

## AMENDATORY AGREEMENT

This **AMENDATORY AGREEMENT** is made between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado (the “City”) and **FOOTHILLS ENVIRONMENTAL, INC.**, a Colorado Corporation, doing business at 11099 W. 8th Avenue, Lakewood, Colorado 80215 (the “Consultant”), jointly (“the Parties”).

### RECITALS:

**A.** The Parties entered into an Agreement dated August 19, 2015 (the “Agreement”) to provide on-call asbestos, lead, and mold abatement services.

**B.** The Parties wish to amend the Agreement to extend the term and 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 2 of the Agreement entitled **Term** is hereby deleted in its entirety and replaced with:

“**2. TERM:**

The Agreement will commence on the date set forth in the City’s signature page and expire on August 18, 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 5 of the Agreement entitled **COMPENSATION AND PAYMENT** Sub-paragraph (d) entitled “**Maximum Contract Amount**” is hereby deleted in its entirety and replaced with:

“**5.(d) COMPENSATION AND PAYMENT:**

**Maximum Contract Amount:** Notwithstanding any other provision of the Agreement, the City’s maximum payment obligation will not exceed **ONE MILLION DOLLARS** (\$1,000,000) (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 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.

**[THE BALANCE OF THIS PAGE IS INTENTIONALLY LEFT BLANK.]**

**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-201522906-01

Contractor Name: Foothills Environmental, Inc.

By: 

Name: Andre Gonzalez  
(please print)

Title