

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 **KEENE CONCRETE, INC.**, (the “Contractor”), a Colorado corporation, whose address is 30263 County Road 8, Keenesburg, Colorado 80643.

WITNESSETH:

WHEREAS, the City and Contractor entered into an on-call Services Agreement dated August 24, 2012, relating to on-call intersection safety construction services (the “Agreement”); and

WHEREAS, the City and Contractor wish to amend the Agreement, to increase the maximum contract amount and 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. Paragraph 16 of the Agreement, entitled “**MAXIMUM CONTRACT AMOUNT AND TERM**”, is hereby amended to read in its entirety as follows:

16. MAXIMUM CONTRACT AMOUNT AND TERM

The maximum Contract Amount to be paid by the City to the Contractor for all Work performed under this Contract shall in no event exceed the sum of **One Million Dollars and No Cents (\$1,000,000.00)**, unless this Contract is modified to increase said amount by a duly authorized, written contract amendment mutually agreeable to and executed by the parties hereto. The term of this agreement shall be from August 24, 2012 and shall expire on August 23, 2015. Any work order issued prior to the expiration of the term shall be performed to completion, even if such performance extends beyond the expiration date and the term of the contract shall be extended to accommodate completion of all outstanding work orders. Additionally, the contract may be extended by a mutually agreeable contract amendment initiated at the sole discretion of the City. Each project will be assigned and authorized separately and no authorized Project cost will exceed **One Hundred Fifty Thousand Dollars and No Cents (\$150,000.00)**.

2. A new paragraph is added to the Agreement that reads as follows:

17. ELECTRONIC SIGNATURES AND ELECTRONIC RECORDS:

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

[SIGNATURE PAGE FOLLOWS]

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 _____



Contract Control Number: PWADM-201206058-01

Contractor Name: KEENE CONCRETE INC

By: Chris C Bailey

Name: Chris C. Bailey
(please print)

Title: President
(please print)

ATTEST: [if required]

By: Gail Darnell

Name: Gail Darnell
(please print)

Title: Sec/Treas
(please print)

