

AMENDATORY AGREEMENT

This **AMENDATORY AGREEMENT** is made between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado (the “City”) and **TERRACON CONSULTANTS, INC.**, a Delaware corporation, authorized to do business in Colorado, whose address is 10841 South Ridgeview Road, Olathe, Kansas 66061 (“Consultant”), jointly (“the Parties”).

RECITALS:

A. The Parties entered into an Agreement dated December 11, 2020, (the “Agreement”) to perform, and complete all of the services and produce all the deliverables set forth on Exhibit A, the Scope of Work, to the City’s satisfaction.

B. The Parties wish to amend the Agreement to extend the term, update paragraph 25-No Employment of Illegal Aliens, update paragraph 28-No Discrimination in Employment, and amend Exhibit B-Rates.

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

1. Section 4 of the Agreement entitled “**TERM:**” is hereby deleted in its entirety and replaced with:

“**4. TERM:** The Agreement will commence on **January 1, 2021**, and will expire on **December 31, 2025** (the “Term”). At the City’s sole option, the Term may be extended up to five (5) years from the commencement date as indicated on the City’s signature page by a written amendment to the Agreement. Subject to the Executive Director’s prior written authorization, Consultant shall complete any Services in progress as of the expiration date and the Term of the Agreement will extend until the Services are completed or earlier terminated by the Executive Director.”

2. Section 25 of the Agreement entitled “**NO EMPLOYMENT OF ILLEGAL ALIENS TO PERFORM WORK UNDER THE AGREEMENT:**” is hereby deleted in its entirety and replaced with:

“**25. [RESCINDED.]**”

3. Section 28 of the Agreement entitled “**NO DISCRIMINATION IN EMPLOYMENT:**” is hereby deleted in its entirety and replaced with:

“**28. NO DISCRIMINATION IN EMPLOYMENT:** In connection with the performance of work under the Agreement, the Consultant may not refuse to hire, discharge, promote, demote, or discriminate in matters of compensation against any person otherwise qualified, solely because of race, color, religion, national origin, ethnicity, citizenship, immigration status, gender, age, sexual orientation, gender identity, gender expression, marital status, source of income, military status, protective hairstyle, or disability. The Consultant shall insert the foregoing provision in all subcontracts.”

4. **Exhibit B** is hereby deleted in its entirety and replaced with **Exhibit B-1, Rates**, attached and incorporated by reference herein. All references in the original Agreement to **Exhibit B** are changed to **Exhibit B-1**.

5. As herein amended, the Agreement is affirmed and ratified in each and every particular.

6. 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 REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.]

Contract Control Number: ESEQD-202367299-01 / ENVHL-202056462-01
Contractor Name: TERRACON CONSULTANTS, 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:

ESEQD-202367299-01 / ENVHL-202056462-01
TERRACON CONSULTANTS, INC.

DocuSigned by:
By: Mathew Fielding
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Name: Mathew Fielding
(please print)

Title: Vice President
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)

