

TOWN OF HOT SULPHUR SPRINGS,
COLORADO
RESOLUTION NO. 2010-10-2

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF HOT SULPHUR SPRINGS, COLORADO, APPROVING CHANGE ORDER #6 TO THE AGREEMENT WITH GARNEY COMPANIES, INC. FOR THE CONSTRUCTION OF THE HOT SULPHUR SPRINGS WATER TREATMENT PLANT, INTAKE, AND STORAGE TANK UPGRADE FOR WORK RELATED TO 1) MOTOR AND VFD CHANGES, 2) ELECTRICAL MODIFICATIONS AT WATER FILTER, 3) REVISIONS TO FINAL SEEDING AND EROSION CONTROL AT WATER TANK, 4) CREDIT FOR TRENCHING AND ELECTRICAL LINE INSTALLATION AT WATER TANK, 5) REVISIONS TO RIVER WORK AND ALTERNATE INTAKE, AND 6) OTHER CLOSEOUT COSTS, IN AN AMOUNT NOT TO EXCEED \$928.00

WHEREAS, the Town of Hot Sulphur Springs Water Enterprise entered into a Loan Agreement with the Colorado Water Resources and Power Development Authority for funding from the Drinking Water Revolving Fund pursuant to the American Recovery and Reinvestment Act to finance water treatment plant upgrades, construction of a new clearwell, new intake and associated piping, and storage improvements ("Project"); and

WHEREAS, by resolution dated September 10, 2009, the Board of Trustees approved the issuance of a Notice of Award to the Garney Companies, Inc. ("Contractor") to undertake and complete the construction and other work related to the Project; and

WHEREAS, the Board of Trustees, by resolution dated September 24, 2009, approved the terms of an agreement and exhibits and integrated Contract Documents for construction of the Hot Sulphur Springs Water Treatment Plant and Storage Tank Upgrade with the Contractor ("Garney Contract"); and

WHEREAS, the Town and the Contractor desire to approve Change Order #6 to the Garney Contract as more fully described in Exhibit A hereto in order to authorize work related to 1) motor and vfd changes, 2) electrical modifications at the water filter, 3) revisions to final seeding and erosion control at the water tank, 4) credit for trenching and electrical line installation at the water tank, 5) revisions to river work and alternate intake, and 6) other closeout costs, in an amount not to exceed \$928.00.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF HOT SULPHUR SPRINGS, COLORADO:

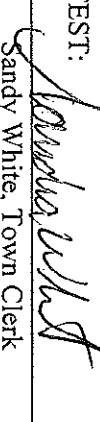
Section 1. The Board of Trustees on behalf of the Town (a) incorporates the recitations set forth herein as findings of the Board; (b) approves Change Order #6 ("Change Order #6") to the Garney Contract, for the purposes as set forth in the recitations hereto and as described in Exhibit A hereto, in an amount not to exceed \$928.00, subject to approval of the same by the CDPHE and the Project Engineer, if such approval is required; (c) authorizes the Project Manager and the Town Attorney, in consultation with the Mayor, to make such changes to Change Order #6 as may be needed to correct any nonmaterial errors or language that do not increase the obligations of the Town; (d) authorizes the Project Manager to submit Change Order #6 to the CDPHE for approval if such approval is required; and (e) authorizes the Mayor to execute, on behalf of the Town, Change Order #6 and any necessary amendments thereto as may be required to satisfy the Town's obligation to comply with requirements of the American Recovery and Reinvestment Act or related and incorporated federal law or regulation or other state or local regulation.

Section 2. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining issues of this Resolution.

Section 3. This Resolution shall be effective immediately upon approval of the Board of Trustees for the Town of Hot Sulphur Springs.

ADOPTED by a vote of ___ in favor and ___ against, and ___ abstaining, this 21st day of October, 2010.

