

**AMENDATORY ON-CALL
CIVIL CONSTRUCTION SERVICES CONTRACT**

THIS AMENDATORY ON-CALL CIVIL CONSTRUCTION SERVICES CONTRACT, made between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado, (hereinafter referred to as the “**City**”), and party of the first part, and **GRAHAM CONTRACTING LTD.**, a Washington limited company, authorized to do business in Colorado, whose address is 13555 SE 36th Street, Suite 120, Bellevue, Washington 98006 (hereinafter referred to as the “**Contractor**”) and party of the second part,

RECITALS

WITNESSETH, commencing on **April 21, 2020**, and for at least three (3) days the City advertised a solicitation for qualifications from qualified general contractors to perform services for furnishing all labor, tools, supplies, equipment, materials, and everything necessary and required for the following:

On-Call Civil Construction Services
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WHEREAS, submittals pursuant to said advertisement have been reviewed, evaluated and ranked by a selection committee and a recommendation was made to the Executive Director of the Department of Transportation and Infrastructure, who has recommended that a Contract for said work be made and entered into with the above-named Contractor;

WHEREAS, said Contractor is now willing, able and has the present capacity to perform all of said work in accordance with this Construction Contract, said advertisement and the referenced selection documents;

WHEREAS, the parties entered into an On-Call Civil Construction Services Contract and Agreement dated September 16, 2020, (the “**Agreement**”) to perform, and complete all of the services and produce all the deliverables set forth on Exhibit A, *Utilization Plan*, to the City’s satisfaction; and

WHEREAS, the parties wish to amend the Agreement to update paragraph 5-No Discrimination in Employment and extend the term.

NOW THEREFORE, in consideration of the compensation to be paid the Contractor, the mutual agreements hereinafter contained, and subject to the terms hereinafter stated, it is mutually agreed as follows:

1. Section 5 of the Agreement entitled “**NO DISCRIMINATION IN EMPLOYMENT**” is hereby deleted in its entirety and replaced with:

“5. **NO DISCRIMINATION IN EMPLOYMENT**

In connection with the performance of work under the Agreement, the Contractor may not refuse to hire, discharge, promote, demote, or discriminate in matters of compensation against any person otherwise qualified, solely because of race, color, religion, national origin, ethnicity, citizenship, immigration status, gender, age, sexual orientation, gender identity, gender expression, marital status, source of income, military status, protective hairstyle, or disability. The Contractor shall insert the foregoing provision in all subcontracts.”

2. Section 18 of the Agreement entitled “**TERM**” is hereby deleted in its entirety and replaced with:

“18. TERM

The term of this agreement shall be from **October 1, 2020**, through **September 30, 2025**. In no event, however, shall the Contractor’s performance under this Agreement exceed an additional one (1) year period. In addition, nothing contained herein shall obligate the City to extend the Agreement beyond the initial term. If the term of any Work Order extends beyond the Term, this Agreement shall remain in full force and effect but only as to such Work Order, and only through the end of the Work Order’s term, as may be extended by Change Order to such Work Order.”

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

4. This Amendatory On-Call Civil Construction Services Contract 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.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.]

Contract Control Number: DOTI-202265920-01 [DOTI-202055389-01]
Contractor Name: Graham Contracting Ltd.

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:

DOTI-202265920-01 [DOTI-202055389-01]
Graham Contracting Ltd.

By:  2E8C9B8B9F17412...

Name: Mike Salmon
(please print)

Title: District Manager
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)