

**TOWN OF LYONS, COLORADO
RESOLUTION 2019-114**

**A RESOLUTION OF THE TOWN OF LYONS, COLORADO AUTHORIZING THE SIXTH
AMENDMENT TO DISASTER RECOVERY SERVICES AGREEMENT BETWEEN THE
TOWN AND DHM DESIGN CORPORATION FOR ADDITIONAL SERVICES FOR PHASE
TWO OF BOHN PARK RECONSTRUCTION**

WHEREAS, the Town and Contractor entered into that certain Disaster Recovery Services Agreement dated March 21, 2016 ("Original Agreement") for Contractor to provide certain Services in the not to exceed amount of **SIX HUNDRED FORTY THOUSAND FOUR HUNDRED FOUR DOLLARS (\$640,404.00)**; and

WHEREAS, Sections 1.3 and 10.12 of the Agreement require that any amendment to the Agreement be in writing and signed by the Parties; and

WHEREAS, pursuant to the amendment provisions of the Agreement, the Town and Contractor entered into that certain First Amendment to Disaster Recovery Services Agreement dated September 6, 2016 ("First Amendment") to incorporate additional services, specifically environmental regulatory compliance review services by Contractor's subcontractor Ecosystem Services, LLC, to the scope of work; and

WHEREAS, the First Amendment increased the contract price by **FOUR THOUSAND SEVEN HUNDRED DOLLARS (\$4,700.00)** to a total not-to-exceed amount of **SIX HUNDRED FORTY-FIVE THOUSAND ONE HUNDRED FOUR DOLLARS (\$645,104.00)**; and

WHEREAS, pursuant to the amendment provisions of the Agreement, the Town and Contractor subsequently entered into that certain Second Amendment to Disaster Recovery Services Agreement, approved by the Town through Resolution 2017-108 and dated January 11, 2018 ("Second Amendment"), to incorporate additional design services by the Contractor for the St. Vrain Trail Extension Project; and

WHEREAS, the Second Amendment increased the contract price by **FIFTY-SIX THOUSAND THIRTY DOLLARS (\$56,030.00)** to a total not-to-exceed amount of **SEVEN HUNDRED ONE THOUSAND ONE HUNDRED THIRTY-FOUR DOLLARS (\$701,134.00)** and was funded through the Community Development Block Grant - Disaster Recovery Program ("CDBG-DR"), administered by the Boulder County Collaborative; and

WHEREAS, pursuant to the amendment provisions of the Agreement, the Town and Contractor subsequently entered into that certain Third Amendment to Disaster Services Agreement, approved by the Town through Resolution 2018-9 dated January 16, 2018 ("Third Amendment") to further incorporate additional services into the scope of work; and

WHEREAS, the Third Amendment increased the contract price by **FIFTY-ONE THOUSAND FOUR HUNDRED FIFTY DOLLARS (\$51,450.00)** increasing the Agreement amount to a total not-to-exceed amount of **SEVEN HUNDRED FIFTY-TWO THOUSAND FIVE HUNDRED EIGHTY-FOUR DOLLARS (\$752,584.00)** and was funded through the Federal Emergency Management Agency ("FEMA"); and

WHEREAS, pursuant to the amendment provisions of the Agreement, the Town and Contractor subsequently entered into that certain Fourth Amendment to Disaster Services Agreement, approved by the Town through Resolution 2018-109 dated Dec. 3, 2018 ("Fourth Amendment") to further incorporate additional services into the scope of work; and

WHEREAS, the Fourth Amendment increased the contract price by **SIXTEEN THOUSAND SEVEN HUNDRED FORTY-FIVE DOLLARS (\$16,745.00)** increasing the Agreement amount to a total not-to-exceed amount of **SEVEN HUNDRED SIXTY-NINE THOUSAND THREE HUNDRED TWENTY-NINE DOLLARS (\$769,329.00)** and was funded through the Federal Emergency Management Agency ("FEMA"); and

WHEREAS, pursuant to the amendment provisions of the Agreement, the Town and Contractor subsequently entered into that certain Fifth Amendment to Disaster Services Agreement, approved by the Town through Resolution 2019-77 dated July 30, 2019 ("Fifth Amendment") to further incorporate additional services into the scope of work; and

WHEREAS, the Fifth Amendment increased the contract price by **TWELVE THOUSAND TWENTY-FIVE DOLLARS (\$16,225.00)** increasing the Agreement amount to a total not-to-exceed amount of **SEVEN HUNDRED EIGHTY-FIVE THOUSAND FIVE HUNDRED FIFTY-FOUR DOLLARS (\$785,554.00)** and was funded through Colorado Parks and Wildlife; and

WHEREAS, the Parties desire to enter into this Sixth Amendment to Disaster Recovery Services Agreement ("Sixth Amendment") to amend the scope of work for Bohn Park Phase 2, adding necessary Interpretive Sign Design services in order to comply with the Treatment Plan mandated by the State Historic Preservation Office related to an adverse effect finding for the Bohn Park project; and

WHEREAS, the Contractor provided a quote for additional design services, outlined in **EXHIBIT A** of the Sixth Amendment for a total of **THREE THOUSAND SEVEN HUNDRED DOLLARS (\$3,700.00)** increasing the Agreement amount to the total not-to-exceed amount of **SEVEN HUNDRED EIGHTY-NINE THOUSAND TWO HUNDRED FIFTY-FOUR DOLLARS (\$789,254.00)** funded through the Federal Emergency Management Agency ("FEMA"); and

WHEREAS, the Town of Lyons Board of Trustees desires to approve the Sixth Amendment, attached to this Resolution as **Exhibit 1**, and authorizes the Mayor to execute such Sixth Amendment on behalf of the Town.

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

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

Section 2. The Town Board of Trustees hereby:

- (a) approves the Sixth Amendment to Disaster Recovery Services Agreement with Contractor in substantially the form attached as **Exhibit 1**
- (b) approves the Sixth Amendment for the not-to-exceed amount of **THREE THOUSAND SEVEN HUNDRED DOLLARS (\$3,700.00)** substantially in the form

attached hereto, increasing the Agreement contract amount to the total not-to-exceed amount of **SEVEN HUNDRED EIGHTY-NINE THOUSAND TWO HUNDRED FIFTY-FOUR DOLLARS (\$789,254.00)**;

- (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 Professional Services Agreement that does not increase the obligations of the Town;
- (d) authorizes Town Staff to complete and send to the Contractor the completed Amendment to the Professional Services Agreement for review and signature;
- (e) authorizes the Mayor or Mayor Pro Tem to execute the complete Amendment to the Professional Services Agreement on behalf of the Town after Contractor has signed the Amendment to the Professional Services Agreement and the Town Clerk to attest such signature.

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

Attachments:

Exhibit 1 – Amendment 6 – DHM – Bohn Park Flood Recovery- PW20E