

THIRD AMENDATORY AGREEMENT

THIS THIRD AMENDATORY AGREEMENT is made and entered into as of the date indicated on the City's signature page below, by and between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado, for and on behalf of its Department of Aviation ("DEN" or the "City"), and **BROWN AND CALDWELL, INC.**, a California corporation authorized to do business in Colorado ("**Consultant**").

WITNESSETH:

WHEREAS, the parties entered into a written agreement dated February 21, 2013, which was amended by a First Amendatory Agreement dated May 20, 2014, and a Second Amendatory Agreement dated August 22, 2016 (the "**Existing Agreement**"), whereby the Consultant agreed to provide the City with on-call professional environmental, environmental design, and related engineering services; and

WHEREAS, the parties desire to amend the Existing Agreement as stated below;

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

1. Section 4.A of the Existing Agreement, under "MAXIMUM CONTRACT AMOUNT; FUNDING", is amended and restated to read as follows:
 - A. Any other provision of this Agreement notwithstanding, in no event shall the City be liable for payment for services rendered and expenses incurred by the Consultant under the terms of this Agreement for any amount in excess of the sum of Two Million One Hundred Fifty Thousand Dollars (\$2,150,000.00) (the "Maximum Contract Amount"). The Maximum Contract Amount may only be increased by amendment to this Agreement.
2. In Section 5 of the Existing Agreement, entitled "Term," the date "December 31, 2018" is changed to "December 31, 2019."
3. The Exhibit C to the Existing Agreement will be deleted in its entirety and replaced with the Exhibit C attached to this Third Amendatory Agreement effective January 1, 2019. The Exhibit C to the Existing Agreement shall apply through December 31, 2018.

4. A new Section 7.H is added to the Existing Agreement, to read as follows:

H. Among the key professional personnel to be used by the Consultant to perform work under the Scope of Work is surveyor Diana Askew, who through a subconsultant contract shall either perform or oversee all work related to the creation of final transfer parcel maps and related property charts for the former Stapleton International Airport.

5. Except as otherwise provided herein, all of the terms and conditions of the Existing Agreement shall remain in full force and effect and are hereby ratified and reaffirmed.
6. This Third Amendatory Agreement is expressly subject to, and shall not become effective or binding on the City, until it is approved by City Council and fully executed by all signatories of the City and County of Denver.

END OF AMENDMENT; SIGNATURES AND EXHIBIT FOLLOW

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: PLANE-201208638-03

Contractor Name: BROWN AND CALDWELL, INC.

By: Joseph Seravese

Name: Joseph Seravese
(please print)

Title: Vice President
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)



Exhibit C

Labor Rates Schedule Summary	
	Proposed Rates: effective Jan. 1, 2018 ^a
Principal*	\$181 / hr
Project Manager	\$165 / hr
Sr. Engineer/Scientist/Programmer	\$142 / hr
Engineer/Scientist/Data Manager	\$103 / hr
Field Technician	\$85 / hr
CADD/Junior Analyst	\$74 / hr
Clerical/Administrative/Work Processing/Data entry	\$63 / hr

^a Proposed rates effective dates from January 1, 2018 to December 31, 2018.

Labor Rates Schedule Summary	
	Proposed Rates: effective Jan. 1, 2019 ^a
Principal*	\$190 / hr
Project Manager	\$175 / hr
Sr. Engineer/Scientist/Programmer	\$150 / hr
Engineer/Scientist/Data Manager	\$110 / hr
Field Technician	\$90 / hr
CADD/Junior Analyst	\$78 / hr
Clerical/Administrative/Work Processing/Data entry	\$66 / hr

^a Proposed rates effective dates from January 1, 2019 to December 31, 2019.

*Only with approval

^a Displayed Labor Rates are from Exhibit C, Consultant Hourly Rate Schedule table from Agreement for On-Call Environmental Design Services, Contract No. 201208638 dated December 4, 2012.