

**CITY OF LEADVILLE, COLORADO  
RESOLUTION NO. 5  
SERIES 2021**

**A RESOLUTION APPROVING A FIRST AMENDMENT TO THE AGREEMENT FOR  
PROFESSIONAL SERVICES WITH RG AND ASSOCIATES, LLC**

**WHEREAS**, the City of Leadville, Colorado ("City") is authorized to enter into contracts for the performance of general municipal governance and services; and

**WHEREAS**, the City is a party to that certain Agreement for Professional Services dated May 5, 2020 ("Agreement") with RG and Associates, LLC ("Contractor") for on-call planning and engineering services, which has a termination date of December 31, 2020; and

**WHEREAS**, the Agreement allows the City to extend the term of the Agreement for up to three (3) subsequent one-year terms; and

**WHEREAS**, the City Council finds that it is in the best interest of the public health and welfare to extend the Agreement for the first of the three additional one-year terms until December 31, 2021 for a not-to-exceed amount of thirty-seven thousand five hundred dollars and no cents (\$37,500.00) and approve a first amendment to the Agreement ("First Amendment"), attached hereto as **Exhibit 1**.

**NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Leadville, Colorado as follows:**

**Section 1.** The foregoing recitals are incorporated herein by reference as findings and determinations of City Council.

**Section 2.** The City Council hereby: (a) approves the First Amendment to Agreement for Professional Services ("First Amendment") with Contractor in substantially the form attached to this Resolution as **Exhibit 1** in an amount not to exceed **thirty-seven thousand five hundred dollars and no cents (\$37,500.00)**; (b) authorizes the City Attorney to make any non-substantive changes to the First Amendment that do not increase the financial obligations of the City; and (c) authorizes the Mayor to execute the Second Amendment on behalf of the City once in final form.


**Section 3. Severability.** If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

**Section 4. Effective Date.** This Resolution shall take effect upon its adoption by the City Council.

CITY OF LEADVILLE, COLORADO

By:   
Greg Labbe, Mayor

ATTEST:

  
Deputy City Clerk

ADOPTED by a vote of 7 in favor and 0 against, and 0 abstaining, this 16th day of February, 2021.

**EXHIBIT 1**  
**FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES**

*(see attached document)*

**City of Leadville, Colorado  
FIRST AMENDMENT TO  
AGREEMENT FOR PROFESSIONAL SERVICES**

**Project/Services Name: On-Call Planning & Engineering Services**

**THIS FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES** ("First Amendment") amends the Agreement for Professional Services entered into by and between **RG AND ASSOCIATES, LLC**, a Colorado limited liability company, whose business address is 4885 Ward Road, Suite 100, Wheat Ridge, Colorado 80033 (the "Contractor") and the **CITY OF LEADVILLE, COLORADO**, a municipal corporation of the State of Colorado (the "City"). The City and Contractor may be collectively referred to herein as the "Parties."

**RECITALS**

**WHEREAS**, the Parties entered into an Agreement for Professional Services dated May 5, 2020 ("Agreement"), pursuant to which Contractor, upon issuance of a written task order by the City, provides on-call planning and engineering services; and

**WHEREAS**, the Agreement includes a termination date of December 31, 2020; and

**WHEREAS**, Section II.A of the Agreement allows the Parties to extend the term of the Agreement for up to three (3) one-year terms and Section XII.F allows the Agreement to be amended by a writing signed by both Parties; and

**WHEREAS**, the Parties desire to extend the term of the Agreement for the first of the three (3) additional one-year terms such that the Contractor may continue to provide services to the City in the calendar year 2021, and City Council further desires to approve a new rate schedule and not-to-exceed amount for 2021 in conjunction with such extension.

**NOW, THEREFORE**, for the consideration herein expressed, it is agreed by and between the City and the Contractor that the Agreement shall be amended as follows:

1. **Recitals.** The foregoing recitals are true and correct and are incorporated into the Agreement by this reference as though set forth in full.
2. **Original Terms and Conditions.** Except as amended herein, the original terms and conditions of the Agreement remain in full force and effect.
3. **Extended Term.** The term of the Agreement is hereby extended for a term of one year to be effective on **January 1, 2021** and shall terminate on **December 31, 2021** ("First Extended Term") unless further extended by mutual agreement of the Parties in accordance with the terms of the Agreement, as amended.
4. **2021 Not-to-Exceed Amount.** For the First Extended Term, the City shall pay Contractor an amount not to exceed **Thirty-Seven Thousand Five Hundred Dollars and No Cents (\$37,500.00)**.
5. **2021 Rate Schedule.** The rate schedule attached to this First Amendment as **Attachment 1** shall replace the rate schedule set forth in **Exhibit B** to the Agreement.
6. **Conflict.** This First Amendment is and shall be construed as part of the Agreement. In the case of any inconsistency between this First Amendment and the Agreement, the provisions containing such inconsistency shall be reconciled with one another to the maximum extent possible, and then to the extent of any remaining inconsistency, the terms of this First Amendment shall control.

