

RESOLUTION NO. 2025-033

A RESOLUTION APPROVING THE THIRD 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 entered into the Second Amendment to the Agreement dated July 2, 2024 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 for Work Package Two; and

WHEREAS, the Town and the Contractor wish to amend the Agreement to expand the Contractor’s scope of work to incorporate Work Package Three, establish the GMP of \$41,821,534.00 for Work Package Three, and set a completion of work date of June 30, 2028 for Work Package Three (the “Third Amendment”); and

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

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

Section 1. Approval. The Third 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 Third 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 Third Amendment to the Agreement, the Town Council authorizes the expenditure and payment in an amount not to exceed \$41,821,534.00, unless otherwise authorized in writing by the Town. The total authorized

payment under the Agreement, the First Amendment to the Agreement, the Second Amendment to the Agreement, and the Third Amendment to the Agreement, including the construction contingency in the amount of \$1,766,649.00 for Work Packages One, Two and Three, is \$67,443,732.00.

PASSED, APPROVED AND ADOPTED this 4th day of March, 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