

RESOLUTION NO. 2024-070

A RESOLUTION CONCURRING WITH THE AWARD OF A CONSTRUCTION CONTRACT BY THE DAWSON TRAILS METROPOLITAN DISTRICT NO. 1 TO BEMAS CONSTRUCTION FOR THE DAWSON TRAILS BOULEVARD PROJECT, AND APPROVING ALL CONTRACT DOCUMENTS ASSOCIATED THEREWITH

WHEREAS, the Town of Castle Rock, Colorado (the “Town”) is currently working to construct the Crystal Valley Interchange, which requires a new north-south connection road, referred to as Dawson Trails Boulevard, to be constructed along the west side of Interstate 25; and

WHEREAS, the Town and Dawson Trails Metropolitan District No. 1 (the “District”) entered into the CVI Contribution Funding Agreement on October 9, 2023 (the “Funding Agreement”), by which the District agreed to contribute \$50,000,000.00 (the “District’s Contribution”) to the design, acquisition, construction, management, and installation of the Crystal Valley Interchange Project (the “CVI Project”); and

WHEREAS, the Town and the District entered into the Dawson Trails Boulevard Management Agreement on May 21, 2024 (the “Management Agreement”), by which the District has agreed to manage a critical component of the CVI Project, the construction of Dawson Trails Boulevard from the current southern boundary of the Town north to the federal limits of the CVI Project (the “DTB Project”); and

WHEREAS, Section 2.01.A of the Management Agreement states that the District is responsible for all aspects of permitting, bidding and contracting, development, construction, and construction management of the DTB Project through completion; and

WHEREAS, Section 2.02.A of the Management Agreement requires that the Town be entirely responsible for financing construction of the DTB Project; and

WHEREAS, Section 2 of the Funding Agreement establishes the Interchange Project Fund into which the District’s Contribution has been deposited, a portion of which is allocated by Section 5 of the Funding Agreement for the purpose of financing the DTB Project; and

WHEREAS, Section 2.02.C of the Management Agreement provides that the District will undertake a competitive bidding process to select the lowest, best, and responsive bidder it will use to construct and manage the DTB Project (the “Work”), which selection requires Town concurrence; and

WHEREAS, the District has completed the bidding process required under the Agreement and has selected Bemas Construction (the “Contractor”) to perform the Work at a total cost of \$10,092,606.44; and

WHEREAS, the District and the Contractor have agreed to the terms and conditions by which the Work will be performed, which terms and conditions are set forth in the Project Manual for the Dawson Trails Metropolitan District No. 1 Dawson Trails Boulevard- CIP Project (the “Contract Documents”); and

WHEREAS, Town staff reviewed the bids received by the District for the Work and recommends that Town Council concur with the District's selection of Contractor; and

WHEREAS, as required by Section 3.01 of the Management Agreement, Town staff has reviewed the Contract Documents and recommends their approval by the Town Council; and

WHEREAS, the Town Council finds and determines that it is in the best interests of the Town and its residents to concur with the District's selection of the Contractor, approve the Contract Documents, and authorize funding for the DTB Project.

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

Section 1. Concurrence. The Town hereby concurs with the selection of Bemas Construction as the contract for the DTB Project.

Section 2. Approval. The Town hereby approves the Contract Documents 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.

Section 3. Encumbrance and Authorization for Payment. In order to meet the Town's financial obligations under the Management Agreement, the Town Council authorizes the expenditure and payment from the Interchange Project Fund in the amount of \$10,092,607.00, plus an additional 10% contingency in the amount of \$1,009,261.00. Payments from the Interchange Project Fund shall be processed pursuant to the terms of the Funding Agreement.

PASSED, APPROVED AND ADOPTED this 2nd day of July, 2024, by the Town Council of the Town of Castle Rock, Colorado, on the 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

Daniel Sailer, Director of Public Works