

RESOLUTION NO. 2019-\_\_

**RESOLUTION APPROVING THE SECOND AMENDMENT TO PLUM CREEK WATER PURIFICATION FACILITY (PCWPF) ADVANCED TREATMENT PROJECT CONSTRUCTION AGREEMENT WITH GARNEY COMPANIES, INC. FOR WORK PACKAGE TWO AND ESTABLISHING THE FINAL GMP**

**WHEREAS**, the Town and Garney Companies, Inc. (“Garney”) are parties to the PCWPF Advanced Treatment Project Construction Agreement dated August 9, 2018, by which Garney agreed to undertake preconstruction services for the PCWPF Advanced Treatment Project (“Project”); and

**WHEREAS**, the Town and Garney are parties to the terms and conditions of the First Amendment to the Project Construction Agreement dated December 18, 2018, by which Garney agreed to undertake Work Package One for the Project and established the Guaranteed Maximum Price (GMP) for Work Package One; and

**WHEREAS**, the Town and Garney have agreed to the terms and conditions of the Second Amendment to the Project Construction Agreement incorporating Work Package Two and establishing the Work Package Two GMP; and

**WHEREAS**, a need for a sustainable long-term water supply was identified in the Town’s Water Resources Strategic Master Plan. The Project supports the Town’s long-term water goal of providing a 75 percent renewable water supply for the community at build-out; and

**WHEREAS**, on April 24, 2019 the Castle Rock Water Commission voted to recommend Town Council approval of the Second Amendment to the Construction Agreement with Garney for Work Package Two for this Project.

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

**Section 1. Approval.** The Second Amendment to the Plum Creek Water Purification Facility Advanced Treatment Project Construction Agreement in the form attached as *Exhibit 1* is hereby approved. The Mayor and other proper Town officials are hereby authorized to execute the Amendment to the Agreement by and on behalf of the Town of Castle Rock, Colorado.

**Section 2. Encumbrance and Authorization for Payment.** In order to meet the Town's financial obligation under the Second Amendment, the Town Council authorizes the expenditure and payment from expenditure account 211-4375-443.77-75, in an amount not to exceed \$18,202,567 unless authorized in writing by the Town of Castle Rock.

**PASSED, APPROVED AND ADOPTED** this 21st day of May, 2019, by the Town Council of the Town of Castle Rock, Colorado, on first and final reading by a vote of \_\_\_\_ for and \_\_\_\_ against.

**ATTEST:**

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Lisa Anderson, Town Clerk

**Approved as to form:**

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Robert J. Slentz, Town Attorney

**TOWN OF CASTLE ROCK**

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Jason Gray, Mayor

**Approved as to content:**

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Mark Marlowe, Director of Castle Rock Water