

**RESOLUTION NO. 1830**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLDEN APPROVING AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF GOLDEN AND THE COLORADO DEPARTMENT OF TRANSPORTATION REGARDING THE STATE HIGHWAY 58 BRIDGE REPLACEMENT PROJECT**

WHEREAS, the City of Golden is concerned with the safety of its streets, sidewalks and citizens; and

WHEREAS, the City is concerned with the livability and quality of neighborhoods along collector and arterial highways; and

WHEREAS, the City has invested significant resources in traffic calming and street safety, particularly in transitional zones and bike pedestrian areas; and

WHEREAS, it is a goal to improve the safety and quality of pedestrian access to downtown from the north along Washington Avenue; and

WHEREAS, the addition of pedestrian bridge walkways over SH 58 and additional bike lanes on Washington Avenue would significantly improve access to the downtown; and

WHEREAS, it has been a long standing goal of the City to improve the entry gateway from the north; and

WHEREAS, the Colorado Department of Transportation is replacing the old Washington Avenue Bridge over SH 58, and this provides a great opportunity to achieve these long standing city goals as addition to the state project; and

WHEREAS, the City entered into an IGA with the Colorado Department of Transportation in September of 2007 to enhance pedestrian, bicycle and aesthetic qualities of the bridge; and

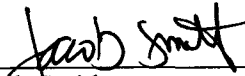
WHEREAS, the bid for those improvements exceeded the amount pledged in the IGA to the project by \$341,037.


THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO:

1. That the intergovernmental agreement with the State of Colorado be amended to add \$341,037 to fully fund the improvements desired by the City of Golden to the SH 58 bridge replacement project.
2. To direct city staff to enter into value engineering discussions with Hamon Contractors to explore saving opportunities that will not significantly affect the character of the bridge.
3. That the city finance department holds the \$150,000 currently in the 2008 Sales and Use Tax Fund for the city share of the art program. The city council will direct some or all of the appropriated art funding, along with 2007 Sales and Use Tax collections in excess of budget, that they choose to appropriate to cover the cost.
4. That cost for the project will not exceed the \$2,121,037 that has now been pledged.

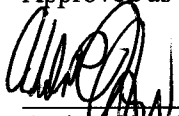
Adopted this 24th day of January, 2008.



  
\_\_\_\_\_  
Jacob Smith  
Mayor

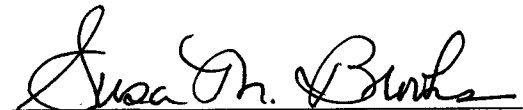
  
\_\_\_\_\_  
Susan M. Brooks, MMC  
City Clerk

Approved as to form:

  
\_\_\_\_\_  
Acting City Attorney  
David S. Williamson

I, Susan M. Brooks, City Clerk of the City of Golden, Colorado, do hereby certify that the foregoing is a true copy of a certain Resolution adopted by the City Council of the City of Golden, Colorado at a rescheduled regular meeting thereof held on the 24th day of January, A.D., 2008.



ATTEST:   
\_\_\_\_\_  
Susan M. Brooks, City Clerk of the City of  
Golden, Colorado

# STATE OF COLORADO

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## DEPARTMENT OF TRANSPORTATION

Region 6 Business Office  
2000 South Holly Street  
Denver, CO 80222  
(303) 757-9251  
(303) 757-9149 FAX



BR 0581-008  
15576

October 17, 2008

Dan Hartman  
City of Golden  
1445 10<sup>th</sup> Street  
Golden, Colorado 80401

Dear Mr. Hartman:

Recently a fully executed original contract amendment #1 should have been mailed to the City of Golden County regarding the Washington Street Bridge over SH 58. Please consider October 14, 2008 as the date of contract execution.

A photocopy of the contract is attached for your records.

If you have any questions or if you did not receive the original copy of the contract please call me at (303) 757-9908.

Sincerely,



Jerry Hegwood  
Local Agency Contract Coordinator

cc: Steve Sherman  
Business Office Project File  
Suspense File  
Billing File

**CONTRACT AMENDMENT #1**

THIS AMENDMENT, is made this 14<sup>th</sup> day of October, 2008, by and between the State of Colorado for the use and benefit of the Colorado Department of Transportation, hereinafter referred to as the "State", and the CITY OF GOLDEN, 1445 10<sup>TH</sup> Street, Golden Colorado, 80401, CDOT Vendor #: 2000026, hereinafter referred to as the "Contractor" or the "Local Agency".

