

**CHANGE ORDER NO. 18 TO  
THE TOWN OF CASTLE ROCK AGREEMENT  
FOR NEGOTIATED UNIT PRICE DEVELOPMENT UP TO A FIXED CONTRACT  
AMOUNT AND CONSTRUCTION/GC SERVICES  
(Bid Package 4 Work)**

THIS CHANGE ORDER is dated as of \_\_\_\_\_ day of \_\_\_\_\_, 2016 by and between the Town of Castle Rock, a Colorado municipal corporation, 100 N. Wilcox Street, Castle Rock, Colorado 80104 ("Town") and EDWARD KRAEMER & SONS, INC., a Wisconsin corporation, 900 W. Castleton Road, Suite 220, Castle Rock, Colorado 80104(now doing business as KRAEMER NORTH AMERICA, LLC) ("Contractor").

Town and Contractor are parties to the Town of Castle Rock Agreement for Negotiated Unit Price Development up to a Fixed Contract Amount and Construction Services dated November 19, 2013, as amended by the First Amendment dated November 19, 2013, and the Second Amendment dated December 17, 2013, and the Third Amendment dated April 1, 2014, and the Fourth Amendment dated April 15, 2014 and the Fifth Amendment dated August 19, 2014 (collectively, the "Agreement").

Town has determined that it is necessary and appropriate to enter into a Change Order No. \_\_, which may be supplemented as plans are completed, to establish the Fixed Contract Amount for Bid Package 4 to incorporate the scope of work and related addenda related to the construction of additional widening and bypass lanes as part of the Project ("Additional Work") and to provide for direct payment to Contractor by Douglas County for a portion of the Additional Work.

Town and Contractor, in consideration of these mutual covenants hereinafter set forth, agree as follows:

**Section 1. Bid Package 4 Change Order Approval.** The Change Order(s) to Bid Package 4 will be reviewed and accepted by the Town. Accordingly, Contractor agrees to undertake and complete the Additional Work, which is the work necessary to construct two additional bypass lanes at the proposed southbound I-25 / Castle Rock Parkway roundabout intersection, (namely adding an eastbound Castle Rock Parkway to southbound Promenade Parkway bypass lane and adding a northbound Promenade Parkway to southbound I-25 on-ramp bypass lane – which includes widening the southbound I-25 on-ramp), and to widen Castle Rock Parkway from two to four through lanes between US 85 and I-25 and all appurtenances, and as generally depicted in the attached ***Exhibit A***. Contractor shall complete the Additional Work and be compensated for the Additional Work in accordance with the terms of the Agreement.

**Section 2. Bid Package 4 Change Order Compensation / Fixed Contract Amount.** Compensation to Contractor for the Additional Work shall not exceed \$2,000,000. Accordingly, the Fixed Contract Amount for Bid Package 4 shall not

exceed is \$49,180,047 ("Bid Package 4 FCA"). Any costs above the Bid Package 4 FCA for the Bid Package 4 Work shall be paid by Contractor without reimbursement by Town, subject to additions and deductions by Change Order as provided in the Contract Documents. Contractor shall be compensated for the Additional Work in accordance with the County Funding IGA, as amended by the First Amendment dated \_\_\_\_\_.

**Section 3. Encumbrance and Authorization for Payment.** In order to meet the Town's financial obligation under this change order, the Town authorizes the expenditure and payment from the 2016 appropriation account 135-3175-431.75-31 of the change order amount, less the County obligation of Seven Hundred and Fifty Thousand Dollars (\$750,000.00) under the County Funding IGA as amended by the First Amendment to the IGA dated \_\_\_\_\_. The Town's encumbrance for this change order would thus not exceed One Million Two Hundred and Fifty Thousand Dollars (\$1,250,000.00) for the Town's portion of the work.

**Section 4. Contract Sum Amendment.** Section 9.5 of the Agreement is amended in its entirety to read as follows:

**9.5 CONTRACT SUM**

9.5.1 The Contract Sum shall be the maximum amount payable under this Agreement and the Contract Documents to Contractor by the Town as determined by the Town from available funds. The Contract Sum can only be modified by Change Order and/or Amendment.

9.5.1.1 The Contract Sum is \$60,473,774.47 (inclusive of the FCA's approved with the First, Second, Third, Fourth, Fifth Amendments to the Agreement and Change Order to Bid Package 4).

9.5.2 At no point shall the Contract Sum exceed the Fixed Limit of Construction Cost unless the Fixed Limit of Construction Cost is amended.

**Section 5. Contract Documents.** In addition to the documents outlined in the Agreement and referred to as the "Contract Documents, the documents described in the change order(s) to accomplish the Additional Work shall be incorporated in, and made part of the Agreement, and shall be referred to as the "Bid Package 4 Contract Documents."

**TOWN:**

**ATTEST:**

**TOWN OF CASTLE ROCK**

\_\_\_\_\_  
Sally A. Misare, Town Clerk

\_\_\_\_\_  
Paul Donahue, Mayor

**Approved as to form:**

\_\_\_\_\_  
Robert J. Slentz, Town Attorney

**CONTRACTOR:**

**EDWARD KRAEMER & SONS, INC.,**  
a Wisconsin corporation.(dba KRAEMER  
NORTH AMERICA, LLC)

By:  \_\_\_\_\_ Timothy J. Maloney

Its: Vice President