

AMENDATORY AGREEMENT

This **AMENDATORY AGREEMENT** is made and entered by and between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado (the “City”) and **DHM DESIGN CORPORATION**, a Colorado corporation, whose address is 900 S Broadway Suite 300, Denver, CO 80209 (the “Consultant”), jointly (“the Parties”).

RECITALS:

A. The Parties entered into an Agreement dated January 8, 2021 (the “Agreement”) for the performance of certain work set forth in that Agreement and Exhibit A.

B. The Parties wish to amend the Agreement to extend the Term, and to make such other amendments herein set forth.

NOW THEREFORE, in consideration of the premises and the Parties’ mutual covenants and obligations, the Parties agree as follows:

1. All references to “Exhibit B” in the Agreement shall be amended to read: “Exhibit B and Exhibit B-1”. Exhibit B-1 is attached hereto and incorporated herein by this reference.

2. Section 4 of the Agreement entitled **TERM AND TERMINATION** Sub-section 4.01 entitled **Term** is amended to read as follows:

“**4.01. Term.** The term of this Agreement shall commence on January 15, 2021 and shall expire on January 14, 2026, unless sooner terminated or extended by written amendment. The Consultant shall complete any task orders in progress as of the expiration date of this agreement and the term will extend until the work is completed or earlier terminated by the Director. The term of this agreement may be extended for one additional year at the City’s sole discretion by written amendment.”

3. Section 6 of the Agreement entitled **GENERAL PROVISIONS** Sub-section 6.06 entitled **No Discrimination in Employment** is hereby deleted in its entirety and replaced with:

“**6.06. No Discrimination in Employment:** In connection with the performance of work under the Agreement, the Contractor may not refuse to hire, discharge, promote, demote, or discriminate in matters of compensation against any person otherwise qualified, solely because of race, color, religion, national origin, ethnicity, citizenship, immigration status, gender, age, sexual orientation, gender

identity, gender expression, marital status, source of income, military status, protective hairstyle, or disability. The Contractor shall insert the foregoing provision in all subcontracts.”

4. Section 6 of the Agreement entitled **GENERAL PROVISIONS** Sub-section 6.19 of the Agreement entitled **No Employment of Illegal Aliens to Perform Work Under the Agreement** is hereby deleted in its entirety.

5. As herein amended, the Agreement is revived, affirmed, and ratified in each and every particular.

6. This Amendatory Agreement will not be effective or binding on the City until it has been fully executed by all required signatories of the City and County of Denver, and if required by Charter, approved by the City Council.

[THE BALANCE OF THIS PAGE IS INTENTIONALLY LEFT BLANK.]
[SIGNATURE PAGES FOLLOW]

Contract Control Number: DOTI-202369337-01 [202056584-01]
Contractor Name: DHM DESIGN CORPORATION

IN WITNESS WHEREOF, the parties have set their hands and affixed their seals at Denver, Colorado as of:

SEAL

CITY AND COUNTY OF DENVER:

ATTEST:

By:

APPROVED AS TO FORM:

REGISTERED AND COUNTERSIGNED:

Attorney for the City and County of Denver

By:

By:

By:

Contract Control Number:
Contractor Name:

DOTI-202369337-01 [202056584-01]
DHM DESIGN CORPORATION

By:  3941CBDFE8944E4...

Name: Mark Wilcox
(please print)

Title: Principal
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)

Exhibit B-1

PRIME CONSULTANT: DHM Design

List **ALL** potential firm personnel titles/classification that may be utilized under the Agreement, and their respective hourly rate. Do not list names of personnel, only titles (i.e. Project Manager).

Title/Classification	Responsibilities	Rate/Hr.
Principal	QA/QC, oversees entire team, attends meetings, main contact	\$190
Associate Principal	QA/QC, oversees team, attends meetings	\$150
Senior Associate	Works with design team, assists with specs and cost estimates	\$130
Associate	Works with design team, assists with conceptual to technical design	\$110
Senior Designer	Assists with CADD drafting and graphics	\$95
Designer	Assists with conceptual to technical design and graphic illustrations	\$90
Clerical	Assists with administrative and financial tasks	\$75

Multiplier, which when multiplied by the direct labor rate yields the above hourly billing rate: 3.1

All reimbursable expenses are subject to the review and approval of the City. The additional expenses of the Consultant reimbursable by the City shall include:

- (1) Mileage: Reimbursable at the current IRS Business Rate ONLY when Consultant is required to drive to a project located outside the City and County of Denver Boundary.
- (2) Actual cost of reproducing and printing reports, drawings, specifications and other work products, and the associated cost for shipping and handling. These reimbursable expenses pertain only to requests made to the Consultant from the City, and exclude intra-office printing, scanning and reproduction required by the Consultant to complete the work.
- (3) Actual cost for expendable supplies and services not normally used on a routine or normal basis in an architectural or engineering office (i.e. aerial photography) and which are provided especially under this Agreement for the benefit of the City.

