

THIRD AMENDATORY AGREEMENT

THIS THIRD AMENDATORY AGREEMENT is made between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado (the “City”), and **TURNER CONSTRUCTION COMPANY** (the “Contractor”), a New York corporation, whose address is 5690 DTC Boulevard, Suite 515 East, Greenwood Village, Colorado 80111.

RECITALS

A. The City and Contractor entered into an on-call Construction Contract dated January 27, 2009, an Amendatory Agreement dated July 27, 2010, and a Second Amendatory Agreement dated June 20, 2011, relating to construction services on an "as needed" basis (the “Agreement”); and

B. The City and Contractor wish to amend the Agreement to increase the maximum contract amount.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and obligations herein set forth, the parties agree as follows:

1. Paragraph 16 of the Agreement, entitled “**MAXIMUM AMOUNT AND TERM**”, is hereby amended to read as follows:

16. MAXIMUM AMOUNT AND TERM

Each Project will be assigned and authorized separately by Work Order and the maximum liability of the City for any one Project shall not exceed the sum of **Four Hundred Thousand Dollars (\$400,000.00)**, including all authorized Work Order changes, with the exception of the Work Order issued for the DPAC Galleria Paving and Snow Melt Project. The maximum liability of the City for the DPAC Galleria Paving and Snow Melt Work Order, a copy of which is attached as *Exhibit A* to the Amendatory Agreement, shall not exceed the sum of **Four Hundred Eighty Thousand Dollars (\$480,000.00)**, including all authorized Work Order changes. The maximum amount to be paid by the City to the Contractor for satisfactory completion of all Work Orders authorized by the City and performed by the Contractor under this Contract shall in no event exceed the sum of **SIX MILLION DOLLARS AND NO CENTS (\$6,000,000.00)**, unless this Contract is modified to increase said amount by a duly authorized, written contract amendment mutually agreeable to and executed by the parties hereto.

2. As amended in this Third Amendatory Agreement, the Agreement is affirmed and ratified in each and every particular.

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:

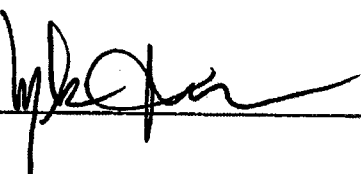
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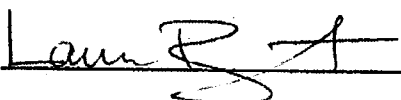
Contract Control Number:

By: 

Name: MARK J. HUBER
(please print)

Title: GENERAL MANAGER
(please print)

ATTEST: [if required]

By: 

Name: Laura Prendergast
(please print)

Title: Project Manager
(please print)

