

**TOWN OF TIMNATH, COLORADO
RESOLUTION NO. 34, SERIES 2023**

**A RESOLUTION APPROVING THE FIRST AMENDMENT TO THE CONTRACTOR
AGREEMENT WITH CU ONSITE SOLUTIONS FOR ROADWAY MAINTNEANCE**

WHEREAS, the Town Council of the Town of Timnath (“Town”) pursuant to C.R.S. § 31-15-103, has the power to pass resolutions; and

WHEREAS, the Town desires to amend the agreement and pricing for 2023; and

WHEREAS, the Town Council is familiar with the project and finds it to be in the best interest of the Town, its residents, and the general public.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH, COLORADO as follows:

Section 1. Approval

The required agreement is hereby approved for the roadway maintenance services. The required agreements may be finalized by the Town Manager in consultation with the Legal Counsel, and other applicable staff or consultants.

INTRODUCED, MOVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH, ON MAY 9, 2023.

TOWN OF TIMNATH, COLORADO



Mark J. Soukup, Mayor

ATTEST:



Milissa Peters-Garcia, CMC
Town Clerk



**FIRST AMENDMENT TO
INDEPENDENT CONTRACTOR AGREEMENT BETWEEN
THE TOWN OF TIMNATH, COLORADO
AND
CU ONSITE SOLUTIONS**

THIS FIRST AMENDMENT is made and entered into as of the 28th day of April, 2023, by and between the TOWN OF TIMNATH, a home-rule municipal corporation of the State of Colorado (“**Town**”), and DKota Ventures, LLC d/b/a CU Onsite Solutions, a Colorado Limited Liability Company (the “**Contractor**”). The Town and Contractor are collectively referred to herein as the “**Parties**”.

RECITALS

WHEREAS, the Parties entered into an Independent Contractor Agreement on April 26, 2022 (the “**Agreement**”);

WHEREAS, the Parties desire to amend the Agreement to replace the scope of work set forth in **Exhibit A** of the Agreement for 2023, for services up to \$309,624.20;

NOW, THEREFORE, in consideration of the covenants and mutual agreements herein contained, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

AGREEMENT

1. Change to Compensation. **Exhibit A** of the Agreement shall be replaced with an updated Proposal attached hereto and incorporated herein, which sets forth the scope of work to be completed in 2023, at the prices set forth therein for a total of not-to-exceed \$309,624.20 in 2023.
2. Prior Provisions Effective. Except as expressly modified by this Amendment, all other provisions of the Agreement shall remain in full force and effect.
3. Effective Date. The Parties agree that this Amendment shall become effective as of the date of this Amendment and shall apply to services provided after such date.
4. Counterpart Execution. This Amendment may be executed in several counterparts, each of which may be deemed an original, but all of which together shall constitute one and the same instrument. Executed copies of this Amendment may be delivered by facsimile or email of a PDF document, and, upon receipt, shall be deemed originals and binding upon the signatories to this Amendment.

[Signature Page Follows]

IN WITNESS WHEREOF, the Parties have executed this Amendment as of the date set forth above. By the signature of its representative below each Party affirms that it has taken all necessary action to authorize said representative to execute this Amendment.

TOWN:

TOWN OF TIMNATH, a home rule municipal corporation and political subdivision of the State of Colorado

By:


Mark J. Soukup, Mayor

ATTEST:

By:


Milissa Peters-Garcia, CMC
Town Clerk

CONTRACTOR:

CU Onsite Solutions


Gil Uhrich, Vice President/Project Manager

EXHIBIT A

Dkota Ventures LLC
dba Cu Onsite Solutions



ONSITE SOLUTIONS
Concrete, Asphalt, Excavation and Construction Management Services

Po Box 322, Severance, CO 80546
Office Phone 970-222-0380

CONTRACT PROPOSAL

Proposal Submitted by:

Gil Uhrich. Gilu@cuonsite.com 970-566-0302

Proposal submitted to: TST, Inc. Consulting Engineers 760 Whalers Way, Bldg. C, Suite 200 Fort Collins CO 80525	Proposal # 22-GU 59 Contact Steve Humann Contact Email shumann@tstinc.com	Date: 4/19/2023 Phone # (970)226-0557 Cell: (970)218-9967
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Job Name: Timnath 2023 Roadway Maintenance Job Address: Various, Timnath	*Estimated Project Completion Date: 11/1/2023 *Project tax exempt status and # YES *Prevailing wages Apply: NO
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*Cu Onsite Solutions Acknowledges 0 addendum

