

Agenda Item No: CA-e

Meeting Date: August 14, 2023

Subject: Resolution 23-75 Approving an Amendment to Agreement No. 1 for Water Master Plan Engineering Services with Plummer Associates, Inc.

Presenter: Jennifer Krieger, AICP, Interim City Manager

Background: By Resolution 22-19, the City Council approved an Agreement with Plummer Associates, Inc. for Water Master Plan Engineering Services. A significant portion of the original agreement amount was dedicated to water modeling and used towards Task 1, the update of a previously developed model of the water distribution system using the City's GIS data. The quality and accuracy of the GIS data required additional hours than anticipated in the scope of services. This Amendment to Agreement No. 1 increases the project amount by an additional \$8008.

Recommendation: Staff recommends approval of Resolution 23-75 Approving an Amendment to Agreement No. 1 for Water Plan Master Engineering Services with Plummer Associates, Inc.

RESOLUTION NO. 23-75

A RESOLUTION APPROVING A FIRST AMENDMENT TO AGREEMENT BY AND BETWEEN THE CITY OF DACONO, COLORADO, AND ALAN PLUMMER AND ASSOCIATES, INC. d/b/a PLUMMER ASSOCIATES, INC. FOR WATER MASTER PLAN ENGINEERING SERVICES

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DACONO, COLORADO:

Section 1. The proposed First Amendment to Agreement by and between the City of Dacono, Colorado and Alan Plummer and Associates, Inc., d/b/a Plummer Associates, Inc., is hereby approved in essentially the same form as the copy of such First Amendment accompanying this resolution.

Section 2. The Mayor is hereby authorized to execute the First Amendment, and is further authorized to negotiate and approve on behalf of the City such revisions to the First Amendment as the Mayor determines are necessary or desirable for the protection of the City, so long as the essential terms and conditions of the First Amendment are not altered.

INTRODUCED, READ, and ADOPTED this 14th day of August, 2023.

CITY OF DACONO, COLORADO

Adam Morehead, Mayor

ATTEST:

Valerie Taylor, City Clerk

**FIRST AMENDMENT TO
AGREEMENT BY AND BETWEEN THE CITY OF DACONO, COLORADO,
AND ALAN PLUMMER AND ASSOCIATES, INC. d/b/a PLUMMER ASSOCIATES,
INC. FOR WATER MASTER PLAN ENGINEERING SERVICES**

THIS FIRST AMENDMENT to Agreement by and between the City of Dacono, Colorado (the “City”), and Alan Plummer and Associates, Inc. d/b/a Plummer Associates, Inc. (“Plummer” or “Consultant”) for Water Master Plan Engineering Services (the “Agreement”) is entered into effective _____, 2023.

WHEREAS, by the Agreement, the City retained Plummer for the purpose of providing engineering services related to water master planning; and

WHEREAS, the City and Plummer desire to expand the scope of work in the Agreement to include Plummer developing a model from recently collected GIS data sources.

NOW, THEREFORE, in consideration of the foregoing and other good and valuable consideration, the parties agree to amend the Agreement as follows:

Section 1. Section 3.0 of the Agreement is hereby amended to include the following additional services: Develop model from recently collected GIS data sources.

Section 2. Section 4.0 of the Agreement is hereby amended to increase the total amount of compensation by an amount not to exceed \$8,008.00. Hourly rates for work performed pursuant to this First Amendment shall not exceed those set forth in Exhibit B (Fee Schedule) of the Agreement.

Section 3. Section 6.0 (Term) of the Agreement is hereby amended by the addition of the following:

Nothing in this Agreement is intended or shall be deemed or construed as creating any multiple-fiscal year direct or indirect debt or financial obligation on the part of the City within the meaning of Colorado Constitution Article X, Section 20 or any other constitutional or statutory provision. All financial obligations of the City under this Agreement are subject to annual budgeting and appropriation by the Dacono City Council, in its sole discretion. Notwithstanding anything in this Agreement to the contrary, in the event of non-appropriation, this Agreement shall terminate effective December 31 of the then-current fiscal year.

Section 4. Section 19.0 of the Agreement (Prohibition Against Employing Illegal Aliens) is hereby deleted.

Section 5. Except as amended by this First Amendment, the Agreement shall remain in full force and effect in accordance with its terms.

CITY OF DACONO, COLORADO

By: _____
Adam Morehead, Mayor

ATTEST:

By: _____
Valerie Taylor, City Clerk

ALAN PLUMMER AND ASSOCIATES, INC.
d/b/a Plummer Associates, Inc.

By: _____

Printed Name: _____

Title: _____

ATTEST:

Title: _____

AMENDMENT TO AGREEMENT NO. 1

A. Background Data:

1. Effective Date of Agreement: March 17, 2022
2. Owner: City of Dacono
3. Engineer: Plummer Associates, Inc.
4. Specific Project (title): Water Plan Master Engineering Services
5. Specific Project (description): Hydraulic Model

B. Description of Modifications

1. Engineer shall perform the following Additional Services:
Develop model from recently collected GIS data sources.

C. Agreement Summary (Reference only)

1. Original agreement amount: \$57,870
2. Net change for prior amendments: \$
3. This amendment amount: \$8,008.00
4. Adjusted Agreement amount: \$
5. Change in time for services (days or date, as applicable): The original scope of services was delayed while waiting for GIS data. The scope will be completed in a timely fashion as data is available.

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect.

The Effective Date of this Amendment is August 15, 2023.

This is **Exhibit C, Amendment**, referred to in and part of the Short Form of Agreement between Owner and Engineer for Professional Services dated March 17, 2022

OWNER:

ENGINEER:

Plummer Associates, Inc.

By: _____

By: _____

Print name: _____

Print name: _____

Title: _____

Title: _____

Date Signed: _____

Date Signed: _____

Exhibit C, Amendment

EJCDC® E-520, Short Form of Agreement Between Owner and Engineer for Professional Services.

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