AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Third Addendum to the Development Improvement Agre

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement: BOCC and L & D Ranches LLC

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:

Addendum to Development Improvements Agreement extending work completion date from 9/30/2020 to 12/31/2020

Fiscal Impact:

Submitted by: Laura Stanley for David Baumgarten **Submitter's Email Address:** lstanley@gunnisoncounty.org

Finance Review: (●) Required ( ) Not Required

Comments:
no concerns, kw

Reviewed by: GUNCOUNTY1\kweak Discharge Date: 10/29/2020

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

Comments:
ok db 10/16/20

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 10/16/2020 Certificate of Insurance Required

Yes ( ) No (●)

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 11/6/2020

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

Agenda Date: 11/10/2020

Revised April 2015

September 28th, 2020

Gunnison County

RE: Whetstone Industrial Park DIA Partial Release Request

To Whom It May Concern,

The Whetstone Industrial Park project has been under construction since July 2018 with Lacy Construction as the General Contractor. The project has made significant progress. There was a 2018/2019 winter construction shutdown after most of the site grading was done in 2018. Utilities and road grading/road base were completed during summer/fall of 2019. Work stopped for winter 2019/2020 in mid-November 2019.

SGM has been on site preforming construction observation and oversight since the start of the project. In addition to this work we have also reviewed and approved material submittals, provided construction survey staking and survey control. preformed proof roll tests and waterline testing. Mountain Engineering and Testing has performed concrete testing on the water storage tank and roadway base compaction testing. The project is now at a phase where the site is fully graded, drainage structures installed, roadways fully installed and paved, deep utilities are in and pressure tested, the full augmentation and water storage/fire suppression pond is in, and Gunnison County Electric and Atmos Gas have installed their utilities.

A few key significant dates and milestones are:

- Full Domestic water supply system, installed, pressure and chlorine tested on 7/17/2019
- Full Fire suppression system supply system is installed and pressure tested, fire booster pump installed and functional, but not yet tested with the Fire Department, but will take place this fall.
- August 7th and 8th 2019 full roadway system, both Rozman and Bifano Roads sub-grade proof roll tested, passed.
- September 6th 2019 all roadway aggregate road base fully placed and compacted and complete.
- Final proof roll and compaction testing July 2020, with final paving and shouldering done by 7/21/2020 on all roadways and Highway 135 work.
- October 30th 2019 full pond system done, supply line, drain line, water control structure, and liner and cover placed and complete.
- November 1st 2019 water storage tank lid was poured, so full water storage tank done and complete, just needs testing and backfill.
- June 2020 pumps installed for domestic and fire system, and water tank leak tested.
- August 1st 2020 Highway 135 work done, guardrail installed, final CDOT walk through scheduled for Sept 30th 2020.

Remaining work to complete include final venting and roof on both pump buildings, pump and disinfection system start up and testing (equipment installed, domestic pumps are waiting on Gunnison County Electric to finalize building connection to test equipment). And final site seeding, restoration and landscaping are still remining.

Attached is a spread sheet aligning with the recorded DIA cost estimate listing the percent complete of each item. All items that have had the majority of work on them but are not currently tested (such as the domestic booster pump station) remain at 90% compete. Items listed at 100% complete are fully installed and have been tested.

The amount being requested for release to date is **$763,290.00 out of the original $814,590.00** of the primary industrial park project cost estimate. This leaves $51,300.00 worth of work still remaining in the primary industrial park project cost estimate. All work on the CDOT highway 135 portion of the project is complete with final walk through by CDOT scheduled for September 30th, 2020. Therefore, all **$373,750.00** is being requested for release pending CDOT final sign off.

Along with this certification SGM has competed daily inspection report logs 1-4 days a week that can be provided if requested along with photos of any portion of the work.

