

**TOWN OF LYONS, COLORADO
RESOLUTION 2019-113**

**A RESOLUTION OF THE TOWN OF LYONS, COLORADO APPROVING THE FOURTH
AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH COLORADO CIVIL
GROUP FOR THE PUBLIC WORKS BUILDING SITE PROJECT**

WHEREAS, the Town of Lyons ("Town") is authorized to contract for lawful purposes; and

WHEREAS, pursuant to Resolution 2018-24, the Town previously entered into that certain Professional Services Agreement dated February 21, 2018 ("Agreement") with Colorado Civil Group, Inc. ("Contractor") to provide site civil engineering design services for the Public Works Building; and

WHEREAS, the Agreement required the Contractor to design the civil engineering improvements as required for the Public Works Building for a not-to-exceed contract amount of **THIRTY-NINE THOUSAND ONE HUNDRED AND NO DOLLARS (\$39,100.00)**; and

WHEREAS, The Town has requested additional meetings, separation of invoicing and budget for the design based on funding sources, and significant site plan changes for Services; and

WHEREAS, the Town and Contractor administratively amended the Original Agreement with the First Amendment, dated June 14, 2018, to increase the contract price of the Original Agreement by **FOUR THOUSAND TWO HUNDRED NINETY-FIVE DOLLARS AND 00/100 (\$4,295.00)** for a total contract price of **FOURTY-THREE THOUSAND THREE HUNDRED NINETY-FIVE DOLLARS AND 00/100 (\$43,395.00)**; and

WHEREAS, The Town has requested additional services which include increased site visits and phasing of construction which include four separate design packages for each of the four phases of construction for the Public Works Facility; and

WHEREAS, the Town and Contractor amended the Original Agreement with the Second Amendment, dated January 7, 2019, to increase the contract price of the amended Original Agreement by **ELEVEN THOUSAND TEN DOLLARS AND 00/100 (\$11,010.00)** for a total contract price of **FIFTY-FOUR THOUSAND FOUR HUNDRED FIVE DOLLARS AND 00/100 (\$54,405.00)**; and

WHEREAS, The Town has requested other additional services which include one extra site visit, JVA design review, plan preparation and coordination with the Contractor to add a permanent waterline connection for the Public Works Facility Site; and

WHEREAS, the Town and Contractor amended the Original Agreement with the Third Amendment, dated March 4, 2019, to increase the contract price of the amended Original Agreement by **TWO THOUSAND EIGHT HUNDRED EIGHTY DOLLARS AND 00/100 (\$2,880.00)** for a total contract price of **FIFTY-SEVEN THOUSAND TWO HUNDRED EIGHTY-FIVE DOLLARS AND 00/100 (\$57,285.00)**; and

WHEREAS, pursuant to **Exhibits A and B** the Town entered into the Fourth Amendment to Professional Services Agreement which reduced the contract price **EIGHT HUNDRED TEN DOLLARS AND 24/100 (\$810.24)**, for a new not-to-exceed contract price of **FIFTY-SIX; and THOUSAND FOUR HUNDRED SEVENTY FOUR DOLLARS AND 65/100 (\$56,474.65)**; and

WHEREAS, Section 2.0 of the Original Agreement permits the Town to adjust the Contract Price and requires that the Town pay for work beyond that described in the Original Agreement; and

WHEREAS, the Town of Lyons Board of Trustees desires to approve the Fourth Amendment to Professional Services Agreement ("Fourth Amendment") with the Contractor to incorporate the above described change order requests and authorizes the Mayor to execute such Fourth Amendment on behalf of the Town.

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

Section 1. The above recitals are hereby incorporated by reference.

Section 2. The Town Board of Trustees hereby

(a) Approves the Fourth Amendment to Professional Services Agreement with Contractor 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 Fourth Amendment that does not increase the obligations of the Town; and

(c) Authorizes the Mayor to execute the Fourth Amendment and the Town Clerk to attest the Fourth Amendment when in final form.

Section 3. This resolution shall become effective immediately upon its adoption by the Board of Trustees.

ADOPTED THIS 21st DAY OF OCTOBER 2019.

TOWN OF LYONS

By: _____
Connie Sullivan, Mayor

ATTEST:

Debra K. Anthony, MMC - Town Clerk