

**RESOLUTION APPROVING CHANGE ORDER NO. 2 TO CONTRACT FOR NEW  
RECREATION CENTER AND INFRASTRUCTURE CONSTRUCTION SERVICES**

**NO. 2016-128**

WHEREAS, the City of Commerce City (“City”) desires to construct a new recreation center and related infrastructure improvements in the northern part of the City near 112th Avenue and Potomac Street (“Project”);

WHEREAS, the City has engaged in a two-stage formal competitive procurement process to select a qualified firm to provide Construction Manager/General Contractor (“CM/GC”) services for the Project;

WHEREAS, the City’s formal competitive procurement process contemplated the selection of a CM/GC contractor to provide services in two phases, beginning with the selection of a CM/GC contractor to provide pre-construction services for the Project, which services include cost estimating, value engineering, scheduling, logistical planning, constructability analysis, bid package administration, bidding of trade contracts, and the submittal of a guaranteed maximum price proposal for the construction work, and including a second stage of establishing a contract with the CM/GC contractor to provide construction services under a separate contract without further competition, which services include construction management, administration, field supervision, coordinating subcontractors, maintaining quality, meeting schedules and providing the general conditions work for the Project;

WHEREAS, the City Council selected and contracted with Pinkard Construction Co. (“Contractor”) to perform the pre-construction services for the Project in accordance with the terms and conditions of an Agreement for Professional Services, including negotiation of a guaranteed maximum price for construction services;

WHEREAS, on August 22, 2016, by Resolution 2016-100, the City Council approved the award of the contract for construction of the Project to the Contractor, on a phased basis, subject to a Guaranteed Maximum Price, commencing with “Work Package A,” which contract was executed on September 1, 2016, and on October 3, 2016, by Resolution 2016-106, the City Council approved the first amendment to the contract including Work Package 1;

WHEREAS, the City desires to include in the contract, pursuant to an intergovernmental agreement with the South Adams County Water and Sanitation District (“District”) approved contemporaneously with this resolution, certain irrigation improvements with the first phase of construction (Work Package A), through the proposed Change Order No. 2 dated October 14, 2016, in the amount of \$908,277 to be paid through funds provided by the District attached hereto as Exhibit A (“Change Order”);

WHEREAS, the cost of the Contractor’s construction services will exceed \$250,000.00, 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 \$250,000.00; and

WHEREAS, the City Council hereby finds and determines that approval of the Change Order is and shall be in the best interest of the residents of the City.

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

1. The Change Order is hereby approved, subject to the District's mutual approval and execution of the related intergovernmental agreement; and
2. Upon the District's mutual approval and execution of the related intergovernmental agreement, the City Manager is hereby authorized to execute the Change Order and to negotiate and execute, and the City Clerk to attest, any amendment to the construction services agreement with the Contractor for the inclusion of the Change Order.

RESOLVED AND PASSED THIS 7TH DAY OF NOVEMBER 2016.

CITY OF COMMERCE CITY

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Sean Ford, Mayor

ATTEST:

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Laura J. Bauer, MMC, City Clerk