

## SECOND AMENDATORY AGREEMENT

**THIS SECOND AMENDATORY AGREEMENT** is made and entered into by and between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado (the “City”) and **OZ ARCHITECTURE, INC.**, a Colorado corporation, whose address is 3003 Larimer Street, Denver, Colorado (the “Design Consultant”), jointly (“the Parties”).

### RECITALS

**A.** The Parties entered into an Agreement dated March 4, 2016 and an Amendatory Agreement dated August 30, 2017 (the “Agreement”) for professional design services related to the remodel of the 911 Communications Center.

**B.** The Parties wish to amend the Agreement to increase the Scope of Work and the Maximum Contract Amount.

**NOW, THEREFORE**, the parties hereby amend the Agreement as follows:

**1.** All references to “Exhibit A” in the existing Agreement shall be amended to read: “Exhibit A and Exhibit A-1, as applicable.” The additional Scope of Work marked as Exhibit A-1 is attached hereto and incorporated herein by this reference.

**2.** Paragraph 3.05 of the Agreement entitled “**MAXIMUM CONTRACT AMOUNT**,” subsection (a), is amended to read as follows:

**“3.05 Maximum Contract Amount:**

(a) Notwithstanding any other provision of the Agreement, the City’s maximum payment obligation will not exceed **ONE MILLION ONE HUNDRED SIX THOUSAND EIGHT HUNDRED FIFTEEN DOLLARS AND ZERO CENTS (\$1,106,815.00)** (the “Maximum Contract Amount”). The City is not obligated to execute an Agreement or any amendments for any further services, including any services performed by Design Consultant beyond that specifically described in **Exhibit A**. Any services performed beyond those set forth therein are performed at Design Consultant’s risk and without authorization under the Agreement.”

**3.** Except 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.

**[SIGNATURE PAGES FOLLOW]**

## EXHIBIT A-1



ARCHITECTURE  
URBAN DESIGN  
INTERIOR DESIGN



March 22, 2018

Kent Grissom  
Project Manager  
Denver Public Works Facilities Capital Project Management  
201 W. Colfax Ave.  
Denver, CO 80202

**RE: City and County of Denver - Architectural and Engineering Professional Services for Denver 911 Communication Center Relocation, No. FAC2015-056: Fee Amendment Request**

Dear Kent,

As part of our ongoing efforts to successfully construct the relocated Denver 911 Communication Center, the City asked our team to design a roof replacement for the entire building that was originally identified to be part of the later build-out of the building. As you know, we have submitted two Additional Service Requests in order to design this new roof and these ASR's have more than depleted our additional service account. At this time I would like to request a fee amendment to our contract to replace these funds to our additional services account.

The two ASR's in question are ASR #8 (for \$23,175) which included the roofing design and observation services for the new roof and ASR #10 (for \$11,800) which added new roof drains. Our current request is for an additional \$35,515 to be added to our contract to cover the cost of the complete roof design.

Per our contract amendment dated August 30, 2017 our Maximum Contract amount is \$1,043,055. With this fee amendment request we would be increasing our contract amount to \$1,078,570.

Thank you for the opportunity to submit this proposal. We look forward continuing to work on this important project.

Sincerely,

A handwritten signature in blue ink that reads "Kelly Yamasaki".

Kelly Yamasaki, AIA, LEED AP  
Principal/Project Manager - OZ Architecture

**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-201626298-02

**Contractor Name:** OZ Architecture, Inc.

By: Joseph P. Levi

Name: JOSEPH P. LEVI  
(please print)

Title: PRINCIPAL  
(please print)

**ATTEST: [if required]**

By: Kelly Yamasaki

Name: Kelly Yamasaki  
(please print)

Title: Principal  
(please print)

