

**TOWN OF LYONS, COLORADO
RESOLUTION 2022-19**

**A RESOLUTION OF THE TOWN OF LYONS, COLORADO
RATIFYING THE FIRST AMENDMENT TO THE CONSTRUCTION AGREEMENT
WITH DURAN EXCAVATING INC. FOR THE CONSTRUCTION OF
THE LONGS PEAK DRIVE WATER AND SEWER PROJECT 21-LONGS-01**

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 2021-81, the Town and Contractor entered into that certain Construction Agreement dated August 2, 2021 (“Original Agreement”) for the Contractor to perform the Work as specified in the Contract Documents, for a not-to-exceed cost of **One Million Four Hundred Sixty-Four Thousand Four Hundred Fifty-Five DOLLARS and 00/100 DOLLARS (\$1,464,455.00)** as part of the Construction Services for the Longs Peak Drive Water and Sewer Project, # 21-LONGS-01 (the “Project”); and

WHEREAS, Section 7 of the Agreement requires that any amendment to the Agreement be in writing and signed by the Parties; and

WHEREAS, the amount of bedrock excavation and weather has caused delays requiring an extension of the contract; and

WHEREAS, the contractor requires an amendment to extend the term of the contract until April 30, 2022, at no increase to the total not-to-exceed contract amount of **One Million Four Hundred Sixty-Four Thousand Four Hundred Fifty-Five DOLLARS and 00/100 DOLLARS (\$1,464,455.00)** (“First Amendment”); and

WHEREAS, the Town Board of Trustees desires to ratify the First 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 First Amendment to the Construction Agreement to extend the term of the contract until April 30, 2022 at no increase to the total not-to-exceed contract amount of **One Million Four Hundred Sixty-Four Thousand Four Hundred Fifty-Five DOLLARS and 00/100 DOLLARS (\$1,464,455.00)** 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 Construction 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 F LYONS

Nicholas Angelo, Mayor

ATTEST:

Dolores M. Vasquez, CMC, Town Clerk