Cu Onsite Solutions agrees to furnish all labor and materials for the work specified below

ITEM #	DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL
All Pricing Includes Traffic control, Tenant Notification, bonding, and mobilization					
ASPHALT	HMA Pothole Patching including saw cutting, material removal, subgrade compaction, and 5" asphalt replacement.	160	TON HMA	\$301.00	\$48,160.00
ASPHALT	2' Asphalt pathback curb including saw cutting, material removal, subgrade compaction, and 5" asphalt replacement.	292	LF	\$32.00	\$9,344.00
INFRARED PATCHING	IR Heat Patching	35	EA	\$229.00	\$8,015.00
ASPHALT	2" Mill and Asphalt Overlay	0	SY HMA	\$33.05	\$0.00
CRACKSEAL ASPHALT	THREE BELLS	3045	LBS	\$3.98	\$12,119.10
CRACKSEAL ASPHALT	FOLSOM PKWY	3200	LBS	\$3.98	\$12,736.00
CRACKSEAL ASPHALT	RIVER PASS	2530	LBS	\$3.98	\$10,069.40
CRACKSEAL ASPHALT	BUSSGROVE CS	780	LBS	\$3.98	\$3,104.40
CRACKSEAL ASPHALT	SCHOOL HOUSR DR	10535	LBS	\$3.98	\$41,929.30
CRACKSEAL ASPHALT	TWIN PASS/TWIN BRIDGE SUMMERSFIELD NORTH	7800	LBS	\$3.98	\$31,044.00
CRACKSEAL ASPHALT	SUMMERSFIELD SOUTH RR	8200	LBS	\$3.98	\$32,636.00
CRACKSEAL ASPHALT	SUMMERSFIELD WEST TO THREE BELL	4500	LBS	\$3.98	\$17,910.00
CRACKSEAL ASPHALT	WILD WING FILING 2	13550	LBS	\$3.98	\$53,929.00
24" CURB/GUTTER	Remove and Replace Concrete Curb	210	LF	\$90.00	\$18,900.00
CONCRETE	Remove and Replace 6" Concrete Sidewalk	0	SF PCC	\$36.25	\$0.00
CONCRETE	Remove and Replace 8" Concrete Pan	304	SF PCC	\$32.00	\$9,728.00
SEALCOAT SQUEEGIE/SPRAY	2 coat sealer (Vance Brothers "Ultraseal Systems Type II Polymer Modified Asphalt Emulsion Sealer" or approved equal) including sweeping, 24 hr. road/lane closures, and prior/daily notification of closures to affected residents	0	SY	\$2.00	\$0.00

All the above shall include all required traffic control, mobilization, performance bonds, and payment bonds. Message Boards and re-striping are not to be included.

Payment is due upon completion of work.	Total (Labor and Materials)	\$309,624.20
SPECIFICALLY EXCLUDED FROM THIS QUOTATION ARE THE FOLLOWING UNLESS SPECIFICALLY CALLED OUT IN BODY OF QUOTE:		

Engineering, Bonds, Inspections, Testing, Permits and Permit fees Surveying and grade staking Towing of Vehicles Epoxy traffic paint Colored, stained or stamped concrete	Thermal Plastic traffic stencils Utility Adjustments Concrete Joint Sealing Erosion control implementation. Security for Vandalism Hazardous waste removal and disposal	Traffic Control, Fees and implementation. Clean water source Weekend and overtime charges Drainage if slope is less than 2%	Dewatering Landscape Repair Asphalt patchback concrete Pollution liability insurance Winter Fees Polymer Modified Asphalt
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Accepted by: _____ (Date) _____ Submitted By: *Gil Uhrich.*
 Authorized Party, CUSTOMER/PURCHASER ESTIMATOR/PROJECT MANAGER Gil Uhrich.
 Purchaser agrees to terms and conditions on page 2 of this document. Page 1 Gilu@cuonsite.com 970-566-0302