

FOURTH AMENDATORY AGREEMENT

THIS FOURTH 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 **KONE, INC.**, a Delaware corporation, whose local address is 3 Inverness Drive East, Englewood, Colorado 80112 (the “Contractor”) collectively (the “Parties”).

WITNESSETH:

WHEREAS, the Parties entered into an Agreement dated December 16, 2008 and amended the Agreement on April 20, 2010, October 18, 2010 and September 7, 2011, relating to elevator maintenance and repair services for City owned buildings (the “Agreement”); and

WHEREAS, the Parties wish to amend the Agreement to increase the compensation to the Contractor and to update exhibit B-2 as follows; and

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

1. All references in the Agreement to Exhibit B and B-1 are amended to read Exhibits B, B-1 and B-2 respectively.

2. Article 3(a) and 3(D)(i) of the Agreement entitled “Fee” and “**MAXIMUM CONTRACT AMOUNT**” are hereby amended to read as follows:

“3. COMPENSATION AND PAYMENT:

a. **Fee:** The Contractor’s sole compensation for its services rendered and costs incurred under the Agreement is **ONE MILLION TWELVE THOUSAND DOLLARS and NO CENTS (\$1,012,000.00)** and amounts billed may not exceed the rates set forth in Exhibit A. Compensation shall be paid on a monthly fee for regular maintenance and on an hourly basis for all non-regular maintenance work performed by the Contractor.

d. **MAXIMUM CONTRACT AMOUNT:**

(i) Notwithstanding any other provision of the Agreement, the City’s maximum payment obligation will not exceed **ONE MILLION TWELVE THOUSAND DOLLARS and NO CENTS (\$1,012,000.00)** (the “Maximum Contract Amount”). The Contractor acknowledges the City is not obligated to execute an Agreement or any amendments for any further services, including any services performed by

Contractor beyond that specifically described in **Exhibit A**. Any services performed beyond those set forth therein are performed at Contractor's risk and without authorization under the Agreement."

3. This Fourth Amending Agreement may be executed in two (2) counterparts, each of which shall be deemed to be an original, and all of which, taken together, shall constitute one and the same instrument.

4. Except as herein amended, this Fourth Agreement affirmed and ratified in each and every particular.

EXHIBIT LIST:

EXHIBIT B-2 – NEW LOCATIONS

[SIGNATURE PAGES FOLLOW]

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Exhibit B-2

Kone, Inc., - New Locations

PROPOSAL ITEM No. 3B: Central Library, at 10 W. 14th Avenue Parkway

Location: Central Library, at 10 W. 14th Avenue Parkway

- Has the (8) eight elevators, (2) two hydraulic and (6) tension, and (6) escalators.
- Elevators 1 through 4 all have eight stops, elevators 5 and 6 are our service elevators. Elevator #5 has 9 stops and elevator #6 has 10 stops. The two hydraulic elevators are #'s 7 and 8, Elevator #7 has two landings, elevator #8 has three landings.
- The escalators have 3 units going up and 3 coming down.
- All equipment in the building is Schindler manufactured –Schindler currently services/maintains monthly. Their emergency response/service calls are handled by contract Monday – Friday during business hours. Evenings, weekends and holidays labor rates do apply. They also, handle all coordination for all inspections.
- Service to start date of fully signed contract.

Agency Contact: Michael Murphy at 720-865-1151,

Hourly rate for straight time journeyman elevator mechanic \$123.80

Materials Markup List Minus -10%

PROPOSAL ITEM No. 4: Permit Center

Location: Permit Center, 200 W 14th Ave

- Elevator: One (1) Traction Elevator, Two (2) Hydraulic Elevators, Hydraulic elevators are OTIS brand.
- Service Category 1: Monthly.
- Service Category 2: Monthly.
- Service to start: Date of fully signed contract
- Agency Contact: Bill Luetzen, 720-865-0790.

Invoice: City and County of Denver, Facilities Planning and Management, 201 W Colfax Ave, Department 904, Denver, CO 80202: Invoices to be submitted AFTER service have been rendered.

Net Monthly Charge: \$336.00, Contact person is Bill Luetzen at 720-913-0790

Hourly rate for straight time journeyman elevator mechanic \$123.80

Materials Markup List Minus -10%

PROPOSAL ITEM No. 8: Cultural Center Parking Garage

Location: Cultural Center Parking Garage, 65 W 12th Ave

- Elevator: Four (4) Traction Elevators, Five (5) Landings,
- Elevator Type: (4) KONE/EcoDisc Passenger
- Service Category 1: Monthly.
- Service Category 2: Monthly.
- Service to start: January 1, 2012

Special provisions: This location will be a temporary assignment pending the formation of the homeowners association taking over the mangement of this building. The date could be anywhere from February 1, 2012 through the summer of 2012.

Agency Contact: Dan Conway #303-880-8502.

Invoice: City and County of Denver, Facilities Planning and Management, 201 W Colfax Ave, Department 904, Denver, CO 80202: Invoices to be submitted AFTER service have been rendered.

Net Monthly Charge: \$808.00

Hourly rate for straight time journeyman elevator mechanic \$123.80

Materials Markup List Minus -10%

PROPOSAL ITEM No. 9: Denver County Jail

Location: Denver County Jail, 10500 E Smith Rd, Buildings, 21 and 22.

