

TOWN OF LYONS, COLORADO
RESOLUTION 2019-119

**A RESOLUTION OF THE TOWN OF LYONS, COLORADO APPROVING A SECOND
AMENDMENT TO THE CONSTRUCTION AGREEMENT WITH CGRS, INC. FOR THE
EASTERN CORRIDOR UTILITIES 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 both the U.S. Department of Commerce Economic Development Administration ("EDA") and the Department of Housing and Urban Development Community Development Block Grant Disaster Recovery ("CDBG-DR"); and

WHEREAS, pursuant to Resolution 2019-36, the Town and CGRS Inc. (Contractor) entered into that certain Construction Agreement, Project Number 05-01-05734, dated May 8, 2019 ("Original Agreement") for Contractor to perform the Work as specified in the Contract Documents, for a not-to-exceed cost of **One Million Nine Hundred Eighty-Nine Thousand Nine Hundred Ninety-Five Dollars and Eighty Cents (\$1,989,995)** (the "Project"); and

WHEREAS, the Town and Contractor (collectively the "Parties") previously amended the Original Agreement on September 16, 2019 to allow for the additional scope of work in order to inspect and examine the viability of abandoned water lines from the City of Longmont for use on this project in the additional amount of **THIRTY-SEVEN THOUSAND DOLLARS AND NO CENTS (\$37,000.00)**; and

WHEREAS, the Town requested proposals for additional scope of work items from the Contractor in order to add the scope of work as outlined in Change Orders 2 and 3, adding a PLC and Cellular Modem to the Eastern Corridor Lift Station Monitoring Panel and a Pressure Relief Valve in PRV 7 in order to protect the downstream distribution piping in the additional amount of **FIFTEEN THOUSAND EIGHT HUNDRED THIRTY-EIGHT AND EIGHTY-ONE CENTS (\$15,838.81)**; and

WHEREAS, the design consultant, JVA, and Town staff determined the costs for the additional scope of work outlined in Change Orders 2 and 3 to be reasonable and necessary; and

WHEREAS, the Contractor requires a Second Amendment to allow for the additional scope of work in order to add this critical monitoring capability and protections to the system; and

WHEREAS, the additional scope of work increases the total not to exceed contract amount to **TWO MILLION FORTY-TWO THOUSAND EIGHT HUNDRED THIRTY-THREE AND EIGHTY-ONE CENTS (\$2,042,833.81)**; and,

WHEREAS, the Town of Lyons Board of Trustees desires to approve the Second Amendment to the Agreement with the Contractor and authorizes the Mayor to execute such

Second Amendment on behalf of the Town.

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 Amendment 2 to the Construction Agreement for the Project in substantially the form attached as **Exhibit A**.
- (b) Approves Change Orders 2 and 3, attached as Exhibit 1, which increases the not-to-exceed total contract amount by **FIFTEEN THOUSAND EIGHT HUNDRED THIRTY-EIGHT AND EIGHTY-ONE CENTS (\$15,838.81)**, for a new total not-to-exceed amount of **TWO MILLION FORTY-TWO THOUSAND EIGHT HUNDRED THIRTY-THREE AND EIGHTY-ONE CENTS (\$2,042,833.81)** in substantially the form attached hereto.
- (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.
- (d) Authorizes the Mayor or Mayor Pro Tem 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 21st day of OCTOBER, 2019.

TOWN OF LYONS

Connie Sullivan, Mayor

ATTEST:

Debra K. Anthony, Town Clerk

EXHIBIT A- Amendment 2