By: 
Hershah Deputy, Mayor

ATTEST:
By: 
Sandy White, Town Clerk

**EXHIBIT A
CHANGE ORDER #6 DOCUMENTATION**



CHANGE ORDER TO:

Hot Sulphur Springs Water Treatment Plant and Storage Tank Upgrade

No. 006

DATE OF ISSUANCE: October 19, 2010

EFFECTIVE DATE:

PROJECT ENGINEER: Merrick & Company

PROGRAM MANAGER: Grand Environmental Services

DISTRICT ENGINEER: Andrew Poirot, Colorado Department of Public Health and Environment

CONTRACTOR Garney Construction Co.

Contractor is directed to make the following changes in the Contract Documents:

Item 1) Motor and VFD Changes at Water Filter per RFI-019A

Change Cost for this Item: **Add \$8,586.00**

Time Associated with this Item: 0 Days

Reason for Change: Inconsistent specification in engineering plans and specifications led to improper equipment purchase and installation. This cost reflects negotiated reduction in item cost between Town, engineers, Garney, and subcontractor.

Item 2) Electrical Modifications per RFI-016 at Water Filter (originally under CO#5)

Change Cost for this Item: **Add \$1,790.00**

Time Associated with this Item: 0 Days

Reason for Change: Breaker for new chlorinator was not called out in plans and therefore not bid by contractor.



Item 3) Revisions to Final Seeding and Erosion Control Scope at Water Tank per Drawing C-09

Change Cost for this Item: **CREDIT \$6,375.00**

Time Associated with this Item: 0 Days

Reason for Change: Construction Team recommends use of hydro-blanket as more appropriate erosion control than rolled blankets, also reduction in need for wattles due to use of "slash pile berms." At Filter Building, Construction Team recommends final grading, gravel, and swale-end riprap to be installed by landscape team.

Item 4) Credit for CO#5 Bid Item Trenching and installation of Electrical Wire at Water Tank

Change Cost for this Item: **CREDIT \$1,901.00**

Time Associated with this Item: 0 Days

Reason for Change: Construction Team recommends use of existing electrical line, instead of new electrical line, to power water level indicator in new tank only because both tanks are plumbed together and will have same water level.

Item 5) Revisions to River Work and Alternate Intake Scope

Change Cost for this Item: **CREDIT \$2,404.00**

Time Associated with this Item: 0 Days

Reason for Change: Construction Team recommends intake modifications to simplify alternative intake system. Design change has been reviewed in the field by Colorado Department of Public Health and Environment, US Army Corps of Engineers, and Water Commissioner.

Item 6) Other Closeout CO Costs

Change Cost for this Item: **ADD \$1,103.00**

Time Associated with this Item: 0 Days

Reason for Change: Need limit switches and minor valve modifications at water filter and pretreatment, includes credit for 4" check valve at pretreatment.

Total of Items 1 Through 6 Above = ADD \$799.00 and 0 Calendar Days



Summary of Change Order History

Change in Contract Price	Change in Contract Times
Original Contract Price \$1,996,000.00	Original Contract Times Substantial Completion: October 31, 2010 Contract Completion: November 30, 2010
Net increase from previous approved Change Order No. 1 = \$105,144.00	Net increase in time = 0 days
Net increase from previous approved Change Order No. 2 = \$7,857.00	Net increase in time = 0 days
Net increase from previous approved Change Order No. 3 = \$56,475.20	Net increase in time = 0 days
Net increase from previous approved Change Order No. 4 = \$0.00	Net increase in time = 14 days Substantial Completion: October 31, 2010 Contract Completion: November 30, 2010
Net increase from previous approved Change Order No. 5 = \$11,786.00	Net increase in time = 0 days
Contract Price with all Previous Change Orders = \$2,176,262.20	Net increase in time = 0 days
Net increase from this Change Order No. 6 = \$799.00	Net increase in time = 0 days
Total Contract Price with All Change Orders No. 1-6 = \$2,177,061.20	Substantial Completion: October 31, 2010 Contract Completion: November 30, 2010



E-Mail: edurrinc@aol.com

October 20, 2010

Merrick & Company
2450 South Peoria Street
Aurora, CO 80014

Attention: Ed Duerr

Reference: Additional Work per RFIs 019A, 016, Final Seeding, River work, Other

Subject: CHANGE ORDER #6 PRICING

Dear Mr. Duerr

Our total price to perform the work associated with the above request is: **\$799.00**
All supporting documentation is attached.