**FACTUAL RECITALS**

1. Authority exists in the law and funds have been budgeted, appropriated and otherwise made available and a sufficient unencumbered balance thereof remains available for this Project as set forth below; and,
2. Required approval, clearance, and coordination has been accomplished from and with appropriate agencies; and,
3. The Parties entered into the contract dated October 29, 2007, routing number 08 HA6 00004, known hereafter as "the Basic Contract"; and
4. The Basic Contract is an intergovernmental agreement between the State and the Contractor consisting of the construction of two separate pedestrian bridge structures bracketing the anticipated CDOT Washington Street bridge structure (E-16-FX) over State Highway 58, in Golden, Colorado, and certain additional features which include, among other things, associated street improvements, pedestrian connections, architectural enhancements, ornamental fence railings and landscaping improvements in Golden, Colorado; and,
5. The Basic Contract is still in effect and provides for changes to its terms and conditions by written supplement or contract amendment; and,
6. The Parties also now desire to amend the Basic Contract to increase the Local Agency's contribution by the amount of \$341,037.00 by revising Section 4, paragraph B and C ; and,
7. The Parties enter into this Amendment pursuant to the provisions of Colorado Revised Statutes, Sections 24-30-1401 et seq., Section 43-1-106, and Section 43-1-110, as amended.

**NOW THEREFORE, it is hereby agreed that:**

Consideration for this Amendment consists of the payments that shall be made pursuant to this Amendment and the promises and agreements herein set forth.

1. This Amendment is supplemental to the Basic Contract, which is, by this reference, incorporated herein and made a part hereof, and all terms, conditions, and provisions thereof, unless specifically modified herein, are to apply to this Amendment as though they were expressly rewritten, incorporated, and included herein.
2. The Basic Contract is and shall be modified, altered, and changed in the following respects only:
  - a. Section 4. Project Funding Provisions, paragraph B. shall be amended to read as follows:

B. The Local Agency has estimated the total cost of the work to be \$2,121,037.00 which is to be funded as follows:

Local Agency Funds	<u>\$2,121,037.00</u>
Total Funds:	<u>\$2,121,037.00</u>

- b. Section 4. Project Funding Provisions, paragraph C. shall be amended to read as follows:

C. The maximum amount payable by the Local Agency under this contract shall be \$2,121,037.00, unless such amount is increased by an appropriate written modification to this contract executed before any increased cost is incurred. It is understood and agreed by the parties hereto that the total cost of the work stated hereinbefore is the best estimate available, based on the design data as approved at the time of execution of this contract, and that such cost is subject to revisions (in accord with the procedure in the previous sentence) agreeable to the parties prior to bid and award.

**THE PARTIES HERETO HAVE EXECUTED THIS CONTRACT**

**CONTRACTOR:**

City of Golden  
Legal Name of Contracting Entity

2000026  
CDOT Vendor Number

*Dan Hartman*  
Signature of Authorized Officer

DAN HARTMAN  
Print Name & Title of Authorized Officer

DATE: 8/22/08

CORPORATIONS:  
(A corporate attestation is required.)

Attest (Seal) By *Andrew L. Banks, Deputy City Clerk*  
(Corporate Secretary or Equivalent, or Town/City/County Clerk)

(Place Corporate Seal here, if available.)



**STATE OF COLORADO:**  
**BILL RYTER, JR., GOVERNOR**  
By *Camela Hutton*  
For Executive Director  
Department of Transportation

Date \_\_\_\_\_

**LEGAL REVIEW:**  
**JOHN W. SUTHERS, ATTORNEY GENERAL**

By *Kathryn E. You*

**ALL CONTRACTS MUST BE APPROVED BY THE STATE CONTROLLER**

CRS 24-30-202 requires that the State Controller approve all state contracts. This contract is not valid until the State Controller, or such assistant as he may delegate, has signed it. The contractor is not authorized to begin performance until the contract is signed and dated below. If performance begins prior to the date below, the State of Colorado may not be obligated to pay for the goods and/or services provided.

**STATE CONTROLLER**  
**DAVID J. MCDERMOTT, CPA**

By *Uli Kuehn*

Date 10/14/08