Exhibit B-1

REIMBURSABLE EXPENSES

Sub: 105 West, Inc.

The additional expenses reimbursable by the City shall include the actual cost to reproduce drawings and specifications requested by the City. Travel/transportation/equipment costs shall not be reimbursed by the City for Primes.

Actual Costs

<u>Item</u>	<u>Charge Rate</u>
Copies (8 1/2 x 11")	\$ <u>0.12</u> / each
Copies (8 1/2 x 14")	\$ <u>0.14</u> / each
Red-line copies	\$ <u>N/A</u> / S.F.
Reproducibles	\$ <u>N/A</u> / page

Exhibit B-1

SUB TEAM MEMBERS

Sub: Dewberry Engineers Inc.

List **ALL** potential personnel titles/classifications that may be utilized under the contract and their respective hourly rate. Do not list names of personnel, only titles (i.e. Project Manager). Provide additional sheets as necessary.

Title/Classification	Responsibilities	Rate/Hr.
Water Resources Department Manager (EN8)	Ensures company resources are programmed and available. Provides contracting support, oversight and quality assurance on all projects, technical support when needed.	\$293
Senior Project Manager (EN7)	Day-to-day project management, client service management, technical support, general and specific engineering.	\$266
Project Manager (EN6)	Day-to-day project management, client contact, technical support, general and specific engineering.	\$239
Senior Project Manager (EN5)	Supervise engineers on design, some client contact, technical support, general and specific engineering.	\$219
Project Engineer (EN4)	Task lead on project work, technical support, staff level client contact, general and specific engineering.	\$197
Design Engineer (EN3)	Technical support for general and detailed engineering with subtask management responsibilities.	\$182
Staff Engineer (EN2)	Assist senior staff with research, analysis and design for general and detailed engineering.	\$160
Staff Engineer (EN1)	Assist senior staff with research, analysis and design for general and detailed engineering.	\$133
Senior Designer III (DS4)	Supervise designers, technical support, general and specific computer-aided drafting.	\$213
Senior Designer II (DS3)	Technical support for general and detailed computer-aided drafting.	\$187
Senior Designer I (DS2)	Technical support for general and detailed computer-aided drafting.	\$160
Designer (DS1)	General and detailed computer-aided drafting.	\$128
CAD Technician II (CD2)	Assist senior staff with general and detailed computer-aided drafting.	\$118
CAD Technician I (CD1)	Assist senior staff with general and detailed computer-aided drafting.	\$96
Administrative Professional III (AP3)	Clerical, contract administration, project tasks as needed.	\$133
Administrative Assistant II (AA2)	Clerical, contract administration, project tasks as needed.	\$113
Administrative Assistant I (AA1)	Assist senior staff in contract administration, project tasks as needed.	\$91

The City will not compensate for expenses such as postage, mileage, parking, or telephone costs. Reproductions, if requested by the City, shall be reimbursed at actual cost if approved in advance by the

Exhibit B-1

Project Manager. Reproductions requested by the City such as end-of-phase reports, drawings, bid documents, record drawing reproductions, etc. are not included in the hourly rates will be itemized as a not-to-exceed expense, and will be reimbursed at actual cost.

Exhibit B-1

SUB TEAM MEMBERS

Sub: Fehr & Peers _____

List **ALL** potential personnel titles/classifications that may be utilized under the contract and their respective hourly rate. Do not list names of personnel, only titles (i.e. Project Manager). Provide additional sheets as necessary.