The schedule analysis indicates the work duration of this request is **0**
working days.

We would appreciate a response from you no later than: **November 3, 2010**

Sincerely,

A handwritten signature in black ink, appearing to read "Brock T. Southwick", is written over a faint horizontal line.

Brock T. Southwick
Project Manager

Attachments: Estimate Summary, Detailed Estimate.

Cc: File 6523



ADVANCING WATER

Estimate Summary:

PROJECT NAME: Hot Sulphur Springs Change Order 6

GARNEY PROJECT NUMBER: 6523

WORK DESCRIPTION: Additional Work per RFIs 019A, 016, Final Seeding, River work, Other

REQUESTED TIME:	0	WORKING DAYS	
1. DIRECT LABOR:	7	MAN-HOURS	(\$320.33)
2. PAYROLL TAX BURDEN @	35%		(\$100.00)
3. SMALL TOOLS & EQUIP. @	5%	OF LABOR & BURDEN	(\$0.41)
4. MATERIAL			(\$2,655.24)
5. EQUIPMENT			(\$686.86)
6. SUBCONTRACTOR COSTS			\$5,282.36
7. OTHER			(\$821.26)
		SUBTOTAL	\$698.00
8. HOME OFFICE OVERHEAD @	4%		
		SUBTOTAL	\$726.00
9. CONTRACTORS FEE @	10%		
		SUBTOTAL	\$799.00
10. PERFORMANCE & PAYMENT BOND ADJ. @	1%		
		SUBTOTAL	\$0.00
		TOTAL	<u><u>\$799.00</u></u>

SUBMITTED BY: 
(signature)

PRINTED NAME: Brock T. Southwick
TITLE: Project Manager

DATE: October 20, 2010



Detailed Estimate For: Hot Sulphur Springs CO #6
 Total Unit Estimate
 Prepared By:

