

**TOWN OF LYONS, COLORADO  
RESOLUTION 2022-06**

**A RESOLUTION OF THE TOWN OF LYONS, COLORADO  
RATIFYING THE FIFTH AMENDMENT TO THE PROFESSIONAL SERVICES  
AGREEMENT FOR DESIGN SERVICES FOR THE STORMWATER IMPROVEMENTS  
PROJECT WITH ANDERSON CONSULTING ENGINEERS, INC.**

**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 (“CBDG-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**, pursuant to the amendment provisions of the Original Agreement, the Parties entered into that certain **Third Amendment** to the Original Agreement dated May 17, 2021 to extend the term of the contract until October 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 **Fourth Amendment** to the Original Agreement dated September 28, 2021 to adjust final budget items at no increase to the contract amount; and

**WHEREAS**, the Town’s Purchasing Policy allows the Town Administrator to execute amendments 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 have executed an amendment dated December 23, 2021 to add scope and budget for the Floodplain Development Permit Fee and to extend the term of the contract until December 31, 2021, for an increase of **FIVE HUNDRED DOLLARS AND NO CENTS** for a total not-to-exceed amount of **TWO HUNDRED SIXTEEN THOUSAND EIGHT HUNDRED TWELVE DOLLARS AND FIFTY CENTS (\$216,812.50)** (“**Fifth Amendment**”); and

**WHEREAS**, the Town Board of Trustees desires to ratify the Fifth 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) Ratifies the Fifth 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;

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

**ADOPTED THIS 22nd DAY OF FEBRUARY 2022.**

TOWN OF LYONS

---

Nicholas Angelo, Mayor

ATTEST:

Dolores M. Vasquez, CMC, Town Clerk

**Exhibit 1:**  
**Anderson Consulting Engineers, Inc – Amendment 5**