

## SECOND AMENDATORY AGREEMENT

**THIS SECOND AMENDATORY AGREEMENT** is made and entered into by and between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado (the “City”) and **CONSOR ENGINEERS, LLC dba APEX DESIGN**, a Florida Limited Liability Company, registered to do business in Colorado, whose address is 1675 Larimer St. Suite 400, Denver, Colorado 80202 (the “Consultant”), jointly (“the Parties”).

### RECITALS

**A.** The Parties entered into an On-Call Engineering Services Agreement dated September 19, 2016, and First Amendment to On-Call Contract Services Agreement dated September 16, 2019 (collectively, the “Agreement”) for the performance of certain work set forth in that Agreement and Exhibit A thereto; and

**B.** At the time of contract award and contract initiation, the Consultant was known as **APEX DESIGN, PC**; and

**C.** In or around Fall 2020, Consultant merged with **CONSOR ENGINEERS, LLC**; and

**D.** The Parties, based on the following, assign the rights, benefits, obligations and duties to **CONSOR ENGINEERS, LLC**; and

**E.** The Parties wish to amend the Agreement to accept and approve an assignment of the Agreement.

**NOW, THEREFORE**, the Parties hereby amend the Agreement as follows:

**1.** Under Section 12 of the Agreement the City is not obligated or liable under this Agreement to any party other than the Consultant named herein. The Consultant understands and agrees that it shall not assign or subcontract with respect to any of its rights, benefits, obligations or duties under this Agreement except upon prior written consent and approval of the City to such assignment or subcontracting.

**2.** Consultant **APEX DESIGN LLC** has merged with **CONSOR ENGINEERS, LLC**, however, the Consultant as **CONSOR ENGINEERS, LLC** shall utilize those Key Personnel set forth in Exhibit B to the Agreement, or those Key Personnel approved by the City in accordance to the Agreement.

**3.** On the foregoing bases, the City provides its consent and approval for assignment of the Agreement to **CONSOR ENGINEERS, LLC**.

4. Except as herein amended, the Agreement is affirmed and ratified in each and every particular.

5. This Second 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.

**[SIGNATURE PAGES FOLLOW]**

**Contract Control Number:** DOTI-202158085-02 [201629318-02]  
**Contractor Name:** CONSOR ENGINEERS, LLC dba APEX DESIGN

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:**  
**Contractor Name:**

DOTI-202158085-02 [201629318-02]  
CONSOR ENGINEERS, LLC dba APEX DESIGN

DocuSigned by:  
*Melissa Rosas*  
By: EF30531E8A17464...

Name: Melissa Rosas  
(please print)

Title: Senior Vice President  
(please print)

ATTEST: [if required]

By: \_\_\_\_\_

Name: \_\_\_\_\_  
(please print)

Title: \_\_\_\_\_  
(please print)