Title/Classification	Responsibilities	Rate/Hr.
Principal 4/5	Project oversight, report review, QC of deliverables	\$350
Principal 3	Project oversight, project management, report review, QC of technical analysis and deliverables	\$300
Principal 2	Project oversight, project management, report review/preparation, QC of technical analysis and deliverables	\$275
Principal 1	Project oversight, project management, report review/preparation, QC of technical analysis and deliverables	\$260
Sr. Associate 2	Project management, report preparation, QC of technical analysis and deliverables	\$250
Sr. Associate 1	Project management, report preparation, QC of technical analysis and deliverables	\$220
Associate 2	Project management, report preparation, analysis and deliverable preparation	\$210
Associate 1	Project management, report preparation, analysis and deliverable preparation	\$200
Sr. Engineer/ Planner 3	Project management, technical memorandum preparation, analysis and deliverable preparation	\$190
Sr. Engineer/ Planner 2	Project management, technical memorandum preparation, analysis and deliverable preparation	\$180
Sr. Engineer/ Planner 1	Project management, technical memorandum preparation, analysis and deliverable preparation	\$170
Engineer/ Planner 3	Project management, data collection, analysis and deliverable preparation	\$160
Engineer/ Planner 2	Data collection, analysis and deliverable preparation	\$150
Engineer/ Planner 1	Data collection, analysis and deliverable preparation	\$140
Intern	Data collection and analysis	\$105
Sr. Engineering Tech 5	Analysis, CAD/GIS, design preparation, design review	\$190
Sr. Engineering Tech 4	Analysis, CAD/GIS, design preparation, design review	\$185
Sr. Engineering Tech 3	Analysis, CAD/GIS, design preparation, design review	\$180
Sr. Engineering Tech 2	Analysis, CAD/GIS, design preparation, design review	\$175
Sr. Engineering Tech 1	Analysis, CAD/GIS, design preparation, design review	\$170
Engineering Tech 3	Analysis, CAD/GIS, design preparation	\$155

Exhibit B-1

Engineering Tech 2	Analysis, CAD/GIS, design preparation	\$145
Engineering Tech 1	Analysis, CAD/GIS, design preparation	\$135
Sr. Business Services Admin. 5	Subconsultant/vendor management, project setup, project accounting, graphics	\$170
Sr. Business Services Admin. 4	Subconsultant/vendor management, project setup, project accounting, graphics	\$165
Sr. Business Services Admin. 3	Subconsultant/vendor management, project setup, project accounting, graphics	\$155
Sr. Business Services Admin. 2	Subconsultant/vendor management, project setup, project accounting, graphics	\$145
Sr. Business Services Admin. 1	Subconsultant/vendor management, project setup, project accounting, graphics	\$135
Business Services Admin. 3	Project setup, project accounting	\$125
Business Services Admin. 2	Project setup, project accounting	\$120
Business Services Admin. 1	Project setup, project accounting	\$115

Multiplier, which when multiplied by the direct labor rate yields the above hourly billing rate: Average 3.69.

The City will not compensate for expenses such as postage, mileage, parking, or telephone costs. Reproductions, if requested by the City, shall be reimbursed at actual cost if approved in advance by the Project Manager. Reproductions requested by the City such as end-of-phase reports, drawings, bid documents, record drawing reproductions, etc. are not included in the hourly rates will be itemized as a not-to-exceed expense, and will be reimbursed at actual cost.

Exhibit B-1

SUB TEAM MEMBERS

Sub: Martinez Associates, Inc.

List **ALL** potential personnel titles/classifications that may be utilized under the contract and their respective hourly rate. Do not list names of personnel, only titles (i.e. Project Manager). Provide additional sheets as necessary.

Title/Classification	Responsibilities	Rate/Hr.
Principal Professional	Principal-in-charge, project management, senior technical review	\$248.00
Senior Professional	Project management, technical review, project supervision	\$175.00
Staff Professional	Field investigation, engineering analysis, report preparation	\$116.00
Certified Eng. Tech.	Field and laboratory testing, inspection and observation	\$88.00
Engineering Tech.	Field and laboratory testing and observation	\$83.00
Laboratory Manager	Supervision and performance of laboratory testing	\$121.00
Clerical	Preparation of reports, invoicing and scheduling	\$48.00
	Unit rates for laboratory tests are attached	

The City will not compensate for expenses such as postage, mileage, parking, or telephone costs. Reproductions, if requested by the City, shall be reimbursed at actual cost if approved in advance by the Project Manager. Reproductions requested by the City such as end-of-phase reports, drawings, bid documents, record drawing reproductions, etc. are not included in the hourly rates will be itemized as a not-to-exceed expense, and will be reimbursed at actual cost.

Exhibit B-1

REIMBURSABLE EXPENSES

Sub: Martinez Associates, Inc.

