

FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT 15105A

THIS FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT 15105A (“First Amendment”), is made by and between the City and County of Denver, acting by and through its **Board of Water Commissioners**, a municipal corporation of the State of Colorado (“Board”), and the **City and County of Denver**, a home rule city and municipal corporation of the State of Colorado (“City”), who shall be individually referred to herein as a “Party” and jointly as the “Parties”.

WITNESSETH:

WHEREAS, the Parties entered into an Intergovernmental Agreement dated July 29, 2014 (“IGA”) for the relocation of Water Facilities along Broadway from Arizona Avenue to Kentucky Avenue and in Mississippi Avenue from Logan Street to Acoma Street; and

WHEREAS, the Parties desire to amend the IGA to incorporate Amendment No. I Exhibit A1 and increase the Reimbursement, as defined in the IGA.

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

1. In accordance with Section 4.D. of the IGA, the Parties agreed that any additional costs necessary to complete the Work, as defined in the IGA, will be documented by a Change Order, as defined in the IGA. By this First Amendment, the Parties agree to Change Order No. 1 that increases the reimbursement costs by \$432,525.59 as set forth in Amendment No. 1 Exhibit A1. Amendment No. I Exhibit A1 is marked as **Amendment No. 1 Exhibit A1** is attached hereto and incorporated herein by this reference.

2. Article 4 of the IGA entitled “**REIMBURSEMENT**” is hereby amended to read as follows:

“4. **REIMBURSEMENT:**

A. The Board agrees to reimburse the City for the actual approved costs associated with each segment of the Work as outlined in **Exhibit A and Exhibit A1**. The City has prepared a cost estimate for the Work, which has been reviewed and accepted by the Board’s Director of Engineering. The cost estimate is attached hereto as **Exhibit B** and incorporated herein. The total estimated cost of the Board for the Work is **ONE MILLION FIVE HUNDRED SEVENTY-SEVEN THOUSAND SIX**

HUNDRED SEVENTY-FIVE DOLLARS AND 41/100 CENTS (\$1,577,675.41)
(unless otherwise increased by a subsequent amendment to the IGA.) The cost to be paid by the Board shall be allocated to each segment as shown in **Exhibits A, B, and C**.

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

4. This First Amendment 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 ON THE FOLLOWING PAGES]

**CITY AND COUNTY OF DENVER,
acting by and through its
BOARD OF WATER COMMISSIONERS**

ATTESTED:

By: _____
James S. Lochhead
Secretary

By: _____
President

APPROVED:

By: _____
Robert J. Mahoney
Chief Engineering Officer

DATE: _____

**REGISTERED AND COUNTERSIGNED:
CITY AND COUNTY OF DENVER**

APPROVED AS TO FORM:

By: _____
Office of General Counsel

By: _____
Timothy M. O'Brien, CPA
Auditor

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:

By: _____

Name: _____
(please print)

Title: _____
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)



Intergovernmental Agreement 15105A
Amendment No. 1
Exhibit A1

In accordance with applicable provisions of our Agreement, the City has made the following changes:

1. Provided additional design consulting services to revise the alignment of Conduit 61 in Mississippi Avenue and extend the point of connection to the west.

ADD \$11,703.50

2. Reconcile the value of the work for the project to relocate Denver Water transmission and distribution facilities from the value originally estimated for the IGA to the value of work as awarded by the City and County of Denver.

ADD \$180,489.00

3. Furnished and installed additional piping, valves and fittings to accommodate relocation around existing utilities in the street alignment. Reference CCR-003.

ADD \$27,801.78

4. Performed additional work on Conduit 61 at the Mississippi undercrossing where added alignment changes are required to avoid buried and unforeseen obstructions at the existing bridge pier and tie in to the existing conduit. Performed additional pavement removal and replacement to accommodate the new pipeline alignment. Reference CCR-005.

ADD \$160,540.43

5. Relocated 2 air vents not included in the original scope of work. Reference CCR-007.

ADD \$7,557.17

6. Provide reimbursement for the increased costs of conduit installation related to the presence of rock in the revised alignment of Conduit 61 at the Mississippi undercrossing.

ADD \$44,433.71

The total First Amendment cost is a \$432,525.59. Payment for this Work shall be made in accordance with the provisions of Intergovernmental Agreement.