

SOUTHEAST METRO STORMWATER AUTHORITY
Acting by and through
SEMSWA WATER ACTIVITY ENTERPRISE

RESOLUTION 13-38

Authorization for Funding of Construction of the Phase II Goldsmith Gulch at Peakview Channel
Improvements

WHEREAS, with Resolution 09-38 the SEMSWA Board authorized the execution of an agreement including expenditures of SEMSWA funds with Urban Drainage and Flood Control District (UDFCD) for design and construction of drainageway improvements along Goldsmith Gulch between Peakview Avenue and Caley Avenue (Project); and

WHEREAS, with Resolution 11-18, Phase I of the Goldsmith Gulch Channel Improvements, which consisted of the installation of a new concrete box culvert under Caley Avenue, was completed in 2011; and

WHEREAS, the Phase II of the Goldsmith Gulch Channel Improvements consists of approximately 500 feet of boulder channel stabilization, two boulder drop structures and a new concrete box culvert with a fence placed on the culvert at the southern boundary of the Cherry Creek Farm Subdivision; and

WHEREAS, the bidding process for the construction of the Phase II portion of the Project has been completed and the lowest responsible bidder, L & M Enterprises, Inc., has been selected for the construction; and

WHEREAS, SEMSWA has negotiated a contract amendment in the amount of \$75,309 with ICON Engineering, Inc. for construction engineering and material testing services; and

WHEREAS, it is typical to budget the construction bid amount plus an additional ten (10) percent (\$61,561) to cover contingencies that may be encountered during construction; and

WHEREAS, \$209,020 is identified in SEMSWA's 2013 Capital Project Budget and UDFCD has contributed and additional \$65,000 from its 2012 Capital Project Budget and also an additional \$500,000 from its 2013 Capital Project Budget, for the construction of the Project; and

WHEREAS, the amended funding for the Project will now be as follows:

	Percentage Share	Original Contributed	2012 Contribution	2013 Contribution	Maximum Contribution
DISTRICT	48.72%	\$100,000.00	\$65,000.00	\$500,000.00	\$665,000.00
SEMSWA	51.28%	\$490,980.00	\$ 0.00	\$209,020.00	\$700,000.00
	100.00%	\$590,980.00	\$65,000.00	\$709,020.00	\$1,365,000.00

WHEREAS, since the UDFCD funding is less than 50% of the Project, SEMSWA will manage the Goldsmith Gulch project and enter into the construction contract. Therefore, the award of the construction contract is required to be approved by the SEMSWA Board; and

WHEREAS, SEMSWA had adopted a budget for calendar year 2013 subsequent to public hearing, which includes funds for the construction of the Project.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board authorizes SEMSWA's additional 2013 funding in an amount of \$209,020.00 for the Project.
2. The Executive Director is authorized to enter into a contract in the amount of \$615,607.20 with L & M Enterprises, Inc. on behalf of SEMSWA for the construction of the Project.
3. The Executive Director is authorized to enter into a contract amendment in the amount of \$75,309.00 with ICON Engineering, Inc. on behalf of SEMSWA for the construction engineering and material testing services associated with the Project.
4. The funding for the construction of Phase II of the Project including contingency and costs associated with construction management and materials testing, is limited to \$752,477.20, without prior approval of the Board.
5. The Executive Director is authorized to execute a further amendment to the funding agreement with the UDFCD, for the Project.

SOUTHEAST METRO STORMWATER AUTHORITY
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Date: _____

ATTEST:

Secretary

Chairperson

APPROVED AS TO FORM:
Attorney for
Southeast Metro Stormwater Authority

By _____
Edward J. Krisor

GOLDSMITH GULCH CHANNEL IMPROVEMENTS (PHASE 2)

