

RESOLUTION NO. 2024-046

**A RESOLUTION APPROVING THE FIRST AMENDMENT TO THE
CONSTRUCTION CONTRACT WITH GARNEY COMPANIES, INC., FOR
THE PLUM CREEK WATER PURIFICATION FACILITY EXPANSION
PROJECT**

WHEREAS, the Town of Castle Rock, Colorado (the “Town”) and Garney Companies, Inc. (the “Contractor”) are parties to the Town of Castle Rock Construction Contract for the Plum Creek Water Purification Facility Expansion Project (the “Project”) executed December 19, 2023 (the “Agreement”), by which the Contractor agreed to undertake preconstruction services for the Project for a not-to-exceed amount of \$311,022.00; and

WHEREAS, the Town and the Contractor wish to amend the Agreement to provide for completion of the Project in three Work Packages, instead of two Work Packages; and

WHEREAS, the Town and the Contractor wish to amend the Agreement to expand the Contractor’s scope of work to incorporate Work Package One, establish the Guaranteed Maximum Price (“GMP”) of \$18,571,591.00 for Work Package One, and set a completion of work date of June 30, 2028 for Work Package One (the “First Amendment”); and

WHEREAS, subject to Town Council’s approval of the scope of work, GMP, and completion of work date for Work Package One, the Town and the Contractor have agreed to the terms and conditions governing the First Amendment.

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 Agreement 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 First 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 work under the First Amendment to the Agreement, the Town Council authorizes the expenditure and payment from the Advanced Oxidation Facility Fund in an amount not to exceed \$18,571,591.00 (inclusive of a Town-managed construction contingency in the amount of \$952,389.00), unless otherwise authorized in writing by the Town. The total authorized payment under the Agreement and the First Amendment to the Agreement, including the construction contingency for Work Package One, is \$18,882,613.00.

PASSED, APPROVED AND ADOPTED this 7th day of May, 2024, by the Town Council of the Town of Castle Rock, Colorado, on first and final reading, by a vote of ____ for and ____against.

ATTEST:

Lisa Anderson, Town Clerk

Approved as to form:

Michael J. Hyman, Town Attorney

TOWN OF CASTLE ROCK

Jason Gray, Mayor

Approved as to content:

Mark Marlowe, Director of Castle Rock Water