

**TOWN OF LYONS, COLORADO
RESOLUTION 2022-21**

**A RESOLUTION OF THE TOWN OF LYONS, COLORADO APPROVING THE FIRST
AMENDMENT TO THE CONSTRUCTION AGREEMENT WITH MOUNTAIN CONSTRUCTORS, INC.
FOR THE 4TH AVE PEDESTRIAN BRIDGE AND CONNECTION SRTS PROJECT 21-4AVE-PB-05**

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 2021-137, the Town and Mountain Constructors, Inc., ("Contractor") entered into that certain Construction Agreement, Project Number 21-4AVE-PB-05, dated January 19, 2022 ("Original Agreement") for Contractor to perform the Work as specified in the Contract Documents, for a not-to-exceed cost of **SEVEN HUNDRED EIGHTY-FOUR THOUSAND FIVE HUNDRED SEVENTY DOLLARS AND TWENTY-FIVE CENTS (\$784,570.25)** (the "Project"); and

WHEREAS, expenses for this Construction Agreement are eligible for reimbursement through the Safe Routes to School Grant and through the Department of Housing and Urban Development (HUD) Community Development Block Grant - Disaster Recovery (CBDG-DR) administered by the Boulder County Collaborative (BCC) under the Intergovernmental Agreement between the Town of Lyons and the City of Longmont (INF-00072), as well as potential other sources; 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 **SEVENTY-EIGHT THOUSAND FOUR HUNDRED FIFTY-SEVEN DOLLARS AND TWO CENTS (\$78,457.02)** for a total not-to-exceed contract amount of **EIGHT HUNDRED SIXTY-THREE THOUSAND TWENTY-SEVEN DOLLARS AND TWENTY-SEVEN CENTS (\$863,027.27)** ("**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 **SEVENTY-EIGHT THOUSAND FOUR HUNDRED FIFTY-SEVEN DOLLARS AND TWO CENTS (\$78,457.02)** for a total not-to-exceed contract amount of **EIGHT HUNDRED SIXTY-THREE THOUSAND TWENTY-SEVEN DOLLARS AND TWENTY-SEVEN CENTS (\$863,027.27)**, 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:
Mountain Constructors, Inc. - Amendment 1