EXHIBIT B-1 RATES

On-Call Environmental Consulting Rates		
Category/Item	Unit	Rate
Labor*		
Managing Engineer/Scientist (Erik Gessert - Program Manager, Mark White)	Hour	\$ 195.00
Principal Engineer/Scientist (Kevin Saylor, Jon Anstey, Jacob Spinsby - PMs)	Hour	\$ 195.00
Certified Industrial Hygeiniest (Rush Bowers)new*	Hour	\$ 195.00
Senior Engineer/Scientist (Kerry Conner, Kurt Streeb - PMs)	Hour	\$ 195.00
Data Analysis and Visualization Specialist (Jim Depa)new*	Hour	\$ 150.00
Exploration Manager (Dan Hosler)new*	Hour	\$ 120.00
Project Engineer/Scientist	Hour	\$ 155.00
Staff II Engineer/Scientist	Hour	\$ 120.00
GIS Analyst (Eric Alterman)new*	Hour	\$ 105.00
Staff I Engineer/Scientist	Hour	\$ 115.00
Field Technician	Hour	\$ 75.00
Clerical	Hour	\$ 80.00
CADD/Accounting/Administrative	Hour	\$105/\$80/\$80
Reimbursables**		
Dual Interface Probe	Day	\$ 75.00
Groundwater Level Indicator	Day	\$ 35.00
Photoionization Detector / FID or Similar	Day	\$ 85.00
Automated Samplers, Monitors, and Data Loggers	Day	\$ 215.00
PID / FID / Multi Gas Meter (or Similar)	Day	\$ 65.00
Groundwater Sampling Kit	Day	\$ 75.00
Soil Sampling Kit	Day	\$ 40.00
Rental Vehicle	Day	\$ 33.00
Mileage	Day	\$ 1.00
Hand Auger - new**	Day	\$ 25.00
Generator - new**	Day	\$ 125.00
Level & Tri-pod - new**	Day	\$ 50.00
GPS (Trimble or Equivalent) - new**	Day	\$ 150.00
Personal Protective Equipment I (Level D) - new**	Day	\$ 50.00
Asbestos/LBP Survey Kit - new**	Day	\$ 50.00
Asbestos AMS Kit - new**	Day	\$ 100.00
Mileage	\$/mile	\$ 1.00
Pass Through Rate - Subcontractor Costs and Management***		
All Subcontracted Services	% Markup Per Job	10%
Field Sampling and Investigation Supplies and Materials as Preapproved by City and County of Denver Project Manager	% Markup Per Job	10%
Remediation Supplies and Materials as Preapproved by City and County of Denver Project Manager	% Markup Per Job	10%
Footnotes		
<p>¹Work conducted for the City and County of Denver's underground and above ground storage tank projects shall charge rates as in accordance with the most-current Colorado Division of Oil and Public Safety's Invoicing / Reasonable Costs Guidelines.</p> <p>*Add categories as necessary to match your firm's labor categories; identify proposed project manager. new* - indicates newly proposed labor category.</p> <p>**Add items necessary to complete proposed scope of wrok. Items not identified during the proposal process may not be considered as "reimbursable" by the City. new** - indicates newly proposed reimbursables category.</p> <p>***City and County of Denver may request its consultants to provide competitive bids for subcontracted services, supplies, materials. new*** - indicates newly proposed subcontractor costs or management category.</p>		

Environmental Consulting Rates - Drilling Services

Drilling Rates		
Truck Mounted Drill Rig Mobilization (portal to portal)	\$/mile	\$ 3.65
Truck Mounted Equipment and Personnel Mobilization (2 man crew)	lumpsum	\$ 350.00
All Terrain or Track Mounted Drill Rig (portal to portal)	\$/mile	\$ 4.70
All Terrain Equipment and Personnel Mobilization (2 man crew)	lumpsum	\$ 475.00
Support truck Over 1 ton (portal to portal)	\$/mile	\$ 2.35
Direct Push Drill Rig (Geoprobe 7822DT) Mobilization (portanl to portal)	\$/mile	\$ 3.00
Direct Push Drill Rig (Geoprobe 7822DT) Mobilization (portanl to portal)	\$/mile	\$ 3.00
Direct Push Drilling Services	Hour	\$ 205.00
Truck Mounted Drill Rig: Solid Stem Flight Auger	Hour	\$ 185.00
Truck Mounted Drill Rig: Hollow Stem Flight Auger	Hour	\$ 195.00
Truck Mounted Drill Rig: NX Coring	Hour	\$ 205.00
Truck Mounted Drill Rig: Downhole Hammer (ODEX)	Hour	\$ 225.00
Air Compressor	Day	\$ 500.00
All Terrain or Track Mount Mounted Drill Rig: Solid Stem Flight Auger	Hour	\$ 205.00
All Terrain or Track Mounted: Hollow Stem Flight Auger	Hour	\$ 215.00
All Terrain or Track Mounted Drill Rig: NX Coring**	Hour	\$ 225.00
All Terrain or Track Mounted: Downhole Hammer (ODEX)	Hour	\$ 245.00
Support Truck	Day	\$ 200.00
Pass Through Rate - Subcontractor Costs and Management***		
Drilling Supplies and Materials as Preapproved by City and County of Denver Project Manager	% Markup Per Job	10%