7. **Counterparts; Facsimile or Electronic Signature; Authority.** The Parties hereto agree that this First Amendment may be executed in multiple counterparts which, when signed by all Parties, shall constitute a binding agreement. The Parties further agree that this First Amendment may be executed by facsimile or electronic signature, and that any facsimile or electronic signature shall be binding upon the Party providing such signature as if it were the Party's original signature.

IN WITNESS WHEREOF, the Parties have executed this First Amendment to Agreement for Professional Services, to be effective as set forth herein. By the signature of its representatives below, each Party affirms that it has taken all necessary action to authorize said representative to execute this First Amendment.

*REMAINDER OF PAGE INTENTIONALLY LEFT BLANK*

*SIGNATURE PAGE FOLLOWS*





**TASK ORDER**  
**ON-CALL PLANNING & ENGINEERING SERVICES**

**TASK ORDER NO.:** 2021-01

**Contractor Name:** RG & Associates

**Task Name:** City Zoning Map Update

**Requested By:** Sarah Dallas, ASM  
(City Dept. / Project Mngr.)

**Start Date:** 2/16/2021

**Funding Source:** General Fund will need to be part of the supplemental 2021 budget

**Estimated Completion Date:** 3/12/21

**Tasks / Deliverables:** See description below

**Total Task Order Budget:** \$7,500.00

**Approval:**

**Date:**

2/18/2021

**City Administrative Services Manager**

**Description of Task/Services:**

This is updating the City of Leadville Zoning Map and the Council Ward Map to include the Railyard parcel that was annexed in 2016 and went through land use approval finalized and executed by the owner in the September of 2020. New homes are currently under construction and could receive a certificate of occupancy for moving in of new residents by this year and before the 2021 election. We need to update the mapping to correspond with this new development that is in city limits.

**FINANCE DIRECTOR REVIEW:**

*Finance has reviewed this Task Order and the funds:*

☒ *are appropriated*

☐ *are not appropriated (note: \_\_\_\_\_)*

**By:**

**Account reference/information:**

01-40-6-6303



THIS FIRST AMENDMENT is executed and made effective as provided herein.

CITY OF LEADVILLE, COLORADO:

ATTEST:

[Signature]  
Deputy City Clerk

By: [Signature]  
Greg Labbe, Mayor

Date of execution: 2/23/21

RG AND ASSOCIATES, LLC:

By: [Signature]

Printed name: Ricardo Goncalves

Its: President

Date of execution: 2/24/21

STATE OF Colorado )  
COUNTY OF Jefferson ) ss.

The foregoing First Amendment to Agreement for Professional Services was acknowledged before me this 24 day of February, 2021, by Ricardo Goncalves as President of RG and Associates, LLC.

Witness my hand and official seal.

My commission expires: 4/10/2023

CRYSTAL WELP  
NOTARY PUBLIC - STATE OF COLORADO  
Notary ID #20154014628  
My Commission Expires 4/10/2023

[Signature]  
Notary Public  
(Required for all contracts (C.R.S. § 8-40-202(2)(b)(IV)))



# ATTACHMENT 1 2021 RATE SCHEDULE



**RG AND ASSOCIATES, LLC**

Del Norte • Wheat Ridge  
303-293-8107 • www.rgengineers.com

## RATE SCHEDULE FOR PROFESSIONAL SERVICES

<u>LABOR CLASSIFICATION</u>	<u>HOURLY BILLING RATE</u>
Principal	\$140.00
<b>ENGINEERING:</b>	
Senior Project Manager	\$135.00
Project Manager	\$125.00
Senior Project Engineer	\$110.00
Project Engineer	\$105.00
Senior Design Engineer	\$100.00
Design Engineer	\$90.00
Engineering Technician	\$80.00
<b>PLANNING:</b>	
Project Manager	\$110.00
Senior Planner	\$105.00
Planner Technician	\$60.00
<b>CONSTRUCTION ADMIN:</b>	
Senior Construction Manager	\$120.00
Certified Operator	\$120.00
Construction Manager	\$110.00
Senior Construction Observer	\$90.00
<b>TECHNICIANS:</b>	
Senior CADD Technician	\$95.00
CADD Technician	\$80.00
Graphics/GIS Specialist	\$95.00
Word Processor	\$65.00
Administrative Assistant	\$55.00
<b><u>DIRECT EXPENSES</u></b>	
Prints/Copies	At Cost
Mileage	IRS Rate
Travel Time	At Cost
Sub-Consultants	At Cost
Airfare/Lodging/MI&E	At Cost