Sincerely,

Tyler Harpel, P.E. Project Engineer

9/28/2020

Whetstone Industrial Park
SH 135 Improvements
Engineers Opinion of Probable Construction Cost/ DIA Release

Item #	Estimated Quantity	Unit	Description	Unit Price	Total Price	Percent Complete	Current Request For Release
1	1	L.S.	Mobilization/Demobilization	$25,000.00	**$25,000.00**	100%	$25,000.00
2	1	L.S.	Construction Traffic Control	$50,000.00	**$50,000.00**	100%	$50,000.00
3	1	L.S.	Clearing and Grubbing	$3,500.00	**$3,500.00**	100%	$3,500.00
4	1,350	Ton	Hwy 135 Turn Lane Improvements - Asphalt - 4" depth	$125.00	**$168,750.00**	100%	$168,750.00
5	5,805	Ton	Hwy 135 Turn Lane Improvements - Aggregate Road Base (6" class 6; 12" class 2)	$20.00	**$116,100.00**	100%	$116,100.00
6	70	Gallon	Hwy 135 Re-Striping	$95.00	**$6,650.00**	100%	$6,650.00
7	50	L.F.	36" Corrugated Metal Pipe	$75.00	**$3,750.00**	100%	$3,750.00
				Total Construction Cost:	**$373,750.00**		

Total Requested for Release to Date Sept 28th 2020:	**$373,750.00**

NOTES:

1. Unit prices used in developing this EOPC were based on cost estimate data from recent CDOT Cost Data Book(s) compiled by the CDOT Engineering and Market Analyis Unit and SGM's database of similar projects.

2. Unit prices and total costs are based on Present Value dollars. Adjustments should be made for years beyond the present year if actual construction occurs in a future year.

3. This EOPC was prepared on the basis of SGM's experience and qualifications and represents SGM's judgment as a professional generally familiar with the industry. However, since SGM has no control over the cost of labor, materials, equipment, or services furnished by others, over contractor's methods of determining prices, or over competitive bidding or market conditions, SGM cannot and does not guarantee that proposals, bids, or actual construction cost will not vary from SGM's EOPC.

Whetstone Industrial Park (Including Buckley Drive Work)
Engineers Opinion of Probable Construction Cost
DIA Partial Release Request 9/28/2020

Item #	Estimated Quantity	Unit	Description	Unit Price	Total Price	Percent Complete	Current Request For Release
1	1	L.S.	Mobilization/Demobilization	$25,000.00	**$25,000.00**	90%	$22,500.00
2	1	L.S.	Construction Traffic Control (Not Including Hwy 135 work)	$1,500.00	**$1,500.00**	100%	$1,500.00
3	5,690	C.Y.	Clearing and Grubbing	$2.50	**$14,225.00**	100%	$14,225.00
4	1	L.S.	Overlot Grading and Compaction (90,600 C.Y. cut, 90,600 C.Y. fill)	$130,000.00	**$130,000.00**	100%	$130,000.00
5	1	L.S.	Augmentation Pond Liner and Outlet Control Structure (cuts and fill included above item number)	$30,000.00	**$30,000.00**	100%	$30,000.00
6	1	L.S.	Domestic Water Booster Pump Station (incl. line from tank)	$25,000.00	**$25,000.00**	90%	$22,500.00
7	1	L.S.	Domestic Water Treatment (gas chlorination)	$7,500.00	**$7,500.00**	90%	$6,750.00
8	1	Each	Domestic Water Flushing (blow off) Manhole	$4,500.00	**$4,500.00**	100%	$4,500.00
9	1	Each	Air Release Valve and Manhole	$3,500.00	**$3,500.00**	100%	$3,500.00
10	1	Each	25K Gallon Water Tank	$10,000.00	**$10,000.00**	100%	$10,000.00
11	1	L.S.	Fire Booster Pump Station with Backup Gen set and controls	$50,000.00	**$50,000.00**	90%	$45,000.00
12	5	Each	Fire Hydrant Assembly (includes shut off valve)	$5,500.00	**$27,500.00**	100%	$27,500.00
13	1,980	L.F.	4" C900 Water Line (Domestic)	$22.00	**$43,560.00**	100%	$43,560.00
14	1,635	L.F.	8" C900 Water Line (Fire)	$33.00	**$53,955.00**	100%	$53,955.00
15	2	Each	4" Gate Valves	$1,200.00	**$2,400.00**	100%	$2,400.00
16	17	Each	4" Fire Suppression Service Line	$1,200.00	**$20,400.00**	100%	$20,400.00
17	200	L.F.	2" HDPE Raw Water Line from Well	$20.00	**$4,000.00**	100%	$4,000.00
18	70	L.F.	2" HDPE Finished Water Line to Tank(s)	$20.00	**$1,400.00**	100%	$1,400.00
19	17	Each	2" Water Service Line Assembly	$1,000.00	**$17,000.00**	100%	$17,000.00
20	900	L.F.	3" HDPE Augmentation Pond Supply Line (same trench as drain line)	$10.00	**$9,000.00**	100%	$9,000.00
21	1	Each	Nyoplast Drain Basin (augmentation pond)	$3,500.00	**$3,500.00**	100%	$3,500.00
22	875	L.F.	12" Augmentation Pond Drain Line	$35.00	**$30,625.00**	100%	$30,625.00
23	2,650	Ton	Aggregate Road Base (class 6) (Ind. Park Area)	$20.00	**$53,000.00**	100%	$53,000.00
24	1,155	Ton	Hot Mix Asphalt (Ind. Park Area - 3" thick)	$125.00	**$144,375.00**	100%	$144,375.00
25	1	L.S.	Construction Erosion Control and SWMP	$12,000.00	**$12,000.00**	95%	$11,400.00
26	12	Acres	Final Site Restoration, Revegetation, and Overall Weed Mang.	$2,500.00	**$28,750.00**	0%	$0.00
27	56	Each	Landscaping Trees and Shrubs (including temp water)	$200.00	**$11,200.00**	0%	$0.00
28	2,085	L.F.	Electric Service Main Line	$5.00	**$10,425.00**	100%	$10,425.00
29	1,785	Each	Natural Gas Main Line	$15.00	**$26,775.00**	100%	$26,775.00
30	3	Each	Electric Transformer	$4,500.00	**$13,500.00**	100%	$13,500.00
			Opinion of Const. Cost Onsite Industrial Park Area:		**$814,590.00**		