The additional expenses reimbursable by the City shall include the actual cost to reproduce drawings and specifications requested by the City. Travel/transportation costs shall not be reimbursed by the City for Primes.

Actual Costs

<u>Item</u>	<u>Charge Rate</u>
Copies (8 1/2 x 11")	\$ ___ - ___ / each
Copies (8 1/2 x 14")	\$ ___ - ___ / each
Red-line copies	\$ ___ - ___ / S.F.
Reproducibles	\$ ___ - ___ / page

SOIL AND AGGREGATE TESTS

Standard Proctor, ASTM D698	\$143.00
Modified Proctor, ASTM D1557	\$160.00
Particle Size Analysis, ASTM D42252.00	
• Fine Sieve (from +#200 to #4).....	\$102.00
• Coarse Sieve (from +#200 to 3")...	\$127.00
• Coarse Sieve (retained on #4).....	\$109.00
• Hydrometer.....	\$121.00
Percent Passing #200 Sieve, ASTM D1140...	\$79.00
Atterberg Limits, ASTM D4318	
• Three points	\$103.00
• One point	\$83.00
Moisture Content	
• Moisture Content & Dry (Bulk) Density, ASTM D2216 and D2937	\$24.00
• Moisture Content, ASTM D2216	\$20.00
Water Soluble Sulfate... ..	\$66.00
Organic Content, ASTM D2974	105.00
Unconfined Compression, ASTM 2166	\$105.00
Unconfined Compression (remolded).....	\$132.00
Swell/Settlement	\$105.00
Swell/Settlement, Remolded	\$132.00
Specific Gravity and Absorption	
• Coarse Aggregate, ASTM C127	\$73.00
• Fine Aggregate, ASTM C128.....	\$70.00
Unit Weight of Aggregate, ASTM C29.....	\$70.00

CONCRETE TESTS

Compression Test, ASTM C39	
• Compression	\$24.00
• Flexure Test Beams	\$77.00
Light Weight Concrete, ASTM C39	
• Compression	\$24.00
Specimen Preparation, Trimming or Coring ..	\$70.00
Core Compression Test, ASTM C12.....	\$73.00
Generator and Coring Machine, per day	\$330.00

MASONRY TESTS

Moisture Content, as received.....	\$42.00
Absorption	\$85.00
Compression	\$24.00
Net Area and Volume.....	\$42.00
Trimming.....	\$91.00
Compression Test	
• UngROUTED prisms	\$138.00
• Grouted prisms	\$149.00
• 2" x 4" Mortar Cylinder.....	\$24.00
• 3" x 6" Grout Prisms.....	\$72.00
• 2" Cubes, ASTM C109	\$24.00

MOISTURE EMISSION TEST

Vapor Emission Test Kit	\$48.00
RH Test Probe	\$194.00

ASPHALTIC CONCRETE

Asphalt Content with Gradation.....	\$297.00
AC Ignition Oven Mix Calibration	\$545.00
Max. Specific Gravity of Mix, (Rice Method)	\$182.00
Unit Weight of Core or Compacted Sample ..	\$66.00
Generator and Coring Machine	\$330.00

VIBRATION MONITORING

Vibration Monitoring Equipment	By Proposal
Calibration/Project.....	\$605.00

Outside Services, at cost plus 15 percent

Conditions: Unit rates presented on this fee schedule are for routinely performed geotechnical laboratory and construction material tests. Numerous other earth material and construction material physical tests can be performed in our laboratory, including rock core, soil cement and soil lime mixture tests. Tests not listed can be quoted upon request. Prices assume that samples are uncontaminated. Test results requiring plots will be presented in a publishable format generated from computer programs. Otherwise, raw test numbers will be presented. Geotechnical testing does not include engineering and/or geologic review and analysis. All fees presented in this schedule assume that the client will deliver samples to our laboratory at no additional cost to Martinez Associates.

Any laboratory testing requiring expedited completion will be billed on an hourly basis, based on the hourly rates herein.

SUBMITTERS

Sub: Pinyon Environmental, Inc.

List **ALL** potential personnel titles/classifications that may be utilized under the contract and their respective hourly rate. Do not list names of personnel, only titles (i.e., Project Manager). Provide additional sheets as necessary.