- Elevator: One (1) Traction Elevator, One (1) Hydraulic, Two (2) Landings,
- Elevator Type: (1) Dover, Pit Lift, (Model # may be EC4170)
- (1) Schindler Model 330 A Hydro, Pit Lift
- Service Category 1: Monthly.
- Service Category 2: Monthly.
- Service to start: Date of fully signed contract

Agency Contact: Kendra Moskal at 720-913-3851

Invoice: City and County of Denver, 201 W Colfax, Dept 908, Denver Co

Net Monthly Charge: \$365.00

Hourly rate for straight time journeyman elevator mechanic \$123.80

Materials Markup List Minus -10%

PROPOSAL ITEM No. 14: Police Administration Building and Pre-Arrestment Detention Facility

Location: Police Administration Building and Pre-Arrestment Detention Facility, 13th and Cherokee

- Elevator: Seven (7) Traction Elevators and Two (2) Dumbwaiters
- Service Category 1: Bi Weekly, (Twice a month)
- Service Category 2: Monthly.
- Service to start: Date of fully signed contract

Agency Contact: Administration Building and Detention Facility Sharon Sekerac, 720-913-6700

Facility Manager, Steven Sholler, 720-865-7527

Invoice: City and County of Denver, Facilities Planning and Management, 201 W Colfax Ave, Department 904, Denver, CO 80202: Invoices to be submitted AFTER service have been rendered.

Work at the detention facility shall be done between the hours of 5PM and 8AM. Contractor must check in with the staff services before doing any work.

Police Administration Building

Net Monthly Charge: \$1318.00

Hourly rate for straight time journeyman elevator mechanic \$123.80

Materials Markup List Minus -10%

Pre-Arrestment Detention Facility

Net Monthly Charge: \$615.00

Hourly rate for straight time journeyman elevator mechanic \$123.80

Materials Markup List Minus -10%

PROPOSAL ITEM No. 15: Wastewater Management, 2000 W 3rd Ave

Location: Wastewater Management, 2000 W 3rd Ave

- Elevator: Two (2) Traction Elevators, 6 Landings, KONE Inc., Microprocessor CT-75185-6
- Service Category 1: Monthly.
- Service Category 2: Monthly.
- Service to start: Date of fully signed contract

Agency Contact: Carlos Guerra at 303-446-3452

Invoice: Carlos Guerra, Wastewater Management

Net Monthly Charge: \$428.00

Hourly rate for straight time journeyman elevator mechanic \$123.80

Materials Markup List Minus -10%

PROPOSAL ITEM No. 23: Minoru Yasui Building.

Location: Minoru Yasui Building , 303 W Colfax Ave

- Elevator: Five (5) Total, One (1) Hydraulic, Three (3) Geared, and One (1) Freight
- Service Category 1: Monthly.
- Service Category 2: Monthly.
- Service to start: Date of fully signed contract
- Elevator Type and Model Number: Swift, #Z51707, #Z51704, #Z51705, #Z51706, #Z51703

Agency Contact: Bill Luetzen, 720-913-0790

Invoice: City and County of Denver, Facilities Planning and Management, 201 W. Colfax Ave., Department 904, Denver, CO 80202; invoices to be submitted AFTER services rendered.

Net Monthly Charge: \$990.00

Hourly rate for straight time journeyman elevator mechanic \$123.80

Materials Markup List Minus -10%

PROPOSAL ITEM No. 25: Denver Performing Arts Complex

Location: Ellie Caulkins Opera House, 1375 Champa

- Elevator: (2) Traction, (5 and 6) Landings

<ul style="list-style-type: none"> • Elevator: (1) Freight Elevators, (5) Landings
<ul style="list-style-type: none"> • Service Category 1: Monthly
<ul style="list-style-type: none"> • Service Category 2: Monthly
<ul style="list-style-type: none"> • Service to Start: Date of fully signed contract
Additional Equipment to be charged time and materials only.
Wheelchair Lifts: (2) wheelchair lifts to be covered on a time and materials basis. To be charged at the hourly rate, when contacted by the City personnel for service.
Agency Contact: Joe Cousineau at 720-865-4215
Invoice: City and County of Denver, Facilities Planning and Management, 201 W. Colfax Ave., Department 904, Denver, CO 80202; invoices to be submitted AFTER services rendered
Net Monthly Charge: \$752.00
Hourly rate for straight time journeyman elevator mechanic \$123.80
Materials Markup List Minus -10%

ADDITIONAL LOCATION
<p>Location: Central Park Rec Center, 9651 E Martin Luther King Jr Blvd, Denver</p> <ul style="list-style-type: none"> • Elevator: One (1) Hydraulic Elevators, Hydraulic elevators are ThyssenKrupp brand. 2 Landings • Service Category 1: Monthly. • Service Category 2: Monthly. • Service to start: Date of fully signed amendment • Agency Contact: Sid Schwartz, 720-865-0378. <p>Invoice: City and County of Denver, Facilities Planning and Management, 201 W Colfax Ave, Department 904, Denver, CO 80202: Invoices to be submitted AFTER service have been rendered.</p> <p>Net Monthly Charge: \$100.00/Month Contact person is Sid Schwartz, 720-865-0378.</p> <p>Hourly rate for straight time journeyman elevator mechanic \$123.80</p> <p>Materials Markup List Minus -10%</p>



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Contract Control Number:

Vendor Name:

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: GENRL-PC94002-04

Vendor Name: KONE INC

By: *J. Haugland*

Name: JAMES HAUGLAND
(please print)

Title: DISTRICT MANAGER
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)

