

**RESOLUTION APPROVING AWARD OF FIRST AMENDMENT TO CONTRACT  
FOR EAGLE POINTE CONSTRUCTION SERVICES FOR LONG LEAD  
PROCUREMENT**

**NO. 2018-08**

WHEREAS, the City of Commerce City (“City”) desires to construct additions and renovations to the Eagle Pointe Recreation Center located at 6060 Parkway Drive (“Project”) and has engaged in a 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 Golden Triangle Construction, Inc. (“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 December 4, 2017, by Resolution 2017-115, 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 1,” which contract was also executed on December 4, 2017 and including foundations and utility relocations necessary for the building addition;

WHEREAS, the City now desires to allow the Contractor to proceed with procurement of long lead materials, which generally includes structural steel and masonry for the building addition at the Eagle Pointe Recreation Center;

WHEREAS, the Contractor has proposed an increase to Guaranteed Maximum Price in the amount of \$789,135 for the Long Lead Procurement, which will increase the Guaranteed Maximum Price for the Project to \$1,615,951;

WHEREAS, the City and the Contractor are negotiating the terms and conditions of the amendment to the construction agreement;

WHEREAS, 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 the award of the first amendment to the contract for long lead items for the Project to the Contractor 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 award of the first amendment to the contract for construction services for the Project (Long Lead Procurement) to the Contractor is hereby approved, subject to the successful finalization of the first amendment to the construction services agreement on terms acceptable to the City Manager and not to exceed the proposed guaranteed maximum price as stated in this resolution;
2. The City Manager is hereby authorized to negotiate and finalize the details of the amendment to the construction services agreement with the Contractor for the performance of construction services for Project (Long Lead Procurement) for an amount not to exceed the proposed guaranteed maximum price as stated in this resolution;
3. Upon successful finalization of the first amendment to the construction services 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 amendment on behalf of the City of Commerce City;
4. The City Manager is authorized to negotiate and execute amendments to the construction services agreement using a contingency of 5% of the guaranteed maximum price established in this resolution, without further approval of the City Council.; and
5. The City Manager remains authorized to negotiate with the Contractor to perform construction services for Project Work Package 2 without further competition, subject to the approval by the City Council of award to Contractor of such services.

RESOLVED AND PASSED THIS 22ND DAY OF JANUARY 2018.

CITY OF COMMERCE CITY

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Sean Ford, Mayor

ATTEST:

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Laura J. Bauer, MMC, City Clerk