

**Town of Lyons, Colorado  
FOURTH AMENDMENT TO  
PROFESSIONAL SERVICES AGREEMENT**

**Public Works Building Site Civil Engineering Project**

This PROFESSIONAL SERVICES AGREEMENT ("Fourth Amendment") is made and entered into on the date upon which it is mutually executed by the Parties (the "Effective Date"), by and between the TOWN OF LYONS, COLORADO, a municipal corporation of the State of Colorado, with offices at 432 5th Avenue, Lyons, Colorado 80540 (the "Town"), and Colorado Civil Group, Inc., a Colorado corporation, with offices at 2204 Hoffman Drive, Loveland, Colorado 80538 (the "Contractor").

**WITNESSETH**

**WHEREAS**, pursuant to Resolution 2018-24, the Town and Contractor entered into that certain PROFESSIONAL SERVICES AGREEMENT, dated February 21, 2018 ("Original Agreement") for the Contractor to perform the Work as specified in the Contract Documents, for a not-to-exceed amount of **THIRTY-NINE THOUSAND ONE HUNDRED DOLLARS AND 00/100 (\$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**, The Town has requested the re-allocation of task amounts due to a revised scope of work resulting in a reduction of cost.

**WHEREAS**, the revised services will reduce costs by **EIGHT HUNDRED TEN DOLLARS AND 35/100 (\$810.24)** pursuant to **Exhibit A**; and

**WHEREAS**, pursuant to Resolution 2019-22, the Town previously entered into that certain Third Amendment to the Professional Services Agreement dated March 4, 2019 (“Agreement”) with Colorado Civil Group, Inc. (“Contractor”) to provide site civil engineering design services for the Public Works Building; 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 Parties desire to amend the Original Agreement pursuant to this Fourth Amendment for a not-to-exceed total Contract Price of **FIFTY-SIX THOUSAND FOUR HUNDRED SEVENTY FOUR DOLLARS AND 65/100 (\$56,474.65)**.

**NOW, THEREFORE**, for the consideration herein expressed, it is agreed by and between the Town and the Contractor that the Agreement shall be amended as follows:

1. **Recitals.** The foregoing recitals are true and correct and are incorporated herein by this reference as though set forth in full.
2. **Original Terms and Conditions.** Except as amended herein, the original terms and conditions of the Agreement remain in full force and effect.
3. **Scope of Work.** The Original Agreement is hereby amended by adding the documents that indicate the correct tasks and costs for the Project as set forth specifically in **Exhibit B** for project **Public Works Building Site Civil Engineering Project** a copy of which is attached to this Fourth Amendment and incorporated herein by reference.
4. **Contract Sum and Payment.** The second sentence of Section 2.1 of the Original Agreement entitled “Commencement of and Compensation for Services” is hereby amended to read in full as follows:

“Compensation to be paid hereunder shall not exceed **FIFTY-SIX THOUSAND FOUR HUNDRED SEVENTY FOUR DOLLARS AND 65/100 (\$56,474.65)** unless a larger amount is agreed to by and between the Parties in accordance with the amendment requirements of this agreement.”

5. **No Further Amendment.** Nothing contained in this Fourth Amendment shall affect any other provisions of the Agreement except as specifically set forth herein. In the event of any conflict between this Fourth Amendment and the Agreement, the terms of this Fourth Amendment shall prevail.

IN WITNESS WHEREOF, the Parties have executed this Fourth Amendment to this PROFESSIONAL SERVICES AGREEMENT Public Works Building Site Civil Engineering Project, to be effective as of the date of mutual execution by the Parties. By the signature of its

representatives below, each Party affirms that it has taken all necessary action to authorize said representative to execute this Fourth Amendment.

*REMAINDER OF PAGE LEFT INTENTIONALLY BLANK*

*SIGNATURE PAGE FOLLOWS*

**THIS FOURTH AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT is executed and made effective as provided above.**

**TOWN OF LYONS, COLORADO:**

ATTEST:

Approval by:

\_\_\_\_\_  
Debra K. Anthony, Town Clerk

\_\_\_\_\_  
Connie Sullivan, Mayor

**Colorado Civil Group, Inc., a Colorado corporation:**

By: \_\_\_\_\_

Printed name: \_\_\_\_\_

Its: \_\_\_\_\_

Date of execution: \_\_\_\_\_, 2019

\_\_\_\_\_  
STATE OF )  
COUNTY OF ) ss.

The foregoing Second Amendment to Construction Agreement was acknowledged before me this \_\_\_\_ day of \_\_\_\_, 2019, by \_\_\_\_\_ as \_\_\_\_\_ of  
**Colorado Civil Group, Inc., a Colorado corporation**

Witness my hand and official seal.

My commission expires: \_\_\_\_\_.

\_\_\_\_\_  
Notary Public  
**(Required for all contracts (C.R.S. § 8-40-202(2)(b)(IV))**