

## FOURTH AMENDATORY AGREEMENT

**THIS FOURTH AMENDATORY AGREEMENT** is made between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado, (the "City"), and **JACOBS ENGINEERING GROUP, INC., f/k/a CARTER & BURGESS, INC.** (the "Design Consultant") a Delaware Corporation, registered to transact business in the State of Colorado, whose address is 707 17<sup>th</sup> Street, Suite 2300, Denver, Colorado 80202.

### RECITALS:

**A.** The City and the Design Consultant previously entered into an Agreement dated November 27, 2007, amended by Amendatory Agreement dated January 13, 2009, by Second Amendatory Agreement dated September 29, 2009 and by Third Amendatory Agreement dated October 18, 2010 (together the "Agreement") relating to engineering services on an "as needed" basis (the "Agreement"); and

**B.** Section E.1 of Article IX of the Agreement allows the City at its sole option to extend the initial term for up to four (4) consecutive one (1) year renewal terms, upon written amendment of the Agreement and Council approval for each renewal term; and

**WHEREAS**, the City desires to exercise its option to extend the Agreement for an additional one-year renewal term, and the parties desire to amend the Agreement to extend the term.

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

**1.** Section E.1 of Article IX of the Agreement, entitled "**Term and Termination:**" is hereby amended to read in its entirety as follows:

"E.1. The initial term of the Agreement shall commence upon execution and shall end one (1) year later; provided, however, that any work in progress that was initiated during the term of this Agreement shall continue and be paid for hereunder until the completion thereof. All terms and conditions of the Agreement shall remain in full force and effect until such completion. This initial term may be extended, at the sole option of the City, for up to four (4) consecutive one (1) year renewal terms, upon written amendment of this Agreement and Council approval for each renewal term. In no event, however, shall the Design Consultant's performance under this Agreement, including the four (4) possible extensions, exceed a five (5) year period ending on month and day of the execution of this Agreement. In addition, nothing contained herein shall obligate the City to extend the Agreement beyond the initial term.

The City hereby exercises its sole option to extend the term for a one (1) year renewal term, ending on November 28, 2012.”

2. Section AA, entitled “ELECTRONIC SIGNATURES AND ELECTRONIC RECORDS,” is hereby added to the Contract to read as follows:

**“AA. ELECTRONIC SIGNATURES AND ELECTRONIC RECORDS:** Design Consultant consents to the use of electronic signatures by the City. The Agreement, and any other documents requiring a signature hereunder, may be signed electronically by the City in the manner specified by the City. The Parties agree not to deny the legal effect or enforceability of the Agreement solely because it is in electronic form or because an electronic record was used in its formation. The Parties agree not to object to the admissibility of the Agreement in the form of an electronic record, or a paper copy of an electronic document, or a paper copy of a document bearing an electronic signature, on the ground that it is an electronic record or electronic signature or that it is not in its original form or is not an original.”

3. Except as herein amended, the Agreement is affirmed and ratified.

**(Remainder of Page Left Blank Intentionally)**

**Contract Control Number:** OC71222

**Vendor Name:** Jacobs Engineering Group, 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: OC71222

Vendor Name: Jacobs Engineering Group, Inc.

By: *SS*

Name: Steve Summers  
(please print)

Title: Operations Manager  
(please print)

ATTEST: [if required]

By: Not required - N/A

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

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

