

RESOLUTION NO. 2024-072

A RESOLUTION APPROVING THE SECOND 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”) dated 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 entered into the First Amendment to the Agreement dated May 7, 2024 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 for Work Package One; and

WHEREAS, the Town and the Contractor wish to amend the Agreement to expand the Contractor’s scope of work to incorporate Work Package Two, establish the GMP of \$6,739,585.00 for Work Package Two, and set a completion of work date of June 30, 2028 for Work Package Two (the “Second Amendment”); and

WHEREAS, subject to Town Council’s approval of the scope of work, GMP, and completion of work date for Work Package Two, the Town and the Contractor 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 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 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 work under the Second Amendment to the Agreement, the Town Council authorizes the expenditure and payment from the Advanced Oxidation Facility Fund in an amount not to exceed \$6,739,585.00, unless otherwise authorized in writing by the Town. The total authorized payment under the Agreement, the First Amendment to the Agreement, and the Second Amendment to the Agreement, including the construction contingency in the amount of \$952,389.00 for Work Package One and Work Package Two, is \$26,574,587.00.

PASSED, APPROVED AND ADOPTED this 2nd day of July, 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:

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