

SECOND AMENDATORY AGREEMENT

This **SECOND AMENDATORY AGREEMENT** is made between the **CITY AND COUNTY OF DENVER**, a home rule and municipal corporation of the State of Colorado (the “City”) and **A HOLE IN THE WALL CONSTRUCTION DBA AHW CONSTRUCTION**, a Colorado corporation, with its principal place of business located at 6669 Colorado Boulevard, Unit B, Commerce City, Colorado 80022 (the “Contractor”), (collectively “the Parties”).

RECITALS:

A. The Parties entered into an Agreement dated October 19, 2021, and an Amendatory Agreement dated November 4, 2022, (collectively, the “Agreement”) to perform, and complete all of the services and produce all the deliverables set forth on Exhibit A, the Scope of Work, to the City’s satisfaction.

B. The Parties wish to amend the Agreement to increase the maximum contract amount, update paragraph 20-No Employment of Workers without Authorization, and amend the budget.

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 “**COMPENSATION AND PAYMENT:**” Sub-section d. (1) entitled “**Maximum Contract Amount:**” is hereby deleted in its entirety and replaced with:

“**d. Maximum Contract Amount:**

(1) Notwithstanding any other provision of the Agreement, the City’s maximum payment obligation will not exceed **ONE MILLION FIVE HUNDRED FIFTY THOUSAND DOLLARS AND NO CENTS (\$1,550,000.00)** (the “Maximum Contract Amount”). The City is not obligated to execute an Agreement or any amendments for any further services, including any services performed by Contractor beyond that specifically described in Section 2 hereof. Any services performed beyond those set forth therein are performed at Contractor’s risk and without authorization under the Agreement.”

2. Section 20 of the Agreement entitled “**NO EMPLOYMENT OF WORKERS WITHOUT AUTHORIZATION TO PERFORM WORK UNDER THE AGREEMENT:**” is hereby deleted in its entirety and replaced with:

“20. [RESCINDED.]”

3. **Exhibit B** and **Exhibit B-1** are hereby deleted in their entirety and replaced with **Exhibit B-2, Budget**, attached and incorporated by reference herein. All references in the original Agreement to **Exhibit B** and **Exhibit B-1** are changed to **Exhibit B-2**.

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

5. 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.

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Contract Control Number: CPLAN-202367685-02 / CPLAN-202159889-02
Contractor Name: A HOLE IN THE WALL CONSTRUCTION

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:

CPLAN-202367685-02 / CPLAN-202159889-02
A HOLE IN THE WALL CONSTRUCTION

By:

DocuSigned by:

Joey Pacheco

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Name:

Joey Pacheco

(please print)

Title:

President

(please print)

ATTEST: [if required]

By:

Name:

(please print)

Title:

(please print)

Standard Board-Up and Temporary Fencing - All Agencies

Response Time 1 Business Day from call

Description	Cost per Service Call	Cost/Sq. Ft of Opening (includes plywood, nails, bolts, screws, etc. and installation)
Service Call, during normal business hours (Mon. thru Fri. 7:00 AM to 5:00 PM, excluding holidays), to include mobilization and transportation time. This will include repeat service calls that require AHW to return to the site to fix damages to fencing.	\$250.00	\$4.00
Lock and hasp	\$35.00 each	
Description	Per Linear Foot Price for Rental and Installation of Temporary Fencing (including disassembly and removal)	Per Foot Price to Purchase and Install Temporary Fencing
Temporary, Emergency Fencing	\$8.50 per LF per month	\$34.00

Emergency Board-Up from Denver Police, Fire, and Sheriff Department

Response Time 30 Minutes or Less from call

Description	Cost per Service Call	Cost/Sq. Ft of Opening (includes plywood, nails, bolts, screws, ect. and installation)
Service Call, 24/7/365, to include mobilization and transportation time	\$500.00	\$4.00
Lock and hasp	\$35.00 each	

Maximum Contract Amount: \$1,550,000.00