

SECOND AMENDATORY AGREEMENT

THIS SECOND AMENDATORY AGREEMENT is made between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado (“City”), and **COLORADO DESIGNSCAPES, 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, and a First Amendatory Agreement dated August 23, 2018 (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 extend the term of the Agreement 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 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 **THREE MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS AND NO CENTS (\$3,250,000.00)**, 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 this agreement shall be from date of execution until July 31, 2020 unless extended by mutually agreeable contract amendment initiated at the sole discretion

of the City. In addition, nothing contained herein shall obligate the City to extend the Agreement beyond the initial term. If the term of any Work Order extends beyond the Term, 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. Except as herein amended, the Agreement continues in effect, and 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.

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[SIGNATURE PAGES TO FOLLOW]

Contract Control Number: PARKS-201951379/201631171-02
Contractor Name: Colorado Designscapes, Inc.

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:

By:

Contract Control Number:
Contractor Name:

PARKS-201951379/201631171-02
Colorado Designscapes, Inc.

DocuSigned by:
By: Phil Steinhauer
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Name: Phil Steinhauer
(please print)

Title: President
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)