

**TOWN OF LYONS, COLORADO
RESOLUTION 2021-112**

**A RESOLUTION OF THE TOWN OF LYONS, COLORADO APPROVING THE THIRD
AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH
MURRAYSMITH, INC. FOR ON-CALL ENGINEERING SERVICES**

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 2019-68, the Town and Murraysmith, Inc. (“Contractor”) entered into that certain Professional Services Agreement dated July 9, 2019 (“Original Agreement”) for the Contractor to perform the Work as specified in the Contract Documents, for a not-to-exceed cost of **ONE HUNDRED DOLLARS AND NO CENTS (\$100,000.00)** as part of the Project/Services Name: On-Call Engineering Services (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, Section 4.1 of the Original Agreement requires that both parties mutually agree in writing to extend the term of the Original Agreement; and

WHEREAS, pursuant to Resolution 2020-96 and to the amendment provisions of the Original Agreement, the Parties entered into that certain **First Amendment** to the Original Agreement dated June 18, 2020 in order to update their Scope of Work and Fee in the Original Agreement to allow for annual contract renewals, subject to prior appropriation, at the established rate of **ONE HUNDRED THOUSAND DOLLARS AND NO CENTS (\$100,000.00)** per year with the total contract amount of **TWO HUNDRED THOUSAND DOLLARS AND NO CENTS (\$200,000.00)**; and

WHEREAS, pursuant to Resolution 2021-70 and to the amendment provisions of the Original Agreement, the Parties entered into that certain **Second Amendment** to the Original Agreement dated August 5, 2021 in order to amend the contract to extend the term through June 30, 2022 for the previously agreed upon rate of **ONE HUNDRED THOUSAND DOLLARS AND NO CENTS (\$100,000.00)** annually for a base contract total of **FOUR HUNDRED THOUSAND DOLLARS AND NO CENTS (\$400,000.00)** and to add the scope of work for new design for the Black Bear Hole, 2nd Avenue Trailhead Access and Improvements at LaVern M. Johnson Park as specified in **Exhibit A** for an additional increase to the contract of **TWENTY-SEVEN THOUSAND NINE HUNDRED SEVENTY-SIX DOLLARS AND NO CENTS (\$27,976.00)** to be funded by a Great Outdoors Colorado (GOCO) grant for a new total not-to-exceed amount of **FOUR HUNDRED TWENTY-SEVEN THOUSAND NINE HUNDRED SEVENTY-SIX DOLLARS AND NO CENTS (\$427,976.00)** with the continued option to renew annually beyond the current Contract Term Date of June 30, 2022 at the agreed upon annual rate; and

WHEREAS, the Parties desire to enter into an Amendment to the Professional

Services Agreement in order to add the scope of work for new design for the US Highway 36 / Broadway Multimodal Improvements, as specified in **Exhibit A**, for an additional increase to the contract of **FOUR HUNDRED FORTY-EIGHT THOUSAND TWO HUNDRED NINETY-TWO DOLLARS AND NO CENTS (\$448,292.00)** to be funded by a Colorado Department of Transportation (CDOT) – Transportation Improvement Project (TIP) grant and to extend the date of the contract for this scope only until May 31, 2023 for a new total not-to-exceed amount of **EIGHT HUNDRED SEVENTY-SIX THOUSAND TWO HUNDRED SIXTY-EIGHT DOLLARS AND NO CENTS (\$876,268.00)** (“Third Amendment”), and

WHEREAS, the Town of Lyons Board of Trustees desires to approve the Third Amendment to the Agreement with the Contractor and authorizes the Mayor to execute such Third 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 Third Amendment to the Professional Services Agreement for the Project in substantially the form attached as **Exhibit 1**;
- (b) Approves the Third Amendment to the Professional Services Agreement with an increase of **FOUR HUNDRED FORTY-EIGHT THOUSAND TWO HUNDRED NINETY-TWO DOLLARS AND NO CENTS (\$448,292.00)** to be funded by a Colorado Department of Transportation (CDOT) – Transportation Improvement Project (TIP) grant and to extend the date of the contract for the scope included in Amendment 3 only until May 31, 2023 for a new total not-to-exceed amount of **EIGHT HUNDRED SEVENTY-SIX THOUSAND TWO HUNDRED SIXTY-EIGHT DOLLARS AND NO CENTS (\$876,268.00)**. This continues to include the option to renew annually beyond the current Contract Term Date of June 30, 2022 at the agreed upon annual rate for the remaining portion of the contract;
- (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 the Mayor or Mayor Pro Tem to execute the Third Amendment on behalf of the Town after the 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 1st day of November, 2021

TOWN OF LYONS, COLORADO

Nicholas Angelo, Mayor

ATTEST:

Dolores M. Vasquez, CMC - Town Clerk

EXHIBIT 1: Murraysmith Amendment 3