

## AMENDATORY AGREEMENT

This **FIRST AMENDATORY AGREEMENT** is made and entered by and between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado (the “City”) and **SEMA CONSTRUCTION, INC.**, a Colorado Corporation, with a principal place of business address of 7353 S Eagle St, Englewood, CO 80112 (the “Contractor”), individually a “Party” and jointly the “Parties.”

### WITNESSETH:

**WHEREAS**, the Parties entered into a Construction Agreement dated December 30, 2022 (collectively, the “Agreement”), to provide Wastewater Infrastructure Program Support.

**WHEREAS**, the Parties now wish to modify the Agreement to extend the Term and as further set forth below.

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

1. Section 3 of the Agreement, entitled “**TERMS OF PERFORMANCE**”, is amended to read as follows:

“**3. TERMS OF PERFORMANCE** The Contractor agrees to undertake the performance of the Work under this Contract after being notified to commence work by issuance of a Notice to Proceed in substantially the form contained herein from the Manger and agrees to fully complete said Work within **910 (Nine Hundred Ten)** consecutive calendar days from the effective date of said Notice, plus such extension or extensions of time as may be granted in accordance with the provisions of the General Contract Conditions and any applicable Special Contract Conditions. NTP will be issued to the successful bidder but does not initiate the work. Work will be initiated when the City and County of Denver issues approved Work Initiation Forms (WIFs) for a specific project and/or program need. The Contractor shall provide a WIF estimate for all equipment, personnel, and materials necessary to perform all aspects of each specific Work Initiation and shall respond within 10 days of receiving the approved WIF estimate from the City’s project manager.”

2. A new section 17, entitled “**COMPLIANCE WITH DENVER WAGE LAWS**”, is hereby added to the Agreement to read as follows:

“**17. COMPLIANCE WITH DENVER WAGE LAWS** To the extent applicable to the Contractor’s provision of Services hereunder, the Contractor shall comply with, and agrees to be bound by, all rules,

regulations, requirements, conditions, and City determinations regarding the City's Minimum Wage and Civil Wage Theft Ordinances, Sections 58-1 through 58-26 D.R.M.C., including, but not limited to, the requirement that every covered worker shall be paid all earned wages under applicable state, federal, and city law in accordance with the foregoing D.R.M.C. Sections. By executing this Agreement, the Contractor expressly acknowledges that the Contractor is aware of the requirements of the City's Minimum Wage and Civil Wage Theft Ordinances and that any failure by the Contractor, or any other individual or entity acting subject to this Agreement, to strictly comply with the foregoing D.R.M.C. Sections shall result in the penalties and other remedies authorized therein."

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

4. 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;  
SIGNATURE PAGES FOLLOW.]**

**Contract Control Number:**  
**Contractor Name:**

DOTI-202476510-01 (202263906-01)  
SEMA CONSTRUCTION, 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:**  
  
Attorney for the City and County of Denver  
  
By: \_\_\_\_\_

**REGISTERED AND COUNTERSIGNED:**  
  
By: \_\_\_\_\_  
  
By: \_\_\_\_\_

**Contract Control Number:**  
**Contractor Name:**

DOTI-202476510-01 (202263906-01)  
SEMA CONSTRUCTION, INC.

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

Signed by:

*Steven C Mills*

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Steven C Mills

Name: \_\_\_\_\_

(please print)

Corp. V.P., Contracts

Title: \_\_\_\_\_

(please print)

ATTEST: [if required]

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

Name: \_\_\_\_\_

(please print)

Title: \_\_\_\_\_

(please print)