

## 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 **HYDROSYSTEMS-KDI, INC.**, (“Design Consultant”) collectively the “Parties”.

### RECITALS:

**A.** The Parties entered into an Agreement executed on or about February 5, 2019 and an Amendatory Agreement on or about July 22, 2019 the (“Agreement”) for the performance of certain obligations set forth in that Agreement; and

**B.** Rather than enter into a new contract, the Parties wish to amend the Agreement to extend the term of the Agreement.

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

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

“**4.01 TERM.** The initial term of this Agreement shall commence upon execution and shall end April 5, 2023; provided, however, that any work in progress that was initiated during the term of this Agreement shall continue and be paid for hereunder until the completion thereof. All terms and conditions of the Agreement shall remain in full force and effect until such completion. The term may be extended, at the sole option of the City by written amendment pursuant to Executive Order 8. In no event, however, shall the Design Consultant’s performance under this Agreement, including any extension, exceed a five (5) year period ending on month and day of the execution of this Agreement. In addition, nothing contained herein shall obligate the City to extend the Agreement beyond the initial term.”

2. As herein amended, the Agreement is affirmed and ratified in each and every particular.

3. This Second 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-201947005-02/202160663  
**Contractor Name:** HYDROSYSTEMS-KDI, 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-201947005-02/202160663  
HYDROSYSTEMS-KDI, INC.

DocuSigned by:  
*Jill Bersano*  
By: 0ABDEC14FA214E8...

Name: Jill Bersano  
(please print)

Title: President  
(please print)

ATTEST: [if required]

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

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

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