

BOARD OF COUNTY COMMISSIONERS FOR
ADAMS COUNTY, STATE OF COLORADO

RESOLUTION ACCEPTING A BID AND AWARDING A CHANGE ORDER TO
BRANNAN SAND AND GRAVEL COMPANY FOR ADDITIONAL WORK ON THE 2013
STREET MAINTENANCE PROGRAM

Resolution 2014-123

WHEREAS, Brannan Sand and Gravel Company submitted a bid on May 10, 2013, for the 2013 Street Maintenance Program, and,

WHEREAS, Brannan Sand and Gravel Company agreed to perform the work for total bid amount of \$4,632,443.10, and,

WHEREAS, Brannan Sand and Gravel Company agreed to perform the work described as the Berkley Neighborhood Infrastructure Improvements change order in the amount of \$166,531.60, and,

WHEREAS, Brannan Sand and Gravel Company submitted Change Order No. 12 and agrees to perform the work in the amount of \$292,613.00.

WHEREAS, the current contract amount is \$4,798,974.70 plus proposed change order No. 12 in the amount of \$292,613.00 equals a total project cost of \$5,091, 587.70.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that Addendum Two to the Agreement with Brannan Sand and Gravel Company for the 2013 Street Maintenance Program and Change Order No. 12 be approved.

BE IT FURTHER RESOLVED that the Chairman is hereby authorized to sign Addendum Two to the Agreement with Brannan Sand and Gravel Company after approval as to form is completed by the County Attorney's Office.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Henry _____ Aye
Tedesco _____ Aye
Hansen _____ Aye
Commissioners

STATE OF COLORADO)
County of Adams)

I, Karen Long, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid do hereby certify that the annexed and foregoing Order is truly copied from the Records of the Proceedings of the Board of County Commissioners for said Adams County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Brighton, Colorado this 10th day of March, A.D. 2014.

County Clerk and ex-officio Clerk of the Board of County Commissioners
Karen Long:



By:



Deputy

ADAMS COUNTY, COLORADO
SECOND ADDENDUM TO THE
CONSTRUCTION AGREEMENT

THIS SECOND ADDENDUM TO CONSTRUCTION AGREEMENT ("Second Addendum") is entered into this 14th day of April, 2014, by and between the Board of County Commissioners of Adams County, Colorado, located at 4430 South Adams County Parkway, Brighton, CO 80601, hereinafter referred to as the "County," and Brannan Sand and Gravel Company, located at 2500 E. Brannan Way, Denver, Colorado 80229, hereinafter referred to as the "Contractor."

RECITALS

WHEREAS, on June 17, 2013, the County entered into a Construction Agreement with Brannan Sand and Gravel Company, to furnish all labor, machinery, equipment, materials and supplies necessary to perform all of the work shown on the plans and described in the specifications, and in all other documents incorporated into the Agreement by reference entitled:

Invitation for Bid: 2013.065
County Project No. IMP 2013-00006

WHEREAS, the County issued Change Orders 1 through 4, and 6 through 11 to the Contractor, none of which encumbered any additional funds for the Project; and,

WHEREAS, the County amended the agreement on February 24, 2014, to expand the scope of work for the Berkley Neighborhood Infrastructure Improvements; and,

WHEREAS, the County and the Contractor mutually desire to amend the Construction Agreement to expand the scope of work described in Exhibit "A", hereto attached as reference to Addendum Two.

NOW, THEREFORE, for the consideration set forth herein, the sufficiency of which is mutually acknowledged by the parties, the County and the Contractor agree as follows:

1. The County shall reimburse the Contractor for the work provided under this Second Addendum in accordance with Section V of the Construction Agreement in the amount of two hundred ninety two thousand six hundred thirteen dollars (\$292,613). The County has appropriated \$292,613 for this Addendum
2. The Construction Agreement and this Second Addendum contain the entire understanding of the parties hereto and neither it, nor the rights and obligations hereunder, may be changed, modified, or waived except by an instrument in writing that is signed by both parties. Any terms, conditions, or provisions of the Construction Agreement that are not amended or modified by this Second Addendum shall remain in full force and effect. In the event of any conflicts between the terms, conditions, or provisions of the Construction Agreement and this Second Addendum, the terms, conditions, and provisions of this Second Addendum shall control.
3. The Recitals contained in this Second Addendum are incorporated into the body hereof and accurately reflect the intent and agreement of the parties.
4. This Second Addendum may be executed in multiple counterparts, each of which shall be deemed to be an original and all of which taken together shall constitute one and the same agreement.
5. Nothing expressed or implied in this Second Addendum is intended or shall be construed to confer upon or to give to, any person other than the parties, any right, remedy, or claim under or by reason

of this Second Addendum or any terms, conditions, or provisions hereof. All terms, conditions, and provisions in this Second Addendum by and on behalf of the County and the Contractor shall be for the sole and exclusive benefit of the County and the Contractor.

6. If any provision of this Second Addendum is determined to be unenforceable or invalid for any reason, the remainder of the Second Addendum shall remain in effect, unless otherwise terminated in accordance with the terms contained in the Construction Agreement.
7. Each party represents and warrants that it has the power and ability to enter into this Second Addendum, to grant the rights granted herein, and to perform the duties and obligations herein described.

