

**A RESOLUTION AMENDING RESOLUTION 2022-15 AND AUTHORIZING THE
SELECTION OF MICHAEL BAKER INTERNATIONAL, INC. FOR THE
AMENDED DESIGN AND PRECONSTRUCTION SERVICES FOR THE
WIDENING OF COLORADO BOULEVARD PROJECT**

NO. 2023-013

WHEREAS, on March 14, 2022, by Resolution 2022-15, the City Council of the City of Commerce City (“Council”) approved the selection of Michael Baker International to perform design services required for the widening and other improvements along Colorado Boulevard between 68th Avenue and 70th Avenue;

WHEREAS, the City of Commerce City (“City”) and Michael Baker International (“MBI,” together with the City, “Parties”), then executed a Professional Services Agreement (“Agreement”) regarding design of the Widening of Colorado Boulevard (“Project”);

WHEREAS, additional services not included in the Agreement are required for the Project, including property acquisition services, thereby resulting in MBI’s submission of a change order request and an amendment to the Agreement;

WHEREAS, the total funding required for the Project shall exceed the \$485,871.32 allotted to the Project in Resolution 2022-15 thereby necessitating an amendment to that resolution; and

WHEREAS, the Council desires to effectively amend Resolution 2022-15 by this resolution which shall supersede the previous resolution, while also re-authorizing the City to proceed with the selected vendor for the additional services.

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. Approval of Amendment. The selection of Michael Baker International, Inc., to perform the expanded services described in the amendment to the previously executed Professional Services Agreement regarding the Widening of Colorado Boulevard is hereby approved subject to successful finalization of an appropriate amendment to the Agreement on terms acceptable to the City Manager. This resolution shall not be deemed to grant any right to or interest in the award of an amended contract to MBI. All rights and interests shall be defined exclusively by the terms and conditions set forth in the written amended contract.

SECTION 3. Authorization of Amendment. The City Manager is hereby authorized to negotiate and finalize the details of an amendment to the previously executed Professional Services Agreement regarding design of the Widening of Colorado Boulevard with MBI, including final pricing and payment terms, consistent with the terms of the previously executed Professional Services Agreement with MBI.

SECTION 4. Repealer. To the extent Resolution 2022-15 is inconsistent with this resolution, then Resolution 2022-15 is hereby repealed and replaced in relevant part as set forth herein, and specifically by the elimination of the cap on total expenditures available for the Project per Resolution 2022-15.

SECTION 5. Execution and Attestation. Upon successful finalization of the amendment to the Agreement and approval as to form by the City Attorney, the City Manager is hereby authorized to execute, and the City Clerk to attest, the amended Agreement on behalf of the City.

RESOLVED AND PASSED THIS 6TH DAY OF FEBRUARY, 2023.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk