

**RESOLUTION APPROVING CHANGE ORDER NO. 1 TO AGREEMENT
BETWEEN THE CITY OF COMMERCE CITY AND ZAK DIRT, INC. FOR
EAST 104TH AVENUE IMPROVEMENTS PROJECT, PHASE 3B**

NO. 2014-46

WHEREAS, the City of Commerce City (the “City”) and the City of Commerce City Northern Infrastructure General Improvement District (“the NIGID”) have engaged in a long-term public improvements project to widen and improve East 104th Avenue (the “Project”) within the City, the funding for which was approved by a 2005 vote of NIGID electors;

WHEREAS, the responsibility for materials testing and survey staking for Phase 3B of the Project currently lies with the Project’s design engineer;

WHEREAS, to be consistent with the Colorado Department of Transportation and industry practices, the City desires to transfer responsibility for materials testing and survey staking to the construction contractor for the Project, Zak Dirt;

WHEREAS, the transfer of these responsibilities will have a negligible net effect on overall Project costs, but will increase by \$858,623.75 the price of the contract construction for East 104th Avenue Improvements, Phase 3B Project, Project No. 9062-11 (the “Agreement”);

WHEREAS, pursuant to the City Manager’s commitment to the City Council, all City contracts exceeding \$250,000.00 in value will be approved by the City Council; and

WHEREAS, the attached Change Order No. 1, which adds to the Agreement the materials testing and survey staking for Phase 3B of the Project, exceeds \$250,000.00 and therefore must be approved by the City Council prior to execution.

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

1. The attached Change Order No. 1 is hereby approved.
2. The Mayor and City Clerk are hereby authorized and directed to execute the attached Change Order No. 1 by and on behalf of the City of Commerce City.

RESOLVED AND PASSED THIS 5TH DAY OF MAY, 2014.

CITY OF COMMERCE CITY

Sean Ford, Mayor

ATTEST:

Laura J. Bauer, CMC, City Clerk