

TOWN OF LYONS, COLORADO
RESOLUTION 2021-51

**A RESOLUTION OF THE TOWN OF LYONS, COLORADO RATIFYING THE THIRD
AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH ANDERSON
CONSULTING ENGINEERS, INC. FOR DESIGN SERVICES FOR THE STORMWATER
IMPROVEMENTS 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 2020-59, the Town and Anderson Consulting Engineers, Inc. entered into that certain Professional Services Agreement dated April 7, 2020 (“Original Agreement”) for the Contractor to perform the Work as specified in the Contract Documents, for a not-to-exceed cost of **One Hundred Fifty-Four Thousand Eight Hundred Sixty-Five and 00/100 Dollars (\$154,865.00)**; as part of the Design Services for Stormwater Improvements Project, Project # 20-STRM-01 (the “Project”); 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, expenses for this Professional Services Agreement are eligible for reimbursement through the Department of Housing and Urban Development Community Development Block Grant Disaster Recovery (“CDBG-DR”) administered by the Boulder County Collaborative under the Intergovernmental Agreement between the Town of Lyons and the City of Longmont (INF-00068); and

WHEREAS, pursuant to the amendment provisions of the Original Agreement, the Parties entered into that certain **First Amendment** to the Original Agreement dated February 11, 2021 to extend the term of the contract until January 31, 2021 at no increase to the contract amount; and

WHEREAS, pursuant to the amendment provisions of the Original Agreement, the Parties entered into that certain **Second Amendment** to the Original Agreement dated February 26, 2021 to add scope and fee for design services for the addition of Red Hill Gulch to the Project for an increase to the contract of **SIXTY-ONE THOUSAND FOUR HUNDRED FORTY-SEVEN DOLLARS AND FIFTY CENTS (\$61,447.50)**; and

WHEREAS, the Town’s Purchasing Policy allows the Town Administrator to execute professional service agreements that incur less than or equal to a \$10,000 increase to the contract price and/or for term extensions; and

WHEREAS the Contractor and the Town Administrator executed an amendment dated May 13, 2021 to extend the term of the contract until October 31, 2021 at no increase to the contract amount for a total not-to-exceed amount of **TWO HUNDRED SIXTEEN THOUSAND THREE HUNDRED TWELVE DOLLARS AND FIFTY CENTS (\$216,312.50)** (“Third Amendment”); and

WHEREAS, the Town Board of Trustees desires to ratify the Third Amendment in substantially the form attached hereto as **Exhibit 1** for the purpose of entering the Amendment into the permanent Town record;

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 Third Amendment to the Professional Services Agreement 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 Third Amendment on behalf of the Town after Contractor has signed the Professional Services Agreement and the Town Clerk to attest such signature; and

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

ADOPTED THIS 17th DAY OF MAY 2021.

TOWN OF LYONS

Nicholas Angelo, Mayor

ATTEST:

Dolores M. Vasquez, CMC, Town Clerk

Exhibit 1:
Anderson Consulting Engineers, Inc – Amendment 3