

AMENDATORY AGREEMENT

This **AMENDATORY AGREEMENT** is made and entered into between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado (the “City”) and **W.E. O’NEIL CONSTRUCTION CO. OF COLORADO**, a Delaware corporation whose address is 229 Vallejo Street, Denver, CO 80223 (the “Contractor”), jointly (“the Parties”).

RECITALS:

A. The City and the Contractor previously entered into an On-Call Construction Services Contract dated January 15, 2016, (collectively, the “Agreement”), to provide professional on-call construction services as necessary; and

B. The Parties wish to amend the work order limit for Work Order #4 only to permit interior restroom renovations and other modifications to the emergency homeless shelter located at 4330 East 48th Avenue with all other terms and conditions of the Agreement remaining unchanged unless modified herein.

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**” is hereby modified in its entirety 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 **Four Hundred Fifty Thousand Dollars and 00/100 (\$450,000.00)**, including all authorized Work Order changes; provided however that Work Order #4 for the completion of restroom renovations and other modifications to the emergency homeless shelter located at 4330 East 48th Avenue may have a maximum liability of up to **Two Million Dollars and 00/100 (\$2,000,000.00)**. 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 00/100 (\$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. As herein amended, the Agreement is affirmed and ratified in each and every particular.

3. 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.

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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-201524938-01

Contractor Name: O'NEIL W E CONSTRUCTION



By: Todd Gumeis

Name: Todd Gumeis
(please print)

Title: President
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)

