

**TOWN OF LYONS, COLORADO
RESOLUTION 2021-45**

A RESOLUTION OF THE TOWN OF LYONS, COLORADO AWARDING A CONSTRUCTION AGREEMENT FOR THE WASTEWATER TREATMENT PLANT OUTFALL, PROJECT # 21-WWTP Outfall-01, WITH CAP EXCAVATING, INC.

WHEREAS, the Town of Lyons (the “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 desires to enter into a contract for Construction Services for the Wastewater Treatment Plant Outfall (“Project”) as part of Flood Recovery; and

WHEREAS, the Town has obtained funding for the Project from the City of Longmont and FEMA; and

WHEREAS, the Town advertised an Invitation for Bid for Construction on BidNet and OEDIT on March 22, 2021, and received and publicly opened three bids on the due date of April 12, 2021; and

WHEREAS, Town Staff evaluated the bids received to determine the scope of work and cost are both reasonable and necessary for the Project and found that CAP Excavating, Inc. (“Contractor”) was the contractor with the lowest, qualified bid; and

WHEREAS, the Town Staff and the Town Consulting Engineer recommend that the Town award the Agreement for work based on the Contractor’s Bid; and

WHEREAS, the Board, after full consideration of the proposed agreement and the recommendation of the Town Staff and the Town Consulting Engineer, finds that the bid submitted by CAP Excavating, Inc. qualifies that company as the lowest, qualified bidder; and

WHEREAS, the Town Board of Trustees desires to approve the Construction Agreement in substantially the form attached hereto as Exhibit 1 for the not-to-exceed amount of **EIGHTEEN THOUSAND EIGHT HUNDRED SIXTY-FIVE DOLLARS AND FIFTY CENTS (\$18,865.50)** to have the Contractor perform the work described in the Construction Agreement.

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 Town Board of Trustees hereby:

- (a) Awards the Construction Agreement for the Project to the Contractor.
- (b) Approves the Construction Agreement for a total not-to-exceed amount of **EIGHTEEN THOUSAND EIGHT HUNDRED SIXTY-FIVE DOLLARS AND FIFTY CENTS (\$18,865.50)** in substantially the form attached hereto as **Exhibit 1**.
- (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 Services Agreement that does not increase the obligations of the Town.

(d) Authorizes Town Staff to complete and send to the Contractor the completed Construction Agreement for review and signature.

(e) Authorizes the Mayor or Mayor Pro Term 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 19th DAY OF APRIL 2021.

TOWN OF LYONS

BY: _

Nicholas Angelo, Mayor

ATTEST:

Dolores M. Vasquez, CMC, Town Clerk