

SECOND AMENDATORY AGREEMENT

THIS SECOND AMENDATORY AGREEMENT is made between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado (“City”), and **ECI SITE CONSTRUCTION MANAGEMENT, INC.**, a Colorado corporation, (the “Contractor”), both of which parties may be individually referred to in this Agreement as a “Party” or jointly referred to as the “Parties.”

RECITALS:

A. The Parties entered into an Agreement executed on or about February 28, 2017, and a First Amendatory Agreement dated August 23, 2018 (the “Agreement”) for the performance of certain work set forth in that Agreement; and

B. Rather than enter into a new contract, the Parties desire to revise the terms and conditions of the Agreement as they previously existed and the Parties further desire to amend the Agreement to extend the term.

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

1. Section 17 of the Agreement entitled “**TERM**” is amended to read as follows:

“17. TERM

The term of this agreement shall be from date of execution until July 31, 2020 unless extended by mutually agreeable contract amendment initiated at the sole discretion of the City. In addition, nothing contained herein shall obligate the City to extend the Agreement beyond the initial term. If the term of any Work Order extends beyond the Term, this Agreement shall remain in full force and effect but only as to such Work Order, and only through the end of the Work Order’s term, as may be extended by Change Order to such Work Order.”

2. Except as herein amended, the Agreement continues in effect, and 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.

[SIGNATURE PAGES TO FOLLOW]

Contract Control Number: PARKS-201631146-02/201951380
Contractor Name: ECI SITE CONSTRUCTION MANAGEMENT, 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:
Contractor Name:

PARKS-201631146-02/201951380
ECI SITE CONSTRUCTION MANAGEMENT, INC.

By:  _____
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Name: Ted Johnson
(please print)

Title: President
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)