RESOLUTION NO. 2026-091

A RESOLUTION APPROVING THE THIRD AMENDMENT TO THE SERVICES AGREEMENT BETWEEN THE TOWN OF CASTLE ROCK AND 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, 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, pursuant to Town Council approval, the Town and the Contractor entered into the Second Amendment to the Agreement ("Second Amendment") dated September 16, 2025 to further expand the scope of services and increase the not-to-exceed payment amount by $382,316.00; 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, to increase the not-to-exceed payment amount by the amount of $87,400.00, and to provide for an extension of time based on the current construction schedule ("Third Amendment"); and

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

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

Section 1. **Approval**. The Third 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 Third 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 Third Amendment, the Town Council authorizes an additional expenditure and payment in an amount not to exceed $87,400.00, plus an additional Town-managed contingency amount of $8,740.00, unless otherwise authorized in writing by the Town. The total authorized payment under the Agreement, and the First, Second, and Third Amendments to the Agreement, is $2,695,216.00.

PASSED, APPROVED AND ADOPTED this 18th day of August, 2026, 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