AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Contract Amendment; Ohio City Town Hall

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement: BOCC and Colorado Historical Society

Term Begins: 2/1/19 **Term Ends:** 2/1/2020 **Grant Contract #:** 2017-01-021

Summary:

This Contract Amendment for the Ohio City Town Hall project extends the completion date and reallocates funds to address the last additional task of further stabilizing the storefront window.

Fiscal Impact:

Submitted by: Office of the County Attorney **Submitter's Email Address:** rmagruder@gunnisoncounty.org

Finance Review: (●) Required ( ) Not Required

Comments:
No concerns, this was anticipated in the 2019 proposed budget submittal. ln

Reviewed by: GUNCOUNTY1\lNienhueser Discharge Date: 11/16/2018

County Attorney Review: ( ) Required (●) Not Required

Comments:

Reveiwed by: Discharge Date: Certificate of Insurance Required Yes ( ) No ( )

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 11/16/2018

(●) Consent Agenda ( ) Regular Agenda ( ) Worksession Time Allotted: 0

Agenda Date: 11/20/2018

Revised April 2015

Form 6-AC-02A (R5/91)

Department or Agency Name
History Colorado, the Colorado Historical Society
Department or Agency Number
GCA
Routing Number
APPROVED WAIVER FORM -Amendment #37

CONTRACT AMENDMENT #2017-01-021 B

THIS AMENDMENT, made this_____day of _____, _____ by and between the State of Colorado for the use and benefit of the Department of Higher Education, History Colorado, the Colorado Historical Society, 1200 Broadway, Denver, Colorado 80203, hereinafter referred to as the State and/or History Colorado, and the **Gunnison County, dba Gunnison Board County Commissioners, 200 East Virginia Avenue, Gunnison, Colorado, 81230**, hereinafter referred to as the Contractor.

FACTUAL RECITALS

Authority exists in the Law and Funds have been budgeted, appropriated and otherwise made available and a sufficient unencumbered balance thereof remains available for payment; and

Required approval, clearance, and coordination has been accomplished from and with appropriate agencies; and

The Parties entered into a contract dated January 31, 2017 (the "Original Contract"), for SHF Project #2017-01-021, wherein the Contractor agreed to undertake the performance of certain work and services in consideration for which the State agreed to make certain payments; and

The term of the contract is extended because the Contractor, through no fault of their own, is unable to complete the project as required within the specified contract period as a result of unforeseen delay; and

The Project Budget is revised as adjustments of budget expenditure amounts exceeded 25% on multiple task line budgets; and

The State and the Contractor both wish to bring the project to completion in order to fulfill the objectives of the Original Contract.

NOW THEREFORE, it is hereby agreed that:

1. Consideration for this amendment to the original contract, C.E. Number POGG1 2017-0474, Contract Routing Number N/A Approved Waiver Form, dated January 31, 2017 , consists of the payments which shall be made pursuant to this amendment and the promises and agreements herein set forth.

2. It is expressly agreed by the parties that this Amendment is supplemental to the original contract, as amended Number #2017-01-021, dated January 31, 2017 , referred to as the "original contract," which is, by this reference incorporated herein, that 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.

3. It is agreed the original contract is and shall be modified, altered, and changed in the following respects only:

   a. Provision #4 of the original contract, CONTRACT EFFECTIVE DATE, the term of the contract is **EXTENDED** from February 1, 2019 to February 1, 2020.

   b. Provision #2 of the original contract, APPLICABLE STANDARDS, the Scope of Work and activities is revised as reflected in the attached Revised Exhibit C: List of Submittals.

   c. Provision #7 of the original contact, ACCOUNTING, the Project Budget tasks are revised as reflected in the attached Revised Exhibit B: Project Budget.

4. The effective date of this amendment is upon approval of the State Controller or November 30, 2018, whichever is later.

5. Except for the "Special Provisions," in the event of any conflict, inconsistency, variance or contradiction between the provisions of this Amendment, and any of the provisions of the Original Contract, the provisions of this Amendment, shall in all respects supersede, govern, and control. The "Special Provisions" shall always be controlling over other provisions in the contract or amendments. The representations in the Special Provisions concerning the absence of bribery or corrupt influences and personal interest of State employees are presently reaffirmed.

6. FINANCIAL OBLIGATIONS OF THE STATE PAYABLE AFTER THE CURRENT FISCAL YEAR ARE CONTINGENT UPON FUNDS FOR THAT PURPOSE BEING APPROPRIATED, BUDGETED, AND OTHERWISE MADE AVAILABLE.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment on the day first above written.

*Persons signing for Contractor hereby swear and affirm that they are authorized to act on Contractor's behalf and acknowledge that the State is relying on their representations to that effect.

