

RESOLUTION NO. 2019-38

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ACCEPTING CHANGE ORDER #2 TO THE FIBER INSTALLATION PROJECT (#99918 AND #93148), FROM PAONIA, LLC, IN AN AMOUNT NOT TO EXCEED \$112,456.05, AND AUTHORIZING THE MAYOR TO SIGN THE AMENDMENT TO THE CONTRACT ON BEHALF OF THE CITY AND THE CITY CLERK TO ATTEST THERETO

WHEREAS, on July 17, 2018, City Council awarded the Fiber Installation Project (“Project”) to Paonia, LLC, in the amount of \$707,085.20; and

WHEREAS, Change Order #1, in the amount of \$118,740.00, was approved by the City Manager on December 10, 2018, as it was not 25% of the original contract amount, which change order included extending fiber to Erger’s Pond and Cell One of the Ken Mitchell Project, to aid in monitoring and running the facility; and

WHEREAS, the proposed change order, in the amount of \$112,456.05, includes engineering services for each of the eight (8) phases of the original project which were not included in the original bid (“Change Order #2”); and

WHEREAS, the amount of both change orders is \$231,196.00, which is greater than 25% of the original contract amount; and

WHEREAS, pursuant to Section 3-8-175 of the Brighton Municipal Code, all change orders greater than fifty thousand dollars (\$50,000.00) per contract or twenty-five percent (25%) of the original contract amount shall be approved by the City Council; and

WHEREAS, funding was approved in the 2019 budget; and

WHEREAS, the City believes that it is in the best interests of the City to accept Change Order #2 in the amount of \$112,456.05 for engineering services for each of the eight (8) phases of the Project which were not included in the original bid.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AS FOLLOWS:

Section 1. Change Order #2 from Paonia, LLC, in the amount of One Hundred Twelve Thousand, Four Hundred Fifty-Six Dollars and Five Cents (\$112,456.05) for engineering services for each of the eight (8) phases of the original Project which were not included in the original bid is hereby approved.

Section 2. The Mayor is hereby authorized to sign the amendment to the contract with Paonia, LLC, on behalf of the City and the City Clerk to attest thereto.

RESOLVED this 19<sup>th</sup> day of March, 2019.

CITY OF BRIGHTON, COLORADO

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KENNETH J. KREUTZER, Mayor

ATTEST:

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NATALIE HOEL, City Clerk

APPROVED AS TO FORM:

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JACK D. BAJOREK, City Attorney