20-Oct-10
 09:07 AM
 Version 2009

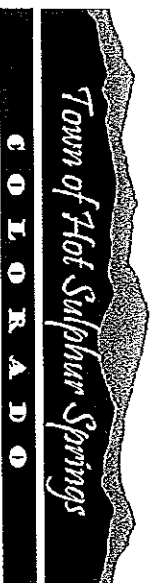
Comments (Spec/Dwg)	Description	Quantity	Unit	Total MH	MH/U	LABOR		Materials		Subcontract		Equipment		Other		Total Cost
						Unit	Total	Unit	Total	Unit	Total	Unit	Total	Unit	Total	
Hot Sulphur Springs Change Order 6																
Bid Item 1	Motor and VFD Changes per RFI-019A															
	Re-Winding Motors and VFD Swap-Out	1.0	LS	0.0	0.000	0.00	0	0	0	8,588.11	8,588	0	0	0	0	8,588
	Subtotal Bid Item 1			0		0	0	0	0	8,588	8,588	0	0	0	0	8,588
Bid Item 2	Electrical Modifications Per RFI-016 (originally under CO#5)															
	Triangle Scope: Breaker for Chlorinator	1.0	LS	0.0	0.000	0.00	0	0.00	0	1,790.00	1,790	0	0	0	0	1,790
	Subtotal Bid Item 2			0		0	0	0	0	1,790	1,790	0	0	0	0	1,790
Bid Item 3	Revisions to Final Seeding and Erosion Control Scope Drawings C-09															
	At Tank															
	Perm Seeding Mob	-1.0	LS		0.000	0	0	0	0	1,000.00	(1,000)	0	0	0	0	(1,000)
	Perm Seeding	-30,700.0	SF		0.000	0	0	0	0	0.10	(3,070)	0	0	0	0	(3,070)
	Erosion Control Blankets for Tank Slopes	-8,349.0	SF		0.000	0	0	0	0	1.25	(7,936)	0	0	0	0	(7,936)
	At Filter Bldg.															
	Gravel Srfc around Filter Truck Pad															
	Prep Subgrade	-115.0	SF	2.3	0.020	0.45	(62)	0	0	0	0	0	(42)	0	0	(94)
	Finegrade	-115.0	SF	1.5	0.013	0.30	(35)	0	0	0	0	0	(28)	0	0	(63)
	Install Fine Crushed Gravel - 3"	-1.1	TN	2.1	2.000	37.50	(40)	0	0	0	0	37	(39)	0	0	(79)
	Purchase Fine Crushed Gravel - 3"	-1.8	TN			0	15.00	(28)	0	0	0	0	0	0	0	(28)
	Swale End Rip Rap - Filter Bldg															
	Machine Ex. Swale & Stockpile	-47.3	CY	-0.9	0.018	0.00	0	0	0	0	0	0	(18)	0	0	(18)
	Prep Surface for Rip Rap	-16.0	SF	3.0	0.188	3.52	(56)	0	0	0	2	(35)	0	0	0	(91)
	Install Rip Rap - 8" Nominal	-1.2	CY	3.0	2.531	47.46	(66)	0	0	0	47	(55)	0	0	0	(111)
	Purchase Riprap - 8" Nominal	-2.0	TN			0	25.00	(49)	0	0	0	0	0	0	0	(49)
	New Scope at Tank per Site visit 10/12/2010															
	Furnish and install hydraulic slope blanket at water tank	30,000.0	SF	0.0	0.00	0.00	0	0	0	0.18	4,800	0	0	0	0	4,800
	Furnish and install 9" straw wattles	250.0	ea	0.0	0.00	0.00	0	0	0	3.25	813	0	0	0	0	813
	Mobilization	1.0	LS	0.0	0.00	0.00	0	0	0	550.00	550	0	0	0	0	550
	Subtotal Bid Item 3			11	5	-239	-75	-5,844	-217	0	0	0	0	0	0	-5,376
Bid Item 4	Credit for CO #5 Bid Item 1															
	Trenching/BI for Electrical Conduit															
	New Conduit at Tank - 240 IF															
	Machine Excav & Stockpile	-53.3	CY	-21.3	0.400	8.80	(469)	0	0	0	9	(492)	0	0	(133)	(1,095)
	Machine Backfill w/ Stockpiled Mat	-63.3	CY	-17.8	0.333	7.33	(391)	0	0	0	6	(327)	0	0	(88)	(807)
	Subtotal Bid Item 4			-39		-860	0	0	0	0	-819	-221	-1,901			
Bid Item 5	Revisions to Riverwork Scope															
	Leave temporary piping as is upstream from precast structures	270.0	LF	5.4	0.020	0.38	119	0.00	0	0	0	0	-900.00	(1,100)	(981)	
	Remove cone section from existing manhole	1.0	LS	0.0	0.000	0.00	0	0.00	0	0	0	0	500.00	500	500	
	Connect new C-900 to existing line	1.0	LS	15.0	15.000	0.00	330	325.00	325	0	0	0	0	0	655	
	Fill manhole barrel with on-site cobble	1.0	LS	0.0	0.000	0.00	0	0.00	0	0	0	350	350	0	350	
	Eliminate concrete intake box with grate	1.0	LS	0.0	0.000	0.00	0	-2,160.00	(2,160)	0	0	0	0	0	(2,160)	
	Eliminate 18" slide gate	-1.0	LS	-15.0	15.000	0.00	(330)	1,248.00	(1,248)	0	0	0	0	0	(1,578)	
	Cap in-place 18" RCP line with precast deadman	1.0	LS	15.0	15.000	0.00	330	150.00	150	0	0	0	0	0	480	
	Remove pumps and plumbing from old wet well shed	1.0	LS	15.0	15.000	0.00	330	0.00	0	0	0	0	0	0	330	
	Fill old wet well with mat. to be agreed upon with Town Staf	0.0	CY	0.0	0.750	0.00	0	86.00	0	0	0	0	20.00	0	0	



