

RESOLUTION NO. 2025-__

**A RESOLUTION APPROVING THE SECOND AMENDMENT TO THE
SERVICES AGREEMENT WITH W.W. WHEELER & ASSOCIATES, INC.,
FOR THE CASTLE ROCK RESERVOIR NOS. 1 AND 2 CONSTRUCTION
PROJECT**

WHEREAS, the Town of Castle Rock, Colorado (the “Town”) and W.W. Wheeler & Associates, Inc. (the “Contractor”) are parties to the Town of Castle Rock Services Agreement for the Castle Rock Reservoir Nos. 1 and 2 Construction Project (the “Project”) dated April 4, 2023 (the “Agreement”), to provide construction engineering support services for the Project; and

WHEREAS, pursuant to Resolution No. 2023-051, the Town Council approved the Agreement and authorized the expenditure and payment for the Town’s financial obligations thereunder in a not-to-exceed amount of \$2,111,200.00, plus a Town-managed contingency in the amount of \$105,560.00, for a total authorization of \$2,216,760.00; and

WHEREAS, the Town and the Contractor subsequently entered into the First Amendment to the Agreement (“First Amendment”) dated April 21, 2025 to expand the scope of services, increase the not-to-exceed payment amount by the authorized contingency amount of \$105,560.00, and provide for an extension of time; and

WHEREAS, the Town and the Contractor wish to further amend the Agreement to update the scope of services to provide for an extension of construction engineering support services through construction completion and post-construction support for a period of time following construction, and to increase the not-to-exceed payment amount by the amount of \$382,316.00 (“Second Amendment”); and

WHEREAS, subject to Town Council’s approval, the Town and the Contractor have agreed to the terms and conditions governing the Second Amendment.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO AS FOLLOWS:

Section 1. Approval. The Second Amendment between the Town and the Contractor is hereby approved in substantially the same form as presented at tonight’s meeting, with such technical changes, additions, modifications, deletions, or amendments as the Town Manager may approve upon consultation with the Town Attorney. The Mayor and other proper Town officials are hereby authorized to execute the Second Amendment and any technical amendments thereto by and on behalf of the Town.

Section 2. Encumbrance and Authorization for Payment. In order to meet the Town's financial obligations to cover the expanded scope of services under the Second Amendment, the Town Council authorizes an additional expenditure and payment in an amount not to exceed \$382,316.00, unless otherwise authorized in writing by the Town. The total

authorized payment under the Agreement and the First and Second Amendments to the Agreement is \$2,599,076.00.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2025, by the Town Council of the Town of Castle Rock, Colorado, on first and final reading, by a vote of ____ for and ____ against.

ATTEST:

TOWN OF CASTLE ROCK

Lisa Anderson, Town Clerk

Jason Gray, Mayor

Approved as to form:

Approved as to content:

Michael J. Hyman, Town Attorney

Mark Marlowe, Director of Castle Rock Water