

## AMENDATORY AGREEMENT

**THIS AMENDATORY AGREEMENT** is made between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado (“City”), and **ECI SITE CONSTRUCTION MANAGEMENT, INC.**, a Colorado corporation, (the “Contractor”), both of which parties may be individually referred to in this Agreement as a “Party” or jointly referred to as the “Parties.”

### RECITALS:

**A.** The Parties entered into an Agreement executed on or about February 28, 2017 (the “Agreement”) for the performance of certain work set forth in that Agreement; and

**B.** Rather than enter into a new contract, the Parties desire to revise the terms and conditions of the Agreement as they previously existed and the Parties further desire to amend the Agreement to increase dollar amount of work orders.

**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 amended to read as follows:

#### “16. MAXIMUM CONTRACT AMOUNT

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 Fifty Thousand Dollars and No Cents (\$450,000.00)**, 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 **TWO MILLION FIVE HUNDRED THOUSAND DOLLARS AND NO CENTS (\$2,500,000.00)**, 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. Except as herein amended, the Agreement continues in effect, and is affirmed and ratified in each and every particular.

3. 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 TO 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:** PARKS-201631146-01

**Contractor Name:** ECI SITE CONSTRUCTION MANAGEMENT,  
INC.

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

Name: THEODORE JENSEN  
(please print)

Title: PRESIDENT  
(please print)

**ATTEST: [if required]**

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

Name: Selena Cook  
(please print)

Title: VP/Manager, Secretary/Treasurer  
(please print)

