

**TOWN OF LYONS, COLORADO
RESOLUTION 2019-112**

**A RESOLUTION OF THE TOWN OF LYONS, COLORADO APPROVING THE FIFTH
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, the endangered species habitat (Preble's Meadow Jumping Mouse), wetlands/ Waters of the US (WUS) and the overall environment within the project area have naturally changed and therefore initial data collected in 2015 needs to be verified and updated for the 404 permit application, which is necessary to meet funding source requirements; and

WHEREAS, the Town requested a proposal from the Contractor, for an environmental update on the project in order to meet the requirements of the 404 permit application, which ensures compliance with all State and Federal funding agency's environmental clearance rules and requirements on the Project; 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