

**TOWN OF LYONS, COLORADO  
RESOLUTION 2019-104**

**A RESOLUTION OF THE TOWN OF LYONS, COLORADO APPROVING THE FOURTH  
AMENDMENT TO THE DISASTER RECOVERY SERVICES AGREEMENT WITH  
OTAK/LORIS AND ASSOCIATES, INC. FOR 2ND AVENUE BRIDGE PROJECT DESIGN**

**WHEREAS**, the Town of Lyons ("Town") possesses the authority to contract for lawful purposes; and

**WHEREAS**, the Town previously entered into a Disaster Recovery Services Agreement ("Agreement") with Otak/Loris and Associates, Inc. ("Contractor") to design capital improvements and other improvements as required for the 2nd Avenue Bridge ("Capital Improvements") subject to the approval of the Federal Emergency Management Agency ("FEMA"), and subsequently amended the Agreement to increase the not-to-exceed amount of compensation to \$231,292.00; and

**WHEREAS**, FEMA did not approve Contractor's second 30% design of mitigation measures as proposed due to design with less than four feet of bridge freeboard; and

**WHEREAS**, to secure FEMA's approval of the proposed mitigation measures, the Town needed to re-submit to FEMA portions of the 30% design FEMA with a revised bridge design, new plans and reports, and other related documents; and

**WHEREAS**, during the time of delay in the Project's design approval with FEMA, new national legislation was passed in Congress regarding underground utility engineering and safety requirements; and

**WHEREAS**, the Town requested a proposal from the Contractor for the required Subsurface utility engineering work, in order to ensure the project complies with new 2018 national legislation law SB 18-167 regarding underground utility safety, in which a subsurface utility engineering (SUE) investigation of the project area must be completed and a report summarizing the findings must be recorded; and

**WHEREAS**, to compensate the Contractor for the additional services outlined in the Fourth Amendment, the Parties desire to modify the Agreement to increase the not-to-exceed amount of the Agreement by **FORTY-ONE THOUSAND ONE HUNDRED SIXTY DOLLARS AND NO CENTS (\$41,160.00)** from Two Hundred Eighty-Five Thousand Two Hundred Twelve Dollars (\$285,212.00); to **THREE HUNDRED TWENTY-SIX THOUSAND THREE HUNDRED SEVENTY TWO DOLLARS AND NO CENTS (\$326,372.00)**; and

**WHEREAS**, Section 18 of the Agreement requires that amendments to the Agreement be in writing and signed by both Parties; and

**WHEREAS**, the Town of Lyons Board of Trustees desires to approve the Fourth Amendment to Services Agreement ("Amendment"), a copy of which is attached hereto, and to authorize the Mayor to execute the Fourth Amendment on behalf of the Town.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of the Town of Lyons that:

Section 1. The foregoing recitals are incorporated herein by reference.

Section 2. The Board of Trustees hereby approves the Fourth Amendment to the Disaster Recovery Services Agreement between the Town and Loris and Associates, Inc. ("Amendment") and further authorizes the Mayor to execute and the Town Clerk to attest the Amendment.

Section 3. This Resolution shall take effect immediately upon its approval by the Board of Trustees.

**ADOPTED THIS 21st DAY OF OCTOBER 2019.**

TOWN OF LYONS, COLORADO

By: \_\_\_\_\_  
Connie Sullivan, Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk