

COMPANIES, INC. FOR CONSTRUCTION OF THE HOT SULPHUR SPRINGS WATER TREATMENT PLANT, INTAKE AND STORAGE TANK UPGRADE FOR WORK RELATED TO ADDITIONAL ROCK EXCAVATION AT THE WATER TANK SITE TO PERMIT AN EXTENSION OF TIME TO COMPLETE THE PROJECT.

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, by resolution dated June 24, 2009, the Board of Trustees approved Change Order #3 to the Garney Contract in order to authorize and to fund additional rock excavation work as a result of the Contractor uncovering unexpected rock materials upon excavation, to include blasting and more difficult materials handling encountered on site and reflecting Contractor utilization of fill material stored at the Town storage site near Cottonwood Pass Road; and

WHEREAS, the Town and the Contractor desire to approve Change Order #4 to the Garney Contract as more fully described in Exhibit A hereto in order to authorize additional time for completion of the Project as a result of the work authorized and funded in Change Order #4.

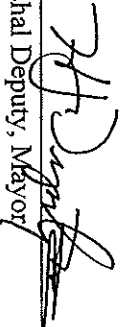
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF HOT SULPHUR SPRINGS, COLORADO:

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 #4 ("Change Order #4") to the Garney Contract, for the purposes as set forth in the recitations hereto and as more fully described in Exhibit A hereto, at no additional cost, 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 #4 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 #4 to the CDPHE for approval; and (e) authorizes the Mayor to execute, on behalf of the Town, Change Order #4 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.

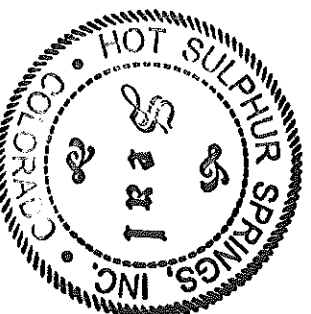
Section 2. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining issues of this Resolution.

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 6 in favor and 0 against, and 0 abstaining, this 19th day of August, 2010.

By: 
Hershel Deputy, Mayor

ATTEST:
By: 
Sandy White, Town Clerk



**EXHIBIT A
CHANGE ORDER #4 DOCUMENTATION**

TREATMENT PLANT, INTAKE AND STORAGE TANK UPGRADE FOR WORK RELATED TO ADDITIONAL ROCK EXCAVATION AT THE WATER TANK SITE TO PERMIT AN EXTENSION OF TIME TO COMPLETE THE PROJECT.

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

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

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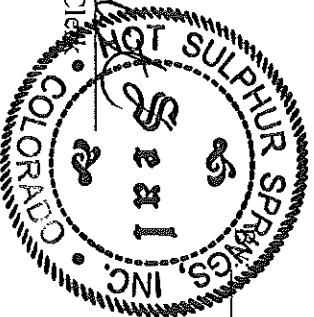
Section 3. This Resolution shall be effective immediately upon approval of the Board of Trustees for the Town of Hot Sulphur Springs.

ADOPTED by a vote of 6 in favor and 0 against, and 0 abstaining, this 19th day of August, 2010.

ATTEST:

By:

Sandy White
Sandy White, Town Clerk



Hershal Deputy
Hershal Deputy, Mayor

Hot Sulphur Springs Water Treatment Plant and Storage Tank Upgrade

No. 004

DATE OF ISSUANCE _____	EFFECTIVE DATE _____
OWNER Town of Hot Sulphur Springs	
PROJECT ENGINEER Merrick & Company	
PROGRAM MANAGER Grand Environmental Services	
DISTRICT ENGINEER CDPHE	
CONTRACTOR Garney Construction Co.	

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

1) Garney Negotiated Unit Price for Additional Rock at Tank Excavation

Change Cost for Item: Add \$0.00

Time Associated with Item- 14 Days

Reason for Change- In-place rock for tank excavation exceeds Bid Item 9 quantity of 80 cubic yards as bid under original Contract Documents. Based on soils report and preliminary on-site investigation, a quantity of 1880 cubic yards of rock is estimated to be removed for installation of new tank. Total for cost change assumes a maximum quantity of 1880 cy of rock at a cost of \$40/cy, and credits the Owner for the original quantity of excavation as bid. In-place rock will be quantified from drilling logs, and final billable cost will be based on actual yardage removed and billed according to the negotiated unit prices in attached estimate. If additional demolition equipment is needed to facilitate haul-off of blasted rock, unit price of equipment as noted in attachment shall be used for additional cost.

This Change Order represents additional time for above work funded by Change Order 3.

Total of Item 1 above = ADD \$0.00 and 14 Calendar Days

CHANGE IN CONTRACT PRICE:	
Original Contract Price	
\$ <u>1,996,000.00</u>	
Net Increase from previous approved Change Orders No. <u>1</u> to No. <u>1</u>	

CHANGE IN CONTRACT TIMES:	
Original Contract Times:	
Substantial Completion: <u>October 31, 2010</u>	
Contract Completion: <u>November 30, 2010</u>	
<small>(days or dates)</small>	
Net change from previous Change Orders No. <u>1</u> to No. <u>3</u>	



\$ 113,001.00	_____	0	(days)
Contract Price prior to this Change Order:	\$ 2,165,476.20	Contract Times prior to this Change Order:	Substantial Completion: October 31, 2010
Net Increase of this Change Order:	\$ 0.00	Contract Completion	November 30, 2010
Contract Price with all approved Change Orders:	\$ 2,165,476.20	Net Increase of this Change Order:	14
			(days)
		Contract Times with all approved Change Orders:	Substantial Completion: November 14, 2010
		Contract Completion	December 14, 2010

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

Engineer: (if OEC Agreement) By: <u>[Signature]</u> PE (Authorized Signature)	Approved: OWNER By: <u>[Signature]</u> (Authorized Signature)	Accepted: CONTRACTOR By: <u>[Signature]</u> (Authorized Signature)
Name: <u>Curtis Thompson, PE</u> (Printed)	Name: <u>Hester J. D'Amico</u> (Printed)	Name: <u>Mike Swann</u> (Printed)
Date: <u>October 13, 2010</u>	Date: <u>10/21/10</u>	Date: <u>7/30/10</u>
Approved as to Form: By: <u>[Signature]</u> Name: <u>Maureen Swann</u> Town Attorney's Office	<input type="checkbox"/>	<input type="checkbox"/> CAU Approval in Contracts Database

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