Total Requested for Release to Date Sept 28th 2020: $763,290.00

Total Remaning September 28th 2020: $51,300.00

THIRD ADDENDUM TO THE DEVELOPMENT IMPROVEMENTS AGREEMENT FOR WHETSTONE INDUSTRIAL PARK

THIS THIRD ADDENDUM TO THE DEVELOPMENT IMPROVEMENTS AGREEMENT FOR WHETSTONE INDUSTRIAL PARK modifies that certain Development Improvements Agreement by and between the Board of County Commissioners of the County of Gunnison, Colorado, and L & D Ranches, L.L.C., a Colorado limited liability company, which was recorded in the records of the Office of the Clerk and Recorder of Gunnison County, Colorado on July 9, 2018, bearing Reception No: 654301, the Addendum thereto, which was recorded in the records of the Office of the Clerk and Recorder of Gunnison County on August 8, 2019, bearing Reception No: 661545, and a Second Addendum thereto, which was recorded in the records of the Office of the Clerk and Recorder of Gunnison County on April 24, 2020, bearing reception number 666206.

The Whetstone Industrial Park is located within the W1/2NW1/4, Section 18, Township 14 South, Range 85 West and E1/2, NE1/4, Section 13, Township 14 South, Range 86 West, 6th P.M., County of Gunnison, State of Colorado.

1. Extension of Deadlines for Work Completion, Certification and Affidavit of Payment.

This Third Addendum hereby modifies the above referenced Development Improvements Agreement by extending the following deadlines:

A. The work completion date identified in paragraph 6.A from September 30, 2020 to December 31, 2020; and

B. The engineer's certification of completion of improvements date identified in paragraph 6.A from September 30, 2020 to December 31, 2020; and

C. The affidavit of payment date for said improvements identified in paragraph 6.B from September 30, 2020 to December 31, 2020.

2. Reaffirmation and Ratification.

Except as modified herein, any and all terms and conditions of the above referenced Development Improvements Agreement for Whetstone Industrial Park are hereby reaffirmed and ratified.

APPROVED this ___ day of _____, 2020.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

By: _____
Jonathan Houck, Chairperson

ATTEST:

_____
Deputy County Clerk

L & D Ranches, L.L.C.,
a Colorado limited liability company

By: Lacy Construction, Inc.,
a Colorado Corporation, its Managing Member

By: _____
William Joseph Lacy, Jr., President

STATE OF COLORADO)
)ss.
COUNTY OF GUNNISON)

The foregoing instrument was acknowledged before me this 14th day of October, 2020, by William Joseph Lacy, Jr., as President of Lacy Construction, Inc., a Colorado Corporation, Managing Member of L & D Ranches, L.L.C., a Colorado limited liability company, Developer herein.

Witness my hand and seal.
My commission expires: 5/16/2022.

KAITLYN GRACE JOHNSON
NOTARY PUBLIC - STATE OF COLORADO
Notary ID #20184020932
My Commission Expires 5/16/2022

Kaitlyn Grace Johnson
Notary Public
Address: