

FIRST AMENDMENT TO THE AGREEMENT

THIS FIRST AMENDMENT TO THE AGREEMENT, is made and entered into as of the date stated on the signature page (“Effective Date”), by and between the CITY AND COUNTY OF DENVER, a municipal corporation of the State of Colorado ("City"), Party of the First Part, and SWINTERTON BUILDERS, a California corporation organized and existing under and by virtue of the laws of the State of Colorado, (“Contractor”), Party of the Second Part:

WITNESSETH:

WHEREAS, the City owns and operates Denver International Airport (“DEN” or the “Airport”); and

WHEREAS, the City and Contractor entered into a written Agreement # 201627941 dated August 22, 2016 (“Agreement”) wherein the Contractor agreed to provide general on-call and

WHEREAS, the City now wishes to add additional funds to the Agreement with this First Amendment; and

WHEREAS, Contractor is willing and able to perform the Work;

NOW, THEREFORE, for and in consideration of the premises and other good and valuable consideration, the parties hereto agree as follows:

1. The second paragraph of Article V – Terms of Payment, is hereby deleted in its entirety and replaced with the following:

The maximum amount to be paid by the City to the Contractor for satisfactory completion of all Task Orders authorized by the City and performed by the Contractor under this Contract shall in no event exceed Twenty Seven Million Dollars and No Cents (\$27,000,000.00) (“Maximum Contract Amount”). In no event, however, shall the total amount of compensation paid to the Contractor by the City exceed the Maximum Contract Amount, as modified by any duly authorized Change Order, specified herein.

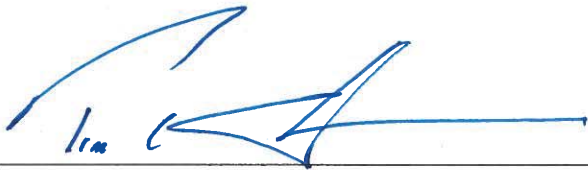
2. Except as modified by this First Amendment, all of the terms and conditions of the Agreement shall remain in full force and effect.

3. This First Amendment to the Agreement shall not be effective or binding on the City until approved and fully executed by all signatories of the City and County of Denver.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

Contract Control Number: PLANE-201627941-01

Contractor Name: SWINERTON BUILDERS

By:  _____



Name: TIM KRETZSCHMAR
(please print)

Title: V.P. COLORADO DIVISION MANAGER
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)



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 _____

