



Procurement and Contract Coversheet for Goods and Services

Project/Procurement Description: Second Amendment to IGA with MHFD for Irondale Gulch

Contract Title (Including Vendor Name): SECOND AMENDMENT INTERGOVERNMENTAL AGREEMENT REGARDING BETWEEN URBAN DRAINAGE AND FLOOD CONTROL DISTRICT DBA MILE HIGH FLOOD DISTRICT FINAL DESIGN, RIGHT-OF-WAY ACQUISITION, AND CONSTRUCTION OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR IRONDALE GULCH AT HIGHWAY 2

Department: Public Works

Division: Engineering

Contract Manager/Project Manager/Project Supervisor: Shawn Poe, PE, CFM

Solicitation Information: Agreement Only

| | | | |
|--|--------------------------|---|---|
| Solicitation Type: Aggregate all years | Select Solicitation Type | Date Submitted for Approval: | 11/8/23 |
| <i>Must have City Attorney approval prior to formal solicitation</i> | | Council Approval Required (+\$250k): | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Attach applicable selection form: Sole Source; Collaborative Purchasing Documentation, Quotes Documentation; Bid Tab. | | Resolution #: | 2023-116 |
| | | Date Approved by City Council: | 11/6/23 |

Provide justification summary (include number of respondents/bids, quotes, etc.; describe selection criteria if not lowest bidder):

An IGA was approved with the Mile High Flood District (MHFD) for the design, ROW acquisition, and construction of drainage and flood control improvements for the Irondale Gulch drainage basin near Highway 2 (see Project Map) on December 18, 2021. The original IGA was for the engineering design for the flood control improvements and totaled \$200,000 (\$100,000 from MHFD and \$100,000 from the City). Due to funding limitations, the project must be funded in phases so funds are added (banked) to the project scope as they become available through amendments to the original agreement. Subsequently, the First Amendment to the IGA was approved on October 28, 2022 for engineering and a portion of the funding for the ROW acquisition needed for the flood control improvements, which totaled \$600,000 (\$300,000 from MHFD and \$300,000 from the City).

This Second Amendment to the IGA will add additional funding for the ROW acquisition for the project totaling \$600,000 (\$300,000 from MHFD and \$300,000 from the City). This was approved by the CAO as to form and also City Council on 11/06/23.

Contract/Procurement Approval (obtain after selection of vendor using required solicitation method)

| | | | |
|---|--|--|---|
| Contractor/ Business Name: | Urban Drainage and Flood Control District DBA Mile High Flood District | Contract Term: | One (1) Year |
| Contract Type: | Intergovernmental Agreement | Number of Year(s) Renewal Option: | N/A |
| Selected by 5% local preference: | <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A | Termination Date: | 12/18/2024 |
| Dollar Amount (All Years): | \$1,400,000 | Funding Source: (include account number, if available) | 395-15-750-326 |
| Is this already approved in the budget: | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Is a budget ordinance required? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |



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| | | | |
|---|--|---|--|
| Vendor Verified with Secretary of State (optional): | <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A | Grant and/or Federal funding (If yes, attach SAMS Report) | <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A |
| Emergency Procurement (attach approval email) | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | |

Funding Available / Finance Approval:
(Completed before procurement/executed contract
(If dollar amount \$75K or greater)

Email via DocuSign to:
budget@c3gov.com

Procurement Approval Required:
(Name/title based on procurement level authority)

Benjamin A. Huseman
Mayor

Budget Staff Signature
DocuSigned by:
Benjamin A. Huseman
A1812F6B8334FC01...
Signature

Please send to Andy Stewart at MHFD astewart@mhfd.org.

Contract Reviewers:

PM or designee verified vendor has no comments on contract:

CA

Risk Manager: (if applicable)

N/A

City Attorney

DS
JS

11/9/2023 | 8

Initials/Date

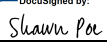


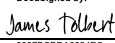
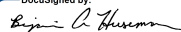

Initials/Date

Initials/Date



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Route contract via DocuSign in the following order for signature

| | Signature | Date |
|---------------------------------------|---|----------------------------------|
| 1. Vendor / Contractor: | <u>N/A</u> | |
| 2. Division Manager: | | |
| 3. Department Director: | DocuSigned by:  <small>F40EA2C50B7B4EF...</small> | <u>11/8/2023 9:25 PM MST</u> |
| 4. City Attorney: | DocuSigned by:  <small>3FD4285A710044F...</small> | <u>11/9/2023 8:55 AM MST</u> |
| 5. Projects & Implementation Officer: | DocuSigned by:  <small>1B8349FB75C744F...</small> | <u>11/9/2023 9:49 AM MST</u> |
| 6. Assistant City Manager: | DocuSigned by:  <small>8337BCBDA6824EC...</small> | <u>11/9/2023 2:38 PM MST</u> |
| 7. City Manager/City Council: | DocuSigned by:  <small>A1672F8B883F4CD...</small> | <u>11/13/2023 10:57 AM MST</u> |
| 8. City Clerk: | DocuSigned by:  <small>798CD14FB5714B1...</small> | <u>11/15/2023 12:14 PM MST</u> |

