

**TOWN OF LYONS, COLORADO  
RESOLUTION 2021-31**

**A RESOLUTION OF THE TOWN OF LYONS, COLORADO APPROVING  
A FIRST AMENDMENT TO THE CONSTRUCTION AGREEMENT WITH ZAK DIRT, INC.  
FOR THE 2<sup>nd</sup> AVENUE BRIDGE REPLACEMENT PROJECT**

**WHEREAS**, the Town of Lyons (“Town”) has the authority to enter into contracts for any lawful municipal purpose pursuant to C.R.S. § 31-15-101; and

**WHEREAS**, the Town has obtained funding for the Project from the Federal Emergency Management Agency under PW 613; and

**WHEREAS**, pursuant to Resolution 2020-132, the Town of Lyons (“Town”) and Zak Dirt, Inc. (“Contractor”) entered into that certain Construction Agreement dated September 21, 2020 (“Original Agreement”) for the Contractor to perform the Work as specified in the Contract Documents, for a not-to-exceed cost of **THREE MILLION TWO HUNDRED NINETY-SIX THOUSAND NINE HUNDRED SIXTY-THREE DOLLARS AND SEVENTY CENTS (\$3,296,963.70.00)**, for Construction Services for the 2<sup>nd</sup> Ave. Bridge Replacement Project, Project # 2020-2ndAVE-BR-07 (the “Project”); and

**WHEREAS**, Section 5.00 of the Original Agreement permits the Town to adjust the Contract Price and Section 7.00 of the Original Agreement requires that the Town pay for work beyond that described in the Original Agreement in a separate agreement signed by both the Parties prior to the commencement of the additional work; and

**WHEREAS**, the Town has requested that the Contractor add additional scope for the Lyons Valley River Park Stream Maintenance Plan as shown in **Exhibit 1** and the Contractor has submitted Change Order 008 with an additional cost of **SEVENTEEN THOUSAND TWO HUNDRED FORTY-FIVE DOLLARS AND NO CENTS (\$17,245.00)** to be added to the Contract 2 budget of the Original Agreement and paid using Town funds; and

**WHEREAS**, the Parties desire to enter into an amendment of the Original Agreement to increase the scope and also to extend the term of the contract until July 31, 2021 for an increase to the Contract Price of **SEVENTEEN THOUSAND TWO HUNDRED FORTY-FIVE DOLLARS AND NO CENTS (\$17,245.00)** to be paid using Town funds, for a total not-to-exceed total contract amount of **THREE MILLION THREE HUNDRED FOURTEEN THOUSAND TWO HUNDRED EIGHT DOLLARS AND SEVENTY CENTS (\$3,314,208.70)** (“First Amendment”); and

**WHEREAS**, the Board of Trustees desires to approve the First Amendment,

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

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

Section 2. The Board of Trustees hereby:

- (a) Approves the First Amendment to the Construction Agreement for the Project in substantially the form attached as **Exhibit 2**.

- (b) Approves the First Amendment which increases the scope and the not-to-exceed total contract amount by: **SEVENTEEN THOUSAND TWO HUNDRED FORTY-FIVE DOLLARS AND NO CENTS (\$17,245.00)**; for a new total not to exceed contract price of **THREE MILLION THREE HUNDRED FOURTEEN THOUSAND TWO HUNDRED EIGHT DOLLARS AND SEVENTY CENTS (\$3,314,208.70)** in substantially the form attached hereto.
- (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 Construction Agreement that does not increase the obligations of the Town.
- (d) Authorizes the Mayor or Mayor Pro Tem to execute the complete Construction Agreement on behalf of the Town after Contractor has signed the Construction Agreement and the Town Clerk to attest such signature.

Section 3. This resolution shall take effect immediately upon adoption.

**ADOPTED this 15th day of March, 2021.**

**TOWN OF LYONS, COLORADO**

By: \_\_\_\_\_  
Nicholas Angelo, Mayor

ATTEST:

\_\_\_\_\_  
Dolores M. Vasquez, CMC Town Clerk

**EXHIBIT 1 -  
Lyons Valley River Park Maintenance Plan**

**EXHIBIT 2 -  
Zak Dirt: Amendment 1**