

FOURTH AMENDATORY AGREEMENT

THIS FOURTH AMENDATORY AGREEMENT is made between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado (the “City”), and **KUMAR AND ASSOCIATES, INC.**, (the “Consultant”), a corporation authorized to transact business in the State of Colorado, with an address of 2390 South Lipan Street, Denver, Colorado 80223.

WITNESSETH:

WHEREAS, the City and the Consultant entered into an Agreement dated December 7, 2010, an Amendatory Agreement dated February 3, 2012, a Second Amendatory Agreement dated November 19, 2012, and a Third Amendatory Agreement dated September 10, 2013 relating to construction material testing and inspections on an “as needed” basis (the “Agreement”); and

WHEREAS, the City desires to amend the Agreement to extend the term for an additional year, increase the maximum contract amount, and otherwise amend the Agreement as set forth below.

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

1. Section 5.g. of the Agreement is amended to read in its entirety as follows:

“**g. Maximum Contract Amount:** 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 Nine Hundred Sixty Thousand Dollars (\$960,000.00).”

2. Section 11 of the Agreement is amended to read in its entirety as follows:

“**11. TERM:** The term of this Agreement shall commence on October 1, 2010, and shall expire on September 30, 2015, unless sooner terminated or extended by written amendment. Subject to the Manager’s prior written authorization, the Consultant shall complete any work in progress as of the expiration date and the term will extend until the work is completed or earlier terminated by the Manager.”

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

[SIGNATURE PAGE FOLLOWS]

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: PWADM-OC01281-04

Contractor Name: KUMAR AND ASSOCIATES, INC.

By: James A. Noll

Name: James A. Noll
(please print)

Title: President
(please print)

ATTEST: [if required]

By: Greg L. Monkey

Name: Greg Monkey
(please print)

Title: Principal
(please print)

