

SULPHUR SPRINGS, COLORADO, APPROVING CHANGE ORDER #5 TO THE AGREEMENT WITH GARNEY COMPANIES, INC. FOR CONSTRUCTION OF THE HOT SULPHUR SPRINGS WATER TREATMENT PLANT, INTAKE, AND STORAGE TANK UPGRADE FOR WORK RELATED TO ADDITIONAL ROCK EXCAVATION AND INSTALLATION OF POWER AT THE WATER TANK SITE, AND FOR INSTALLATION OF AN ELECTRICAL BREAKER FOR THE CHLORINATOR AND ELIMINATION OF A TRANSLUCENT PANEL AT THE NEW WATER TREATMENT PLANT. IN AN AMOUNT NOT TO EXCEED \$12,886.00

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 #5 to the Garney Contract as more fully described in Exhibit A hereto in order to authorize work related to additional rock excavation and installation of power at the water tank site, and for installation of an electrical breaker for the chlorinator and elimination of a translucent panel at the new water treatment plant in an amount not to exceed \$12,886.00.

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 #5 ("Change Order #5") 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 \$12,886.00, 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 #5 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 #5 to the CDPHE for approval if such approval is required; and (e) authorizes the Mayor to execute, on behalf of the Town, Change Order #5 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.

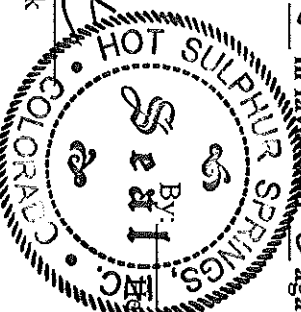
Section 2. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining issues of this Resolution.

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 5 in favor, and 0 against, and 0 abstaining, this 16th day of September, 2010.

ATTEST:

By: Sandy White, Town Clerk



[Signature]
Esq. Deputy, Mayor



**CHANGE ORDER TO:
Hot Sulphur Springs Water Treatment Plant and Storage Tank Upgrade**

No. 005

DATE OF ISSUANCE September 16, 2010 EFFECTIVE DATE _____

OWNER Town of Hot Sulphur Springs

PROJECT ENGINEER Merrick & Company

PROGRAM MANAGER Grand Environmental Services

DISTRICT ENGINEER Andrew Poirou, Colorado Department of Public Health and Environment

CONTRACTOR Garney Construction Co.

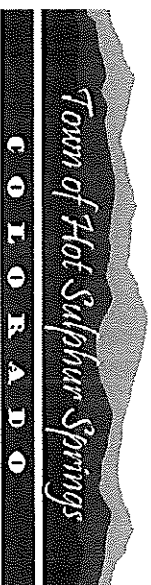
Contractor is directed to make the following changes in the Contract Documents:

- 1) Tank Excavation Garney Negotiated Unit Price for Additional Rock at
Change Cost for Item: Add \$7,444.00
Time Associated with Item- 0 Days
Reason for Change - Additional costs due to additional rock above the 1,880 cubic yards estimated in Change Order No. 3, based upon negotiated price for additional rock at tank excavation and drilling log from subcontractor.

 - 2) Added work at Tank Per RFI-014
Change Cost for Item: Add \$1,901.00
Time Associated with Item- 0 Days
Reason for Change – Change in site conditions, expected buried power line in conduit beneath road to tank site but found none. Cost of installing new power line without conduit per Town Staff recommendations.

 - 3) Modifications to Steel Building
Change Cost for Item: Credit \$345.00
Time Associated with Item- 0 Days
Reason for Change – Eliminate installation of translucent panel at end wall above garage door.

 - 4) Overhead, contractors fee, and performance bond on above
Change Cost for Item: Add \$2,096.00
Time Associated with Item- 0 Days
Reason for Change – Contractor's Markup
- Total of Items 1-4 above = ADD \$11,786.00 and 0 Calendar Days**



CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price \$1,996,000.00	Original Contract Times Substantial Completion: <u>October 31, 2010</u> Contract Completion: <u>November 30, 2010</u>
Net Increase from previous approved Change Order No. 1 <u>\$105,144.00</u>	Net increase in time 0 days
Net Increase from previous approved Change Order No. 2 <u>\$7,857.00</u>	Net increase in time 0 days
Net Increase from previous approved Change Order No. 3 <u>\$56,475.20</u>	Net increase in time 0 days
Net Increase from previous approved Change Order No. 4 <u>\$0.00</u>	Net increase in time 14 days New Substantial Completion: <u>November 14, 2010</u> New Contract Completion: <u>December 14, 2010</u>
Contract Price with All Previous Change Orders <u>\$2,164,476.20</u>	
Net Increase from this Change Order No. 5 <u>\$11,786.00</u>	Net increase in time 0 days
Total Contract Price with All Changer Orders No. 1-5 <u>\$2,176,262.20</u>	Substantial Completion: <u>November 14, 2010</u> Contract Completion: <u>December 14, 2010</u>

The amount of this Change Order is all inclusive of additional costs incurred by the Contractor to date.



Engineer:
(if OEC Agreement)

By: [Signature] PE
(Authorized Signature)

Name: CORTIS THOMPSON
(Printed)

Date: October 13, 2010

Approved:
OWNER

By: [Signature]
(Authorized Signature)

Name: HERSHL J DEPUTY
(Printed)

Date: 10/21/10

Accepted:
CONTRACTOR

By: [Signature]
(Authorized Signature)

Name: MIKE ENICKE
(Printed)

Date: 10/18/10

Approved as to
Form:

By: [Signature]
Name: MARVIN J. ILLIUS
Town Attorney's Office

CAU Approval in
Contracts Database

Distribution: One Original - Contractor and Owner
Electronic copy in Contracts Database

