

**A RESOLUTION AUTHORIZING THE FIRST AMENDMENT TO THE GALLOWAY
AND COMPANY PROFESSIONAL SERVICES AGREEMENT**

NO. 2023-046

WHEREAS, the City of Commerce City (“City”), intends to provide site analysis and selection and design and construction drawings for the construction of two (2) municipal parks (Oasis in Second Creek Open Space “the Oasis” and Second Creek Farm Neighborhood Park), fitness stations and shade structures along the Highway 2 Multi-Use Path, and shade structures along the Second Creek Trail (“Project”);

WHEREAS, the City engaged in a formal competitive public solicitation process consistent with the applicable requirements and selected Galloway and Company to provide design services and construction drawings for the Project;

WHEREAS, the City entered into a professional services agreement with Galloway and Company on March 21, 2023 (“the Original Contract”) to provide design and construction drawings for the Project; and

WHEREAS, the City requires additional services associated with the Project, consisting of additional coordination, design development efforts, environmental services, construction document scope and bid package preparation for the Oasis (“Additional Services”), amending the Original Contract with Galloway and Company is in the City’s best interests, and the costs of the Project will exceed \$250,000 with these additional costs added to the Original Contract and, pursuant to the City’s procurement policies and the City Manager’s commitment to the City Council, the City Council must approve any procurement in excess of \$250,000.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

SECTION 1. Findings. The recitals to this resolution are incorporated as findings of the City Council. This resolution is found to be necessary for the preservation of the public health, safety, and welfare and in the public interest.

SECTION 2. Award. The award of a contract for the Additional Services to Galloway and Company is hereby approved subject to successful finalization of an appropriate amendment to the Original Contract on terms acceptable to the City Manager. This resolution shall not be deemed to grant any right or interest in the award of an amendment to the Original Contract to Galloway and Company. All rights and interests shall be defined exclusively by the terms and conditions set forth in the Original Contract and the written amendment.

SECTION 3. Authorization to Negotiate. The City Manager is hereby authorized to negotiate and finalize the details of an amendment to the Original Contract between Galloway and Company and the City.

SECTION 4. Execution and Attestation. Upon successful finalization of the amendment to the Original Contract and approvals as to form by the City Attorney, the City

Manager is hereby authorized to execute, and the City Clerk to attest, the amendment to the Original Contract on behalf of the City.

RESOLVED AND PASSED THIS 15TH DAY OF MAY 2023.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk