

2012-0877-A

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 with a principal place of business at 18001 West 106th Street, Suite 300, Olathe, Kansas 66061 and doing business at 10625 West I-70 Frontage Road North, Suite 3, Wheat Ridge, Colorado 80033 (the "Consultant").

RECITALS

A. The City and Consultant entered into an Agreement dated October 30, 2012 (the "Agreement").

B. The parties wish to amend the Agreement to increase funding and extend the Term as set forth below.

NOW, THEREFORE, the parties hereby agree as follows:

1. Subparagraph d entitled "**Maximum Contract Amount**" of Paragraph 4 entitled "**PAYMENT**", is amended by deleting"

"...**FOUR HUNDRED EIGHTY THOUSAND DOLLARS AND NO CENTS (\$480,000.00)**..."

And replacing it with:

"...**NINE HUNDRED EIGHTY THOUSAND DOLLARS AND NO CENTS (\$980,000.00)**..."

2. Paragraph 5 of the Agreement, entitled "**TERM**", is deleted and replaced in its entirety by the following provision:

"**5. TERM.** The term of the Agreement commenced on October 30, 2012 and expires on October 29, 2014 unless extended in accordance with the terms of the Agreement. Subject to the Manager's prior written authorization, Consultant shall complete any work in progress as of the expiration date, and the Term of the Agreement will extend until the work is completed or earlier terminated by the Manager."

3. Except as amended in the Amendatory Agreement, the Agreement is affirmed and ratified in each and every particular.

4. The Amendatory Agreement is not effective or binding on the City until it has been fully executed by all signatories of the City and County of Denver, and if required by Charter, approved by the City Council.

5. Consultant assures and guarantees that it possesses the legal authority, pursuant to any proper, appropriate and official motion, resolution, or action passed or taken, to enter into

the Amendatory Agreement. The person or persons signing and executing the Amendatory Agreement on behalf of Consultant hereby warrants and guarantees that Consultant has fully authorized he or she or them to execute the Amendatory Agreement on behalf of Consultant and to validly and legally bind Consultant to all terms, performances and provisions in the Agreement as amended by the Amendatory Agreement set forth herein.

6. The Amendatory Agreement may be executed in two (2) counterparts, each of which is an original and together constitute the same instrument.

BALANCE OF PAGE INTENTIONALLY LEFT BLANK

Contract Control Number: ENVHL-201207453-01

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:

DOUGLAS J. FRIEDNASH, Attorney
for the City and County of Denver

By _____

By _____

By _____



Contract Control Number: ENVHL-201207453-01

Contractor Name: TERRACON CONSULTANTS, INC.

By: *Daniel F. Schneider*

Name: Daniel F. Schneider
(please print)

Title: Senior Associate
(please print)

ATTEST: [if required]

By: *Elaine Motisi*

Name: Elaine Motisi
(please print)

Title: Administrative Manager
(please print)

