

SECOND AMENDATORY PRECONSTRUCTION SERVICES AGREEMENT

This **SECOND AMENDATORY PRECONSTRUCTION SERVICES AGREEMENT** is made between the **CITY AND COUNTY OF DENVER**, a home rule and municipal corporation of the State of Colorado (“City”), and **KRAEMER NORTH AMERICA, LLC**, a Delaware limited liability company, authorized to conduct business in Colorado, with an address of 1 Plainview Road, Plain, Wisconsin 53577 (“Contractor”), jointly (“the Parties.”)

RECITALS:

A. The **EAST COLFAX BRT CONSTRUCTION PROJECT** consists of providing Design Phase and Construction Phase (CM/GC) services for the **EAST COLFAX AVENUE BRT**.

B. The Parties entered into a Preconstruction Services Agreement dated September 19, 2023, and an Amendatory Preconstruction Services Agreement dated November 30, 2023 (collectively the “Agreement”) to engage a highly qualified and experienced contractor to expeditiously perform preconstruction services including and without limitation, scheduling, cost estimating, constructability review, value engineering, construction packaging and sequencing, subcontractor canvassing and all other preconstruction services necessary to complete a satisfactory final design and construction pricing for the Project, to the City’s satisfaction.

C. The Parties wish to amend the Agreement to extend the term.

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

1. Section 7 of the Agreement entitled “**7.0 TERM AND TERMINATION:**”, subsection **7.1** entitled “**Term.**” is hereby deleted in its entirety and replaced with:

“**7.1 Term.** The Term of this Agreement shall commence on **July 14, 2023**, and expire on **February 28, 2025**, unless sooner terminated as provided in this Agreement.”

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

3. This Second Amendatory Preconstruction Services 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.

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Contract Control Number: DOTI-202475734-02 [202369719-02]
Contractor Name: Kraemer North America, LLC

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-202475734-02 [202369719-02]
Kraemer North America, LLC

By: Signed by:
Timothy Maloney
A17D36DAB3AF456... _____

Name: Timothy Maloney
(please print)

Title: Senior Vice President
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)