

## FOURTH AMENDATORY AGREEMENT

**THIS FOURTH AMENDATORY AGREEMENT** is made between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado (the "City"), and **EXCEL ENVIRONMENTAL, INC.**, a Colorado corporation, with its principal place of business located at 1852 Jasper Street, Unit E, Aurora, Colorado 80011 (the "Contractor").

### RECITALS

**A.** The City and the Contractor entered into an Agreement dated November 17, 2009, an Amendatory Agreement dated October 12, 2010, a Second Amendatory Agreement dated November 30, 2010, and a Third Amendatory Agreement dated November 4, 2011 concerning asbestos, lead-based paint and mold abatement for the Department of Environmental Health's ("DEH") (the "Agreement").

**B.** The parties wish to amend the Agreement to amend the Agreement to extend the Term and as otherwise set forth below.

**NOW, THEREFORE**, the parties hereby agree as follows:

1. Section 2 of the Agreement, entitled "**TERM**", is deleted and replaced in its entirety by the following provision:

"**2. TERM.** The term of the Agreement is from November 17, 2009 through and including November 18, 2013; provided however, in accordance with Section 44, the parties may amend the Agreement to extend the duration of it for up to two additional one-year periods (the "Term"). Subject to the Manager's prior written authorization, Contractor shall complete any work in progress as of the expiration date and the Term of the Agreement will extend until the work is completed or earlier terminated by the Manager."

2. Except as amended in the Fourth Amendatory Agreement, the Agreement is revived, affirmed, and ratified in each and every particular.

3. The Fourth Amendatory Agreement is not effective or binding on the City until it has been fully executed by all signatories of the City and County of Denver, and if required by Charter, approved by the City Council.

4. The Contractor assures and guarantees that it possesses the legal authority, pursuant to any proper, appropriate and official motion, resolution, or action passed or taken, to enter into the Fourth Amendatory Agreement. The person or persons signing and executing the Fourth Amendatory Agreement on behalf of the Contractor hereby warrants and guarantees that the Contractor has fully authorized he or she or them to execute the Fourth Amendatory Agreement on behalf of the Contractor and to validly and legally bind the Contractor to all terms, performances and provisions in the Agreement as amended by the Fourth Amendatory Agreement set forth herein.

5. The Fourth Amendatory Agreement may be executed in two (2) counterparts, each of which is an original and together constitute the same instrument.

**Contract Control Number:** ENVHL-OC91386-04

**Contractor Name:** EXCEL ENVIRONMENTAL 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:

REGISTERED AND COUNTERSIGNED:

DOUGLAS J. FRIEDNASH, Attorney  
for the City and County of Denver

By \_\_\_\_\_

By \_\_\_\_\_

By \_\_\_\_\_



Contract Control Number: ENVHL-OC91386-04


Contractor Name: EXCEL ENVIRONMENTAL INC

By: 

Name: Carl B. Cox III  
(please print)

Title: Vice President  
(please print)

ATTEST: [if required]

By: 

Name: Jennifer Zavala  
(please print)

Title: Project Manager  
(please print)