Title/	Responsibilities	Rate/Hr.
Principal Engineer/Scientist	Responsible for providing strategic direction, vision, and leadership. Performs senior-level QA/QC and conducts meetings and negotiations with regulatory and oversight agencies.	\$250
Senior Engineer/Scientist	Responsible for technical completeness and competency of all submissions and work performed, including performance of junior- and mid-level planners and scientists. Conduct and supervise professional and technical staff to complete studies focused on engineering, planning, NEPA evaluations, air quality, noise, biology, geology, chemistry and environmental science.	\$235
Senior Project Manager	Project management, including coordination of multi-disciplinary teams, preparing responses to agency questions, and facilitates project meetings with client and regulators. Develops project requirements, site investigations, facility requirements development, budget and programming support, analyses and project execution.	\$210
Project Manager	Directs the gathering of data and prepares complex reporting and analysis. Oversight of technical products and development of detailed studies related to NEPA, air quality, noise, environmental justice, biology, geology, chemistry and environmental science.	\$185
Project Specialist	Reports to Regulatory and Oversight Agencies, Preparation of Permits, GIS Library Development and Data Analysis, Technical Review of Documents	\$160
Project Engineer/Scientist	Phase I ESA Site Visits/Reporting, Interpretation of Data, Collection of Non-Field Data, Development of Logs and Maps, Pilot Testing, Biological and Wetland Field Mapping, Preparation of Reports to Clients, GIS Data Collection/Processing/Presentation, Asbestos Designer/Air Monitoring Specialist/Project Manager, Technical Review of Documents.	\$150
Staff II Engineer/Scientist	Soil Logging, Monitoring Well Installation Oversight, Water-Level Surveying, Slug Tests, Field Oversight, Lead Driller, Miscellaneous Field Services, Asbestos Building Inspector	\$140
Staff I Technician	Groundwater Sampling, Sampling During UST Removals, Surveyor's Assistant	\$120
Drafting (Graphics)	AutoCAD, floor plans, elevations, sections, scale drawings, layering and concept design for architects and engineers. Duties may include configuring and maintaining CADD libraries, engineering documentation management systems and CADD computer network systems.	\$130
Project Assistant	Maintain Field Equipment, Data Management	\$130
Administration	Word Processing, Clerical	\$105

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Sub: Pinyon Environmental, Inc.

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Actual Costs

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Copies (8 1/2 x 11")	\$ <u>0.15</u> / each
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Reproducibles	\$ <u>0.15</u> / page

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Sub: Ulteig Engineers, Inc.

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Actual Costs

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Copies (8 1/2 x 11")	\$ <u>0.20</u> / sheet
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Red-line copies	\$ <u>0.20</u> / sheet
Reproducibles	\$ <u>0.20</u> / sheet

Exhibit B-1

SUB TEAM MEMBERS

Sub: Valerian llc

List **ALL** potential personnel titles/classifications that may be utilized under the contract and their respective hourly rate. Do not list names of personnel, only titles (i.e. Project Manager). Provide additional sheets as necessary.

Title/Classification	Responsibilities	Rate/Hr.
Principal	Manage office work-flow, staffing needs and scheduling. Client coordination, oversees overall project, design, quality control, and construction observation	\$160
Associate Principal	Oversees and provides design & budget management. Manage the project team, scheduling, design review and quality control, manage construction observation	\$135
Irrigation Designer (CID)	Provides all irrigation design and coordination. Irrigation design quality control and irrigation related construction period services	\$125
Senior Associate	Project design, graphic assistance, in-house project management, planting design, project file management, construction documentation management	\$125
Associate 1	Project design, graphic assistance, in-house project management, planting design, project file management, construction documentation management	\$115
Associate 2	Project design, graphic assistance, in-house project management, planting design, project file management, construction documentation management	\$110
Project Landscape Architect	Project design support, production, graphic assistance, 3-D graphic production and design	\$105
Project Designer 1	Project design support, production, graphic assistance	\$100
Project Designer 2	Project design support, production, graphic assistance	\$95
Project Designer 3	Project design support, production, graphic assistance	\$90
Drafter	Project design support, production, graphic assistance	\$85
Administration	Clerical support, filing, submittal preparation, and other duties as assigned.	\$75

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Actual Costs

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Copies (8 1/2 x 11")	\$ <u>0.30</u> / each
Copies (8 1/2 x 14")	\$ <u>1.25</u> / each
Red-line copies	\$ <u>4.00</u> / S.F.
Reproducibles	\$ <u>0.15</u> / page