

AMENDATORY AGREEMENT

This **AMENDATORY AGREEMENT** is made between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado (the “City”) and **AMERESCO, INC.**, a Delaware corporation with its principal place of business located at 111 Speen Street, Suite 410, Framingham, Massachusetts 01701 (the “Contractor”), jointly (“the Parties”).

RECITALS:

A. The Parties entered into an Agreement dated December 17, 2015 (the “Agreement”) to complete all of the work described in the Statement of Work set forth in **Exhibit A** (the “Work”).

B. The Parties wish to amend the Agreement to increase the maximum contract amount.

NOW THEREFORE, in consideration of the premises and the Parties’ mutual covenants and obligations, the Parties agree as follows:

1. Section 9 of the Agreement entitled “**Compensation and Payment**” Sub-section e. (i) entitled “**Maximum Contract Amount:**” is hereby deleted in its entirety and replaced with:

“e. **Maximum Contract Amount:**

(i) Notwithstanding any other provision of this Agreement, the City’s maximum payment obligation will not exceed **TWO MILLION SIXTY-FIVE THOUSAND SIX HUNDRED ONE DOLLARS AND NO CENTS (\$2,065,601.00)** (the “**Maximum Contract Amount**”). The City is not obligated to execute an Agreement or any amendments for any further work, including any work performed by Contractor beyond that specifically described in Exhibit A. Any work performed beyond that in Exhibit A is performed at Contractor’s risk and without authorization under this Agreement.”

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.

Contract Control Number: GENRL-202055513-01
Contract Control Number: GENRL-201522732-01
Contractor Name: AMERESCO, 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:

Attorney for the City and County of Denver

By:

By:

By:

Contract Control Number: GENRL-202055513-01
Contract Control Number: GENRL-201522732-01
Contractor Name: AMERESCO, INC.

DocuSigned by:
Louis P. Maltezos
By: C46BE5C8279044F...

Name: Louis P. Maltezos
(please print)
Title: Executive Vice President
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)