SECOND AMENDMENT TO
AGREEMENT REGARDING
FINAL DESIGN, RIGHT-OF-WAY ACQUISITION, AND CONSTRUCTION
OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR
IRONDALE GULCH AT HIGHWAY 2
CITY OF COMMERCE CITY

Agreement No. 21-04.28B
Project No. 107303

THIS SECOND AMENDMENT TO AGREEMENT (hereinafter called "SECOND AMENDMENT"), by and between URBAN DRAINAGE AND FLOOD CONTROL DISTRICT D/B/A MILE HIGH FLOOD DISTRICT (hereinafter called "DISTRICT") and CITY OF COMMERCE CITY (hereinafter called "CITY") and collectively known as "PARTIES";

WITNESSETH:

WHEREAS, PARTIES have entered into "Agreement Regarding Final Design, Right-of-Way Acquisition and Construction of Drainage and Flood Control Improvements for Irondale Gulch at Highway 2" (Agreement No. 21-04.28) dated December 18, 2021, (hereinafter called "AGREEMENT"); and

WHEREAS, PARTIES now desire to proceed with the design, right-of-way acquisition and construction of drainage and flood control improvements for Irondale Gulch at Highway 2 (hereinafter called "PROJECT"); and

WHEREAS, PARTIES desire to increase the level of funding by \$600,000; and

WHEREAS, DISTRICT's Board of Directors has authorized additional DISTRICT financial participation for PROJECT (Resolution No. 25, Series of 2023); and

WHEREAS, the City Council of CITY and the Board of Directors of DISTRICT have authorized, by appropriation or resolution, all of PROJECT costs of the respective PARTIES.

NOW, THEREFORE, in consideration of the mutual promises contained herein, PARTIES hereto agree as follows:

1. Paragraph 4. PROJECT COSTS AND ALLOCATION OF COSTS is deleted and replaced as follows:
 4. PROJECT COSTS AND ALLOCATION OF COSTS
 - A. PARTIES agree that for the purposes of this AGREEMENT, PROJECT costs shall consist of and be limited to the following:
 1. Final design services;
 2. Delineation, description and acquisition of required rights-of-way/ easements;
 3. Construction of improvements;
 4. Contingencies mutually agreeable to PARTIES.

B. It is understood that PROJECT costs as defined above are not to exceed \$1,400,000 without amendment to this AGREEMENT.

PROJECT costs for the various elements of the effort are estimated as follows:

| <u>ITEM</u> | <u>AS AMENDED</u> | | <u>PREVIOUSLY AMENDED</u> | |
|-----------------|-------------------|-----------|---------------------------|---------|
| 1. Final Design | \$ | 200,000 | \$ | 200,000 |
| 2. Right-of-way | \$ | 1,200,000 | \$ | 600,000 |
| 3. Construction | \$ | -0- | \$ | -0- |
| 4. Contingency | \$ | -0- | \$ | -0- |
| Grand Total | \$ | 1,400,000 | \$ | 800,000 |

C. Based on total PROJECT costs, the maximum percent and dollar contribution by each party shall be:

| | <u>Percentage Share</u> | <u>Previously Contributed</u> | <u>Additional Contribution</u> | <u>Maximum Contribution</u> |
|----------|-------------------------|-------------------------------|--------------------------------|-----------------------------|
| DISTRICT | 50.00% | \$400,000 | \$300,000 | \$700,000 |
| CITY | 50.00% | \$400,000 | \$300,000 | \$700,000 |
| TOTAL | 100.00% | \$800,000 | \$600,000 | \$1,400,000 |

2. Paragraph 5. MANAGEMENT OF FINANCES is deleted and replaced as follows:

5. MANAGEMENT OF FINANCES

As set forth in DISTRICT policy (Resolution No. 11, Series of 1973, Resolution No. 49, Series of 1977, and Resolution No. 37, Series of 2009), the funding of a local body's one-half share may come from its own revenue sources or from funds received from state, federal, or other sources of funding without limitation and without prior DISTRICT approval.

Within 30 days of request for payment by CITY, DISTRICT shall remit to CITY 50% of these costs attributed to PROJECT, up to DISTRICT's full share of \$700,000. CITY shall provide a periodic accounting of PROJECT funds as well as a periodic notification to DISTRICT of any unpaid obligations.

3. All other terms and conditions of this AGREEMENT shall remain in full force and effect.

WHEREFORE, PARTIES hereto have caused this SECOND AMENDMENT to be executed by properly authorized signatories as of the date and year written below.

URBAN DRAINAGE AND
FLOOD CONTROL DISTRICT D/B/A
MILE HIGH FLOOD DISTRICT

By _____

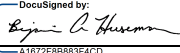
Name _____

Title Executive Director

Date _____

Checked By

CITY OF COMMERCE CITY

By  _____
DocuSigned by:
A1672F8B883F4CD...

Name Benjamin A. Huseman

Title Mayor

Date 11/13/2023 | 10:57 AM MST

(SEAL)

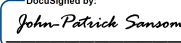


ATTEST:



DocuSigned by:
798CD14FB5714B1...
City Clerk

APPROVED AS TO FORM:



DocuSigned by:
3FD4285A710044F...
Assistant City Attorney