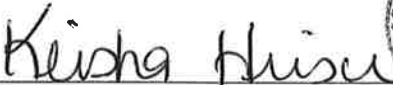
IN WITNESS WHEREOF, the County and the Contractor have caused their names to be affixed.

BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, COLORADO

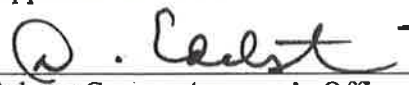

Chairman

4-14-14
Date

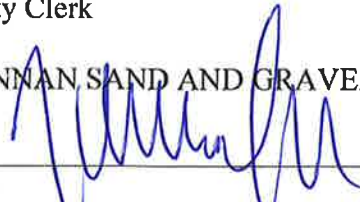
ATTEST:
KAREN LONG
CLERK AND RECORDER


Deputy Clerk



Approved as to form:

Adams County Attorney's Office


BRANNAN SAND AND GRAVEL COMPANY


Name
J.C. Marvel, Jr.; Manager/Secretary
Title

03/19/2014
Date

Signed and sworn to before me on this 19th day of March, 2014 by

J.C. Marvel, Jr.


Notary Public

My commission expires on: 12-10-14



CONTRACTOR'S CERTIFICATION OF COMPLIANCE

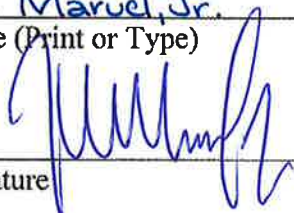
Pursuant to Colorado Revised Statute, § 8-17.5-101, et.seq., as amended 5/13/08, as a prerequisite to entering into a contract for services with Adams County, Colorado, the undersigned Contractor hereby certifies that at the time of this certification, Contractor does not knowingly employ or contract with an illegal alien who will perform work under the attached contract for services and that the Contractor will participate in the E-Verify Program or Department program, as those terms are defined in C.R.S. § 8-17.5-101, et. seq. in order to confirm the employment eligibility of all employees who are newly hired for employment to perform work under the attached contract for services.

CONTRACTOR:

Brannan Sand and Gravel Company, LLC
Company Name

03/19/2014
Date


J.C. Maruel, Jr.
Name (Print or Type)


Signature

Manager/Secretary
Title

Note: Registration for the E-Verify Program can be completed at: <https://www.vis-dhs.com/employerregistration>. It is recommended that employers review the sample "memorandum of understanding" available at the website prior to registering

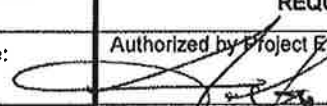
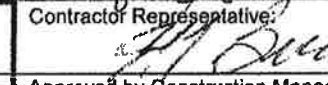
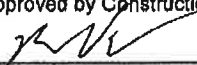
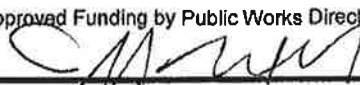
Exhibit "A"

 ADAMS COUNTY <small>COLORADO</small>	ADAMS COUNTY PUBLIC WORKS CHANGE ORDER		Project No.: IMP2013-00006	Project Code (SA#): W 33171301
	Location: 2013 Street Maintenance Project (Various Locations)			
	Date: 12/13/2013		Project Order No.: 12	
Contractor: Brannan Sand and Gravel Company		Estimated cost to project: Increase xxx Decrease \$292,613.00		
Complete Address: 2500 E. Brannan Way, Denver, Colo. 80229		Total additional days allowed to complete work: 0		Federal Oversight? Yes <input checked="" type="checkbox"/> No
Modification Title: Additional Aggregate Base Course (Class 6) Shouldering, Muck Excavation, Flagging				

Your contract is hereby modified to add additional quantity of Aggregate Base Course (Class 6), Muck Excavation, and Flagging. All work shall be completed in accordance with the 2011 Colorado Department of Transportation Standard Specifications for Road and Bridge Construction, the project plans, the project special provisions, and as directed by the Project Manager/Engineer. No additional time will be added to the contract.

The quantities of the following existing contract items are hereby modified as follows:

ITEM NO.	PAY ITEM DESCRIPTION	EST. QTY.	UNIT	PRICE	AMOUNT BID
203-00100	Muck Excavation	1450	C.Y.	\$30.04	\$43,558.00
304-06000	Aggregate Base Course (Class 6)	5000	TON	\$32.72	\$163,600.00
630-00000	Flagging	4050	HRS	\$21.10	\$85,455.00
					\$292,613.00
Total Change Order Cost					\$292,613.00

I hereby accept this order, for work to be performed and prices on which payment is to be based.			
REQUIRED IN ACCORDANCE WITH INSTRUCTIONS IN THE CDOT CONSTRUCTION MANUAL		REQUIRED FOR ALL CHANGE ORDERS	
Approved by FHWA Operations Engineer:	Date:	Authorized by Project Engineer:	Date:
			3/10/2014
OPTIONAL for additional funding requests		Contractor Representative:	Date:
			3/10/2014
Approved by Board of County Commissioners:	Date:	Approved by Construction Manager:	Date:
			3-12-14
		Participating Non-participating Participation as noted	
		Approved Funding by Public Works Director:	Date:
			3/13/14