

## SECOND AMENDATORY AGREEMENT

**THIS SECOND AMENDATORY AGREEMENT** is made and entered into as of the date indicated on the City's signature page below, by and between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado, for and on behalf of its Department of Aviation ("DEN" or the "City"), and **BROWN AND CALDWELL, INC.**, a California corporation authorized to do business in Colorado ("**Consultant**").

### WITNESSETH:

**WHEREAS**, the parties entered into a written agreement dated February 21, 2013, which was amended by a First Amendatory Agreement dated May 20, 2014 (the "**Existing Agreement**"), whereby the Consultant agreed to provide the City with on-call professional environmental, environmental design, and related engineering services; and

**WHEREAS**, the parties desire to amend the Existing Agreement as stated below;

**NOW, THEREFORE**, for and in consideration of the premises and other good and valuable consideration, the parties hereto agree as follows:

1. Section 4.A of the Existing Agreement, under "MAXIMUM CONTRACT AMOUNT; FUNDING", is amended and restated to read as follows:
  - A. Any other provision of this Agreement notwithstanding, in no event shall the City be liable for payment for services rendered and expenses incurred by the Consultant under the terms of this Agreement for any amount in excess of the sum of One Million Seven Hundred Thousand Dollars (\$1,700,000.00) (the "Maximum Contract Amount"). The Maximum Contract Amount may only be increased by amendment to this Agreement.
2. In Section 5 of the Existing Agreement, entitled "Term," the date "December 31, 2016" is changed to "December 31, 2018."
3. The **Exhibit C** to the Existing Agreement will be deleted in its entirety and replaced with the **Exhibit C** attached to this Second Amendatory Agreement effective January 1, 2017. The Exhibit C to the Existing Agreement shall apply through December 31, 2016.

4. In Section 32 of the Existing Agreement, the address for notice to the Consultant is changed to the following:

Brown and Caldwell Inc.  
1527 Cole St. Suite 300  
Lakewood, Colorado 80401

5. Except as otherwise provided herein, all of the terms and conditions of the Existing Agreement shall remain in full force and effect, and are hereby ratified and reaffirmed.
6. This Second Amendatory Agreement is expressly subject to, and shall not become effective or binding on the City, until it is approved by City Council and fully executed by all signatories of the City and County of Denver.

**END OF AMENDMENT; SIGNATURES AND EXHIBIT FOLLOW**

**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:

By \_\_\_\_\_

By \_\_\_\_\_

By \_\_\_\_\_



**Contract Control Number:** PLANE-201208638-02

**Contractor Name:** BROWN & CALDWELL

By: Joseph Seracuse

Name: Joseph Seracuse  
(please print)

Title: Vice President  
(please print)

**ATTEST: [if required]**

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

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

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



## Exhibit C

Labor Rates Schedule Summary	
	Proposed Rates: effective Jan. 1, 2017 <sup>a</sup>
Principal*	\$181 / hr
Project Manager	\$165 / hr
Sr. Engineer/Scientist/Programmer	\$142 / hr
Engineer/Scientist/Data Manager	\$103 / hr
Field Technician	\$85 / hr
CADD/Junior Analyst	\$74 / hr
Clerical/Administrative/Work Processing/Data entry	\$63 / hr

\*Only with approval

<sup>a</sup> Proposed rates (3% increase from December 2012 contract rates) with effective dates from January 1, 2017 to December 31, 2019.