

AMENDATORY AGREEMENT

THIS 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 **FCI CONSTRUCTORS, INC.**, a Colorado corporation, whose address is 4001 North Valley Drive, Longmont, Colorado 80504 (the “Consultant”), jointly “the parties.”

RECITALS

A. The Parties entered into an Agreement dated January 15, 2016 (the “Agreement”) for on-call construction services.

B. The Parties wish to amend the Agreement to increase the work order capacity and extend the term.

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

1. Section 16 of the Agreement entitled “**MAXIMUM CONTRACT AMOUNT**” is amended to read as follows:

“16. MAXIMUM CONTRACT AMOUNT

Each Project will be assigned and authorized separately by Work Order and the maximum liability of the City for any one Project shall not exceed the sum of **THREE MILLION DOLLARS AND NO CENTS (\$3,000,000.00)**, including all authorized Work Order changes. The maximum amount to be paid by the City to the Contractor for satisfactory completion of all Work Orders authorized by the City and performed by the Contractor under this Contract shall in no event exceed the sum of **FIVE MILLION DOLLARS AND NO CENTS (\$5,000,000.00)**, 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.”

2. Section 17 of the Agreement entitled “**TERM**” is amended to read as follows:

“17. TERM

The term of this agreement shall be from January 15, 2016 through January 15, 2020, unless extended by mutually agreeable contract amendment initiated at the sole discretion of the City. In addition, nothing contained herein shall obligate the City to extend the Agreement beyond the Term. If the term of any Work Order extends beyond the Term, this Agreement shall remain in full force and effect but only as to such Work Order, and only through the end of the Work Order’s term, as may be extended by Change Order to such Work Order.”

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]

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-201524775-01

Contractor Name: FCI CONSTRUCTORS INC

By: 

Name: Steve Moore
(please print)

Title: General Manager Special Projects
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)