Detailed Estimate For: Hot Sulphur Springs CO #6
 Total Unit Estimate
 Prepared By:

20-Oct-10
 09:07 AM
 Version 2009

Comments (Spec/Dwg)	Description	Quantity	Unit	Total MH	MH/U	LABOR		Materials		Subcontract		Equipment		Other		Total Cost
						Unit	Total	Unit	Total	Unit	Total	Unit	Total	Unit	Total	
	Subtotal Bid Item 5			35			779		-2,933		0		360		-600	-2,404
Bid Item 6	Other Closeout CO cost															
	Limit switch wiring per EDD #2	1.0	LS	0.0		0.00	0	0.00	0	750.00	750		0		0	750
	Limit switches per EDD #2	2.0	EA			0.00	0	600.00	1,200	0.00	0		0		0	1,200
	Tideflex valve modifications at 6" BWW Drain	1.0	LS	0.0		0.00	0	724.00	724		0		0		0	724
	Credit for 4" Check valve at Pretreatment	-1.0	LS	0.0		0.00	0	821.00	(821)		0		0		0	(821)
	Credit for Handrail on M-18	-1.0	LS	0.0		0.00	0	750.00	(750)		0		0		0	(750)
	Subtotal Bid Item 6			0			0		363		760		0		0	1,103
	Grand Total Hot Sulphur Springs Change Order 6			7			-320		-2,655		5,282		-687		-821	799



Engineer: (If OEC Agreement) Curtis Thompson, PE By: Herb J. Deary By: Mike Greene
(Authorized Signature) (Authorized Signature) (Authorized Signature)
Name: Curtis Thompson, PE Name: Herb J. Deary Name: Mike Greene
Date: 11/16/10 Date: 12/21/10 Date: 11/22/10

Approved at to [Signature] By: [Signature] CAU Approval in
Form Murphy Town Attorney's Office [Signature] Contracts Database
Name: Murphy Date: 11/8/10

Distribution: One original to Contractor and Owner
Electronic copy in Contracts Database

DEPOSITORY SERVICES RESOLUTION FOR GOVERNMENTAL ENTITIES

DEPOSITOR NAME:

Town Of Hot Sulphur Springs

CONTACT:

Sandy White

ADDRESS:

PO Box 116

513 Aspen Street

Hot Sulphur Springs, CO 80451

TAX IDENTIFICATION NUMBER:

84-6008939

I, Hershal Deputy (name of certifying officer) do hereby certify that I am the Mayor (title of certifying officer) of the above-named governmental entity (*therein called the "Depositor"*) a Colorado existing under the laws of the State of Colorado and that the following is a true, complete and correct copy of resolutions adopted at a meeting of the Depositor duly and properly called and held on the 21st day of October, 20 10; that a quorum was present at said meeting; and that said resolutions are now in full force and effect.

RESOLVED, that U.S. Bank National Association is hereby designated as a depository of the Depositor with authority to accept or receive at any time for the credit of the Depositor deposits by whomsoever made of funds and other property in whatever form or manner transferred to endorsed; and that any officer of the Depositor is hereby authorized to open or cause to be opened one or more accounts with the Bank on such terms, conditions and agreements as the Bank may now or hereafter require and to make any other agreements deemed advisable in regard to any of the foregoing. Depositor acknowledges and agrees that the services contemplated by this resolution shall be governed by the U.S. Bank Customer Agreement for commercial deposit accounts, as amended from time to time.

