

SECOND AMENDATORY AGREEMENT

THIS SECOND AMENDATORY AGREEMENT, made and entered into between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado (the “City”) and **ORION SPECIALTY CONTRACTORS, L.L.C.**, a Colorado limited liability company with its address at PO Box 3590, Parker, Colorado 80134 (the “Contractor”), collectively (“the Parties”).

RECITALS:

A. The City and the Contractor entered into an On-Call Floor Coating, Pool Repair & Fountain Repair Agreement dated January 31, 2012, as amended by Amendatory Agreement dated May 4, 2015 (the “Agreement”);

B. The City and the Contractor desire to amend the Agreement to increase the maximum contract capacity and extend the term;

NOW THEREFORE, in consideration of the premises and the mutual covenants and obligations herein contained, the parties agree as follows:

1. Paragraph 1.4 of the Agreement is hereby amended to read as follows:

“**1.4 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 **ONE MILLION, FOUR HUNDRED FIFTY THOUSAND, AND 00/100 DOLLARS (\$1,450,000.00)**, 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 **Five (5) years** from the date of execution of this Contract, unless extended by mutually agreeable contract amendment initiated at the sole discretion of the City. Subject to the Manager’s prior written authorization, the General 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. Each project will be assigned and authorized separately and no authorized Project cost will exceed **FOUR HUNDRED THOUSAND AND 00/100 DOLLARS (\$400,000.00)**.”

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: PARKS-201100989-02

Contractor Name: ORION SPECIALTY CONTRACTORS

By: *Bryan K. Glasman*

Name: BRYAN K GLASMAN
(please print)

Title: CHIEF OPERATIONS OFFICER
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)

