

1 BY AUTHORITY

2 ORDINANCE NO. _____

COUNCIL BILL NO. _____

3 SERIES OF 2011

COMMITTEE OF REFERENCE:

4 BUSINESS, WORKFORCE & SUSTAINABILITY

5 A BILL

6 For an ordinance approving a proposed First Amendment to Agreement between the
7 City and County of Denver and FCI Constructors, Inc., concerning an on-call
8 construction services at Denver International Airport.

9
10 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

11 **Section 1.** The proposed First Amendment to Agreement between the City and County of
12 Denver and FCI Constructors, Inc in the words and figures contained and set forth in that form of
13 the Agreement filed in the office of the Clerk and Recorder, Ex-Officio Clerk of the City and County
14 of Denver, on the 28th day of April, 2011, City Clerk's Filing No. 10-666-A is
15 hereby approved.

16
17 COMMITTEE APPROVAL DATE: April 22, 2011

18 MAYOR-COUNCIL DATE: April 26, 2011

19 PASSED BY THE COUNCIL _____ 2011

20 _____ - PRESIDENT

21 APPROVED: _____ - MAYOR _____ 2011

22 ATTEST: _____ - CLERK AND RECORDER,
23 EX-OFFICIO CLERK OF THE
24 CITY AND COUNTY OF DENVER
25

26 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2011 _____ 2011

27 PREPARED BY: John M. Redmond; *JR* DATE: April 28, 2011

28 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
29 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
30 ordinance. The proposed ordinance is submitted to the City Council for approval pursuant to § 3.2.6
31 of the Charter.

32
33 David W. Broadwell, City Attorney

34 BY: _____, _____ City Attorney

35 DATE: April 28, 2011

FIRST AMENDMENT TO AGREEMENT

THIS FIRST AMENDMENT TO AGREEMENT, made and entered into this _____ day of _____, 2011 by and between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado ("City"), Party of the First Part, and **FCI CONSTRUCTORS, INC.**, a Colorado corporation ("Contractor"), Party of the Second Part;

WITNESSETH:

WHEREAS, the parties hereto entered into an Agreement dated July 6, 2010 for on-call construction services (Existing Agreement); and

WHEREAS, the parties desire to amend the Existing Agreement as provided herein;

NOW, THEREFORE, for and in consideration of the premises and other good and valuable considerations, the parties hereto agree as follows:

1. Article III - Terms of Performance is amended to extend the term of the Agreement as follows:

ARTICLE - TERMS OF PERFORMANCE: The Term of this Agreement commenced on August 1, 2010 and shall terminate on July 31, 2013 unless otherwise extended or terminated in accordance with the provisions hereof; however, in the Manager's sole and absolute discretion, the Agreement shall remain in full force and effect to permit the completion of any project or "task" which was authorized and commenced prior to the termination date stated herein.

2. All other terms, provisions and conditions of the Existing Agreement are and shall remain valid, enforceable and in full force and effect as though fully set forth herein.

3. This First Amendment to Agreement shall not be or become effective or binding on the City until it is fully executed by all signatories of the City and County of Denver.

[Signatures on Following Page]

10-0116-A

IN WITNESS WHEREOF, the parties hereto have caused this First Amendment to Agreement to be executed the day and year first above written.

ATTEST:

CITY AND COUNTY OF DENVER

STEPHANIE Y. O'MALLEY
Clerk and Recorder, Ex-officio Clerk of the
City and County of Denver

By _____
Mayor

RECOMMENDED AND APPROVED:

APPROVED AS TO FORM:

DAVID R. FINE, Attorney for the City and
County of Denver

By  _____
Manager of Aviation

REGISTERED AND COUNTERSIGNED:

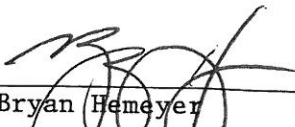
By _____
Assistant City Attorney

By _____
Manager of Finance
Contract Control No. CE 03017 (1)

By _____
Auditor

"CITY"

FCI CONSTRUCTORS, INC.

By:  _____
Bryan Hemeyer
Title: Vice President

"CONTRACTOR"