Connie Sullivan, Mayor

ATTEST:

Debra K. Anthony, Town Clerk