RESOLVED, that checks, drafts or other orders for the payment, transfer or withdrawal of any of the funds or other property of the Depositor on deposit with the Bank shall be binding on the Depositor when signed, manually or by use of a facsimile or mechanical signature or otherwise authorized, by any one of the individuals listed in the section entitled "Authorized Signers", and the Bank is hereby authorized to pay and charge to the account of the Depositor any such checks, drafts or other orders so signed or otherwise authorized, including those payable to the individual order of the same person or persons signing or otherwise authorizing the same and including also those payable to the Bank or to any other person for application, or which are actually applied to the payment of any such indebtedness owing the Bank from the person or persons who signed such checks, drafts or other withdrawal orders or otherwise authorized such withdrawals. In particular, and not in limitation of foregoing, such persons may authorize payment, transfer or withdrawal by oral or telephonic directions to the Bank complying with such rules and regulations relating to such authorization as the Bank may communicate to the Depositor from time to time.

RESOLVED, that the Mayor (identity certifying officer by title) hereby certifies to the Bank the names and signatures (either actual or any form or forms of facsimile or mechanical signatures adopted by the person authorized to sign) of the Authorized Signers listed below and shall from time to time hereafter, upon a change in the facts so certified, immediately certify to the Bank the names and signatures (actual or facsimile) of the persons then authorized to sign or to act. The Bank shall be fully protected in relying on such certificates and on the obligation of the certifying officer (set forth above) to immediately certify to the Bank any change in any facts so certified, and the Bank shall be indemnified and saved harmless by the Depositor from any claims, demands, expenses, loss or damage resulting from or growing out of honoring or relying on the signature of other authority (whether or not properly used and, in the case of any facsimile signature, regardless of when or by whom or by what means such signature may have been made or affixed) of any officer or person whose name and signature was so certified, or refusing to honor any signature or authority not so certified.

RESOLVED, That these resolutions shall continue in force until express written notice of their rescission or modification has been furnished to and received by the Bank; and



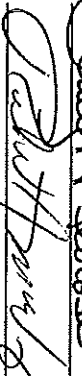
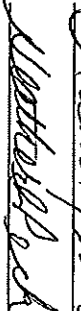
RESOLVED, That any and all transactions by or on behalf of the Depositor with the Bank prior to the adoption of this resolution be, and the same hereby are, in all respects ratified, approved and confirmed.

I further certify that the officers of the Depositor signing the resolution, have, and at the time of adoption of said resolutions had, full power and lawful authority to adopt the foregoing resolutions and to confer the powers therein granted to the persons named, and that such persons have full power and authority to exercise the same.

I further certify that the names, titles (if any) and signatures (actual or facsimile) of the persons authorized to sign or act on behalf of the Depositor by its governing board identified above are as set forth below in the section of this Resolution entitled "Authorized Signers".



I further certify, under penalties of perjury, that the tax identification number shown above is correct and that the Depositor is not subject to backup withholding because (a) it is exempt, (b) has not been notified by the Internal Revenue Service (IRS) that it is subject to backup withholding as a result of a failure to report all interest or dividends or (c) the IRS has notified the Depositor that it is no longer subject to backup withholding, and I am a U.S. person (including a U.S. Resident Alien)

Account Number: _____

<u>Name</u>	<u>Title</u>	<u>Signature</u>
Hershal Deputy	Mayor	
Lucy Meitrose	Mayor-ProTem	
Robert McVay	Trustee	
Heather Peck	Trustee	

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of the Depositor this

21st day of October, 20 10

 Mayor
(Certifying Officer) (Title)
 Town Clerk
(Attest by one other officer) (Title)

Branch Number: _____ Cost Center: _____ Call Tracking Number: _____ Service Banker: _____

Service Banker Review: _____ Validated by: _____ Team Leader Review: _____ FileNet Indexed by: _____

(10/2007)