

RESOLUTION NO. 2025-118

A RESOLUTION APPROVING THE SECOND AMENDMENT TO THE SERVICES AGREEMENT WITH MULLER ENGINEERING COMPANY, INC., FOR THE MCMURDO GULCH STREAM RECLAMATION PRIORITY NO. 3 PROJECT FOR SUPPLEMENTAL SERVICES

WHEREAS, the Town of Castle Rock, Colorado (the “Town”) and Muller Engineering Company, Inc. (the “Consultant”) are parties to the Town of Castle Rock Services Agreement for the McMurdo Gulch Stream Reclamation Priority No. 3 Project (the “Project”) dated January 17, 2024 (the “Agreement”), to provide supplemental design, bid, construction and post-construction services for the Project; and

WHEREAS, pursuant to Resolution No. 2024-005, 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 \$359,956.00, plus a Town-managed contingency in the amount of \$35,995.60; and

WHEREAS, the Town and the Consultant subsequently entered into the First Amendment to the Agreement (“First Amendment”) dated April 29, 2024 to expand the scope of services, provide for an extension of time, and increase the not-to-exceed payment amount by \$24,386.00, utilizing part of the authorized contingency to do so; and

WHEREAS, the Town and the Consultant wish to further amend the Agreement to provide for an extension of time, update the scope of services to provide for supplemental project administration, easement, deed restriction, and bid and construction services, and increase the not-to-exceed payment amount by the amount of \$74,831.00 (“Second Amendment”); and

WHEREAS, the Town hereby seeks authorization of an additional \$74,831.00 for the supplemental services to be provided under the Second Amendment, leaving the remaining contingency amount of \$11,609.60 available; and

WHEREAS, subject to Town Council’s approval, the Town and the Consultant 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 Consultant 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 \$74,831.00, unless otherwise authorized in writing by the Town. The total authorized payment under the Agreement and the First and Second Amendments to the Agreement, including the remaining contingency in the amount of \$11,609.60, is \$470,782.60.

PASSED, APPROVED AND ADOPTED this 7th day of October, 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