

RESOLUTION NO. 2022-137

A RESOLUTION APPROVING THE FIRST AMENDMENT TO THE EQUIPMENT AND SERVICES ACQUISITION AGREEMENT WITH NINE POINT EIGHT CAPITAL LLC d/b/a DRC CONSTRUCTION SERVICES FOR THE STORM SEWER VIDEO INSPECTION SERVICES

WHEREAS, the Town of Castle Rock, Colorado (the “Town”) and Nine Point Eight Capital LLC d/b/a DRC Construction Services (the “Contractor”) entered into an Equipment and Services Acquisition Agreement, dated December 16, 2022 (the “Agreement”); and

WHEREAS, the Town and the Contractor wish to amend the Agreement by adding additional services and increasing the project funds; and

WHEREAS, the Town and the Contractor wish to memorialize these changes through an amendment to the Agreement (the “First Amendment Agreement”).

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

Section 1. Approval. The First Amendment to the Equipment and Services Acquisition Agreement between the Town and Contractor is hereby approved in substantially the same form attached as *Exhibit 1*, with such technical changes, additions, modifications, or deletions 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 Agreement by and on behalf of the Town.

Section 2. Encumbrance and Authorization for Payment. In order to meet the Town's financial obligations under the Agreement, the Town Council authorizes the expenditure and payment from account no. 212-4440-444.30-90 in an amount not to exceed \$329,093.00, plus a Town-managed contingency in the amount of \$32,907.00, unless otherwise authorized in writing by the Town.

PASSED, APPROVED AND ADOPTED this 20th day of December, 2022 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

David L. Corliss, Town Manager