

THIRD AMENDATORY AGREEMENT

This **THIRD AMENDATORY AGREEMENT** is made between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado (the “City”) and **HUDSPETH & ASSOCIATES, INC.**, a Colorado corporation with its principal place of business located at 4775 S. Santa Fe Circle, Englewood, Colorado 80110 (the “Contractor”), jointly (“the Parties”).

RECITALS:

A. The Parties entered into an Agreement dated September 29, 2014, a First Amendatory Agreement dated May 14, 2015, and a Second Amendatory Agreement dated May 16, 2016 (collectively, the “Agreement”).

B. The Parties wish to amend the Agreement to increase the maximum contract amount.

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

1. Paragraph 3 of the Agreement entitled **TERM** is hereby deleted in its entirety and replaced with:

“3. TERM:

The Agreement will commence on the date set forth in the City's signature page and expire on September 28, 2019 (the "Term"). Subject to the Manager's prior written authorization, Contractor shall complete any work in progress as of the expiration date and the Term of the Agreement will extend until the work is completed or earlier terminated by the Manager.”

2. Paragraph 7 of the Agreement entitled **Compensation and Payment** Sub-paragraph (d) entitled “**Maximum Contract Amount**” is hereby deleted in its entirety and replaced with:

“7.(d) COMPENSATION AND PAYMENT:

Maximum Contract Amount: Notwithstanding any other provision of the Agreement, the City’s maximum payment obligation will not exceed **TWO MILLION FOUR HUNDRED EIGHTY THOUSAND DOLLARS** (\$2,480,000) (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 those specifically identified in Section 2 or 3 or set forth in any notice to

proceed arising out of the Agreement. Any other services performed are performed at Contractor's risk and without authorization under the Agreement."

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

4. This Third 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:

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: ENVHL-201415701-03

Contractor Name: HUDSPETH & ASSOCIATES INC

By: 

Name: Robert Levitt
(please print)

Title: President
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)

