

FIRST AMENDATORY AGREEMENT

THIS FIRST 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 DAVID EVANS AND ASSOCIATES, INC., an Oregon corporation licensed to do business in Colorado, whose address is Dept LA, 24340 Pasadena, California 91185 (the “Consultant”), jointly the “Parties.”

RECITALS:

A. The Parties entered into an On-Call Engineering Services Agreement executed on or about February 14, 2017 (the “Agreement”) for the performance of certain work set forth in that Agreement and **Exhibit A** thereto; 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 of the Agreement one year and add compensation in the amount of TWO MILLION DOLLARS (\$2,000,000.00) to the Agreement for the purpose of business continuity.

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

1. Section 3 entitled “**COMPENSATION, PAYMENT, AND FUNDING**” is amended to read as follows:

“3.05 Maximum Contract Amount; Funding.

(a) It is understood and agreed by the parties hereto that payment or reimbursement of all kinds to the Consultant, for all Work performed under this Agreement, shall not exceed a maximum of **SIX MILLION DOLLARS AND NO CENTS (\$6,000,000.00)**. In no event shall the maximum payment to the Consultant, for all work and services performed throughout the entire term of this Agreement exceed the contract maximum amount set forth above.”

2. Section 4 of the Agreement entitled “**TERM AND TERMINATION**” is amended to read as follows:

“4.01 Term. The term of this Agreement shall commence on January 15, 2017, and shall expire on January 14, 2021, unless sooner terminated or extended by written amendment. The Consultant shall complete any task orders in progress as of the expiration date of this agreement and the term

will extend until the work is completed or earlier terminated by the Manager. The term of this agreement may be extended for one additional year at the City's sole discretion by written amendment."

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

4. This First 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.

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[SIGNATURE PAGES TO FOLLOW]

Contract Control Number:
Contractor Name:

PWADM-201950800-01 [201631684-01]
DAVID EVANS AND ASSOCIATES, 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:


PWADM-201950800-01 [201631684-01]
DAVID EVANS AND ASSOCIATES, INC.

By: 

Name: Anthony R. Marcello
(please print)

Title: Vice President
(please print)

ATTEST: [if required]

By: 

Name: JOSEPH A. HART
(please print)

Title: Sr. Vice President
(please print)