

**TOWN OF LYONS, COLORADO
RESOLUTION 2022-20**

**A RESOLUTION OF THE TOWN OF LYONS, COLORADO
APPROVING THE FIRST AMENDMENT TO THE CONSTRUCTION AGREEMENT
WITH NETWORK INFRASTRUCTURE CONSTRUCTION COMPANY, DBA, "NICX"
FOR THE GOCO BLACK BEAR HOLE AND 2ND AVE TRAILHEAD 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 2022-04, the Town and Network Infrastructure Construction Company, DBA "NICX", ("Contractor") entered into that certain Construction Agreement, Project Number 21-BBH2NDAveTH-01, dated January 20, 2022 ("Original Agreement") for Contractor to perform the Work as specified in the Contract Documents, for a not-to-exceed cost of **THREE HUNDRED FIFTY-FIVE THOUSAND, THREE HUNDRED TWENTY-THREE DOLLARS AND SEVENTY-FOUR CENTS (\$355,232.74)** (the "Project"); and

WHEREAS, expenses for this Construction Agreement are eligible for reimbursement through a grant from Great Outdoors Colorado (GOCO); 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 contractor requires an amendment to add Minor Contract Revisions into the contract which should have been incorporated into the Original Agreement at a 10% increase to the original bid adding **THIRTY-FIVE THOUSAND FIVE HUNDRED TWENTY-THREE DOLLARS AND TWENTY-SEVEN CENTS (\$35,523.27)** for a total not-to-exceed contract amount of **THREE HUNDRED NINETY THOUSAND, SEVEN HUNDRED FIFTY-SIX DOLLARS AND ONE CENT (\$390,756.01)** ("**First Amendment**"); and

WHEREAS, the Town Board of Trustees desires to approve the First Amendment in substantially the form attached hereto as **Exhibit 1**;

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 First Amendment to the Construction Agreement to add **THIRTY-FIVE THOUSAND FIVE HUNDRED TWENTY-THREE DOLLARS AND TWENTY-SEVEN CENTS (\$35,523.27)** for a total not-to-exceed contract amount of **THREE HUNDRED NINETY THOUSAND, SEVEN HUNDRED FIFTY-SIX DOLLARS AND ONE CENT (\$390,756.01)**, in substantially the form attached hereto in **Exhibit 1**;
- (a) 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;

(b) Authorizes the Mayor or Mayor Pro Tem to execute the First Amendment on behalf of the Town after Contractor has signed the Amendment and the Town Clerk to attest such signature; and

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:
NICX Amendment 1**