

## SECOND AMENDATORY AGREEMENT

**THIS SECOND AMENDATORY AGREEMENT** is made between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado (the “City”), and **FCI CONSTRUCTORS, INC.**, (the “Contractor”), a Colorado corporation, whose address is 4001 North Valley Drive, Longmont, Colorado 80504.

### RECITALS

A. The City and Contractor entered into an on-call Construction Contract dated January 27, 2009, and an Amendatory Agreement dated June 28, 2011, relating to construction services on an "as needed" basis (the “Agreement”); and

B. The City and Contractor wish to amend the Agreement to increase the maximum contract amount.

**NOW, THEREFORE**, in consideration of the premises and the mutual covenants and obligations herein set forth, the parties agree as follows:

1. Paragraph 16 of the Agreement, entitled “**MAXIMUM AMOUNT AND TERM**”, is amended to read as follows:

#### **16. MAXIMUM AMOUNT AND TERM**

Each Project will be assigned and authorized separately by Work Order and the maximum liability of the City for any one Project shall not exceed the sum of **Four Hundred Thousand Dollars (\$400,000.00)**, including all authorized Work Order changes. The maximum amount to be paid by the City to the Contractor for satisfactory completion of all Work Orders authorized by the City and performed by the Contractor under this Contract shall in no event exceed the sum of **SIX MILLION DOLLARS AND NO CENTS (\$6,000,000.00)**, unless this Contract is modified to increase said amount by a duly authorized, written contract amendment mutually agreeable to and executed by the parties hereto.

2. As amended in this Second Amendatory Agreement, the Agreement is affirmed and ratified in each and every particular.

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**Contract Control Number:**

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:

By \_\_\_\_\_

By \_\_\_\_\_

By \_\_\_\_\_



Contract Control Number: PWADM-OC83105-03


Contractor Name: F C I CONSTRUCTORS INC

By: 

Name: JEFF ERKER  
(please print)

Title: VP  
(please print)

ATTEST: [if required]

By: 

Name: Linda Malory  
(please print)

Title: Office Manager  
(please print)

