

## AMENDATORY AGREEMENT

**THIS AMENDATORY AGREEMENT** is made and entered into by and between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado (the "City") and **MULLER ENGINEERING COMPANY, INC.**, a Colorado corporation, (the "Consultant"), whose address is 777 South Wadsworth Boulevard, Lakewood, Colorado 80226.

### RECITALS

**A.** The Parties entered into an Agreement dated August 3, 2016 (the "Agreement") to provide on-call professional engineering services and related technical services to support the Department's Wastewater Management Division.

**B.** The Parties wish to amend the Agreement to update the Line of Authority and extend the Term.

**NOW, THEREFORE**, the parties hereby amend the Agreement as follows:

**1.** Section 1.02 of the Agreement entitled "**LINE OF AUTHORITY FOR CONTRACT ADMINISTRATION**" is hereby amended to read as follows:

"1.02 Line of Authority for Contract Administration. The City's Executive Director of Public Works ("Manager") is the City's representative responsible for authorizing and approving the work performed under this Agreement. The Manager hereby designates the City Engineer as the Manager's authorized representative for the purpose of issuing a written Notice to Proceed and administering, coordinating and initially approving the services performed by the Consultant under this Agreement. The Project Manager, who reports to the City Engineer shall be responsible for the day-to-day administration, coordination and approval of services performed by the Consultant, except for approvals that are specifically identified in this Agreement as requiring the Manager's approval. The Manager expressly reserves the right to designate another authorized representative to perform on the Manager's behalf by written notice to the Consultant."

**2.** Section 4.01 of the Agreement entitled "**TERM**" is hereby amended to read as follows:

"4.01 Term. The term of this Agreement shall commence on September 12, 2016 and shall expire on September 11, 2020, unless sooner terminated or extended by written amendment. The Consultant shall complete any task orders in progress that were initiated during the term of this Agreement and they shall extend until the completion thereof. All terms and conditions of the Agreement shall remain in full force and effect until such completion. The term may be extended, at the sole option

of the City by written amendment pursuant to Executive Order 8. In no event, however, shall the Consultant's performance under this Agreement, including any extension, exceed a five (5) year period ending on month and day of the execution of this Agreement. In addition, nothing contained herein shall obligate the City to extend the Agreement beyond the initial term."

3. Except as herein amended, the Agreement is affirmed and ratified in each and every particular.

4. 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.

**[SIGNATURE PAGES FOLLOW]**

**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-201627885-01

**Contractor Name:** MULLER ENGINEERING COMPANY, INC.

By: 

Name: A. Gray Clark  
(please print)

Title: President  
(please print)

**ATTEST: [if required]**

By: 

Name: Derek Johns  
(please print)

Title: Secretary  
(please print)