CONTRACTOR:
(Grant Recipient)

Gunnison County, dba Gunnison Board County Commissioners
Legal Name of Contracting Entity

*Signature of Authorized Officer

Date

Print Name of Authorized Officer

Print Title of Authorized Officer

STATE OF COLORADO
John W. Hickenlooper, GOVERNOR

BY: _____
Executive Director or Designee

Steve W Turner

History Colorado

Date: _____

Department of Higher Education

STATE HISTORICAL FUND

BY: _____
Director or Designee
Timothy Stroh, AIA, State Historical Fund

Date: _____

WAIVER CONTRACT REVIEWER

BY: _____
Contracts Officer or Designee
Susan Frawley, State Historical Fund

Date: _____

ALL CONTRACTS MUST BE APPROVED BY THE STATE CONTROLLER

CRS 24-30-202 requires that the State Controller to approve all State Contracts. This Contract is not valid until signed and dated below by the State Controller or delegate. Contractor is not authorized to begin performance until such time. If Contractor begins performing prior thereto, the State of Colorado is not obligated to pay Contractor for such performances or for any goods and/or services provided hereunder.

STATE CONTROLLER
Robert Jaros, CPA, MBA, JD

BY:_____
Michelle Zale
History Colorado, Controller

Date:_____

Revised, January 5, 2018
99ebbf06-5b31-4653-bff7-daef68a72cc5
Approval/Contract: Amendment/Scope of Work/Budget (and Time Extension)

Gunnison County
Interior and Exterior Rehabilitation of Ohio City Town Hall
Project #: 2017-01-021

Exhibit B
revised 10/25/18

PROJECT BUDGET

TASK	AMOUNT
A. Window and Door Rehabilitation	$34,214
B. Interior Rehabilitation	$49,168
C. Metal Siding Rehabilitation	$11,948
D. Metal Ceiling Rehabilitation	$20,625
Construction Subtotal	**$115,955**
E. General Conditions	$0
F. A/E Construction Administration	$6,930
G. Permits and Inspections	$0
Project Subtotal**	**$122,885**
Contingency†	*$9,935*
PROJECT TOTAL	**$132,820**
Grant Award (73.35%)	**$97,427**
Cash Match (26.65%)	**$35,393**

*Grant Administration cannot exceed 15% of the **Project Total**
Grant payments will be based off **Project Subtotal amount. Total payments will be Grant Award percentage of **Project Subtotal** up to a maximum of the Grant Award Amount.
† Contingency - Must receive written approval from SHF Staff prior to use.

Gunnison County
Interior and Exterior Rehabilitation of Ohio City Town Hall
Project #: 2017-01-021

Exhibit C
Revised 10/18/18

LIST OF SUBMITTALS

Project Reports

Project Reports	Due Date	Society Response
a. Advance Payment Request Form (Attachment 1). Deliverables #1 – 3 below must be reviewed and approved before Advance Payment is made.	Received 5/24/17	Advance Payment of Grant Award: $36,056 - PAID
b. Progress Report #1	Received 3/7/17	Reviewed
c. Progress Report #2	Received 6/2/17	Reviewed
d. Progress Report #3	Received 11/17/17	Reviewed
e. Interim Financial Report (Attachment 1). Deliverables #4 - 12 below must be reviewed and approved before Interim Payment is made.	Received 9/14/17	Review & Approve. Interim Payment of Grant Award: $45,070 - PAID
f. Progress Report #4	Received 4/24/18	Reviewed
g. Progress Report #5	Received 5/16/18	Reviewed
~~h. Progress Report #6~~	~~June 1, 2018~~	~~Review*~~
~~i. Progress Report #7~~	~~September 1, 2018~~	~~Review*~~
j. Progress Report #8	**December 1, 2018**	**Review***
k. Progress Report #9	**March 1, 2019**	**Review***
l. Progress Report #10	**June 1, 2019**	**Review***
m. Progress Report #11	**September 1, 2019**	**Review***
n. Final Financial Report (Attachment 1).	**December 15, 2019 *** **	**Review & Approve. Final Payment of Grant Award: $9,013†**

* At the discretion of the SHF technical staff, progress reports may not receive a response.

** Interim Financial Report due date is a guideline. Please submit Interim Financial Report when 40% or more of Advance has been expended and you are ready for the next payment.

*** Final Payment is a reimbursement ONLY after all contractors have been paid.

†Payment may increase due to approval of contingency funds.

Project period ends on February 1, 2020. All deliverables are due 30 days before this date.

PROJECT DELIVERABLES

Submit the following Project Deliverables. Deliverables 1-9 are due before physical work begins.

Project Deliverables	Society Response
1. Initial Consultation with SHF Preservation Specialist	Held
2. Before/existing condition photos of areas affected by Scope of Work	Approved
3. Historical photos/documentation of areas to be treated	Approved
4. Subcontract Certification for Architect	Approved
5. Subcontract Certification for General Contractor	Approved
6. Consultant Resume for Architect	Approved
7. Consultant Resume for General Contractor	Approved
8. Construction Documents/Plans and Specifications	Approved
9. Preconstruction meeting with SHF Historic Preservation Specialist	Held
10. Mock up of replica panels	Approved
11. Copies of change orders	Approved
12. Interim meeting with SHF Historic Preservation Specialist	Held
13. After photos of area affected by Scope of Work	**Received/Pending Review**
14. Documentation of professional/public outreach	**Review Comment and /or Approve**
15. End of Project report	**Review Comment and /or Approve**