

**RESOLUTION INCREASING CONSTRUCTION CONTRACT AUTHORIZATION
FOR THE EAGLE POINTE RECREATION CENTER PROJECT
NO. 2018-91**

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 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, and on January 22, 2018, by Resolution 2018-08, the City Council allowed the Contractor to proceed with procurement of long lead materials, which generally includes structural steel and masonry for the building addition, and on February 5, 2018, by Resolution 2018-03, the City Council approved the second amendment to the contract including Work Package 2;

WHEREAS, the City Manager was authorized to negotiate and execute amendments to the construction services agreement using a contingency of 5% of the total guaranteed maximum price established in resolution, 2018-03 without further approval of the City Council, upon approval as to form by the City Attorney;

WHEREAS, the City and the Contractor have negotiated changes to the contract within the approved 5% of the guaranteed maximum price and negotiation of additional changes are anticipated to be needed to complete the Project;

WHEREAS, the cost to the City 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 the authorization of the City Manager to negotiate and execute amendments to the construction services agreement using a contingency of 7% of the total guaranteed maximum price established in resolution 2018-03 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 City Manager is authorized to negotiate and execute amendments to the construction services agreement using a contingency of 7% of the total guaranteed maximum price established in Resolution 2018-03, without further approval of the City Council, upon approval as to form by the City Attorney;
2. Paragraph 4 of Resolution 2018-03 is repealed and replaced by paragraph 1 of this Resolution.

RESOLVED AND PASSED THIS 5TH DAY OF NOVEMBER 2018.

CITY OF COMMERCE CITY

Sean Ford, Mayor

ATTEST:

Laura J. Bauer, MMC, City Clerk