

## AMENDATORY AGREEMENT

This **AMENDATORY AGREEMENT** is made between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado (the “City”) and **WILDERNESS CONSTRUCTION CO.**, a Colorado corporation whose address is 2600 E 74<sup>th</sup> Ave, Denver, Colorado 80229 (the “Contractor”), jointly (“the Parties”).

### WITNESSETH:

**A.** The Parties entered into an SBE On-Call Construction Services Agreement dated January 28, 2019 (the “Agreement”) to perform all of said work in accordance with this Construction Contract.

**B.** The Parties wish to amend the Agreement to extend the term and increase the maximum contract amount.

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

1. Section 16 of the Agreement entitled **MAXIMUM CONTRACT AMOUNT** is hereby deleted in its entirety and replaced with:

**“16. MAXIMUM CONTRACT AMOUNT:**

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 **TEN MILLION DOLLARS AND NO CENTS (\$10,000,000.00)**, 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. Section 17 of the Agreement entitled **TERM** is amended to read as follows:

**“17. TERM:**

The term of the Agreement shall commence January 28, 2019 and terminate January 27, 2024, unless extended by mutually agreeable written contract amendment initiated at the sole discretion of the City. Nothing contained herein shall obligate the City to extend the Agreement beyond the initial Term. The Term will be extended to complete any work authorized by a Work Order executed before the end of the Term and this Agreement shall remain in full force and effect but only as to such Work Order, and only through the end of the Work Order’s term, as may be extended by Change Order to such Work Order.

3. 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.

**[SIGNATURES TO FOLLOW]**

**Contract Control Number:** DOTI-202160189-01[201846019-01]  
**Contractor Name:** WILDERNESS CONSTRUCTION CO.

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:

\_\_\_\_\_

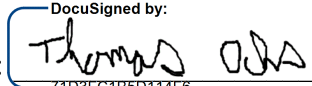
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By:

\_\_\_\_\_

**Contract Control Number:**  
**Contractor Name:**

DOTI-202160189-01[201846019-01]  
WILDERNESS CONSTRUCTION CO.

By:   
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Name: Tom Ochs  
(please print)

Title: President  
(please print)

ATTEST: [if required]

By: \_\_\_\_\_

Name: \_\_\_\_\_  
(please print)

Title: \_\_\_\_\_  
(please print)