

## SECOND AMENDATORY AGREEMENT

**THIS SECOND 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.**, a Colorado corporation, whose address is 30263 WCR 8, Keenesburg, Colorado 80643 (the “Contractor”).

### WITNESSETH:

**WHEREAS**, the City and Contractor entered into an on-call services agreement dated August 24, 2012, as amended by Amendatory Agreement dated March 26, 2013, 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.

**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 **Two Million Five Hundred Thousand Dollars and No Cents (\$2,500,000.00)**, 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. 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-201206058-02

Contractor Name: KEENE CONCRETE INC

By: Chris C Bailey

Name: Chris C Bailey  
(please print)

Title: President  
(please print)

**ATTEST: [if required]**

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

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

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

