

**TOWN OF LYONS, COLORADO
RESOLUTION 2021-42**

**A RESOLUTION OF THE TOWN OF LYONS, COLORADO APPROVING THE FOURTH
AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH ROCKSOL
CONSULTING GROUP, INC. FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE
2nd 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, pursuant to Resolution 2020-134, the Town and RockSol Consulting Group, Inc. ("Contractor") entered into that certain Professional Services Agreement, Project Number 20-2ndAVE-BR-04 ("Project"), dated September 8, 2020 for Contractor to perform the Work as specified in the Contract Documents, for a not-to-exceed cost of **ONE HUNDRED EIGHTY-ONE THOUSAND SEVEN HUNDRED THIRTY-TWO DOLLARS AND NO CENTS (\$181,732.00)** ("**Original Agreement**"); and

WHEREAS, the Town has obtained funding for Construction Management Services for the 2nd Avenue Bridge Replacement Project ("Project") from the Federal Emergency Management Agency ("FEMA") and from the Department of Housing and Urban Development Community Development Block Grant Disaster Recovery ("CBDG-DR") administered by the Boulder County Collaborative under the Intergovernmental Agreement between the Town of Lyons and the City of Longmont (INF-00010); and

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

WHEREAS, pursuant to the amendment provisions of the Original Agreement, the Parties entered into that certain **First Amendment** to the Original Agreement in order to correct the original contract date incorrectly entered as September 8, 2020, which was the date of approval by the Town of Lyons Board of Trustees, to accurately reflect the date of mutual execution, which was September 28, 2020 at no increase to the contract; and

WHEREAS, pursuant to the amendment provisions of the Original Agreement, the Parties entered into that certain **Second Amendment** to the Original Agreement dated January 13, 2021 in order to add prestressed, precast girder inspection and materials testing services at an increase to the contract of **THREE THOUSAND FIVE HUNDRED SEVENTY-SEVEN DOLLARS AND FIFTY CENTS (\$3,577.50)**; and

WHEREAS, pursuant to the amendment provisions of the Original Agreement, the Parties entered into that certain **Third Amendment** to the Original Agreement dated March 19, 2021 in order to extend the term of the contract until July 31, 2021 at no increase to the contract; and

WHEREAS, the Parties desire to enter into another amendment to update staffing rates as shown in **Exhibit A** at no increase to the contract for a total not-to-exceed amount of **ONE HUNDRED EIGHTY-FIVE THOUSAND THREE HUNDRED NINE DOLLARS AND FIFTY CENTS (\$185,309.50)** ("**Fourth Amendment**");

WHEREAS, the Town of Lyons Board of Trustees desires to approve the Fourth

Amendment to the Original Agreement with the Contractor 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:

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

Section 2. The Board of Trustees hereby:

- (a) Approves the Fourth Amendment to the Professional Services updating the staffing rates at no increase to the contract for a total not-to-exceed total contract amount of **ONE HUNDRED EIGHTY-FIVE THOUSAND THREE HUNDRED NINE DOLLARS AND FIFTY CENTS (\$185,309.50)** in substantially the form attached hereto in **Exhibit 1**;
- (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 Professional Services Agreement that does not increase the obligations of the Town;
- (c) authorizes the Mayor or Mayor Pro Tem to execute the Fourth Amendment on behalf of the Town after Contractor has signed the Professional Services Agreement and the Town Clerk to attest such signature; and

ADOPTED THIS 19th DAY OF APRIL 2021.

TOWN OF LYONS

Nicholas Angelo, Mayor

ATTEST:

Dolores M. Vasquez, CMC

**Exhibit 1:
RockSol Consulting Group, Inc.
Amendment 4**