

## THIRD AMENDATORY AGREEMENT

**THIS THIRD AMENDATORY AGREEMENT** is made between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado (the “City”), and **HASELDEN CONSTRUCTION, LLC.**, (the “Contractor”), a Colorado limited liability corporation, whose address is 6950 South Potomac Street, Centennial, Colorado 80112.

### RECITALS

A. The City and Contractor entered into an on-call Construction Contract dated March 31, 2009, an Amendatory Agreement dated August 24, 2010, and a Second Amendatory Agreement dated June 28, 2011, relating to construction services on an "as needed" basis (the “Agreement”); and

B. The City and Contractor wish to amend the Agreement to increase the maximum contract amount.

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

1. Paragraph 16 of the Agreement, entitled “**MAXIMUM AMOUNT AND TERM**”, is hereby amended to read as follows:

#### **16. MAXIMUM AMOUNT AND TERM**

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 Thousand Dollars (\$400,000.00)**, including all authorized Work Order changes, with the exception of the Work Order issued for the Denver Fire Department Boiler Replacement and Rehabilitation. The maximum liability of the City for the Denver Fire Department Boiler Replacement and Rehabilitation Work Order, a copy of which is attached as Exhibit A to the Amendatory Agreement, shall not exceed the sum of **Four Hundred Twenty-Nine Thousand, Nine Hundred Forty-Eight Dollars (\$429,948.00)**, 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 **SIX MILLION DOLLARS AND NO CENTS (\$6,000,000.00)**, 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. As amended in this Third Amendatory Agreement, the Agreement is affirmed and ratified in each and every particular.

**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:** PWADM-OC83107-03

**Contractor Name:** HASELDEN CONSTRUCTION

By: DA Lueders

Name: David A. Lueders  
(please print)

Title: Chief Financial Officer  
(please print)

**ATTEST: [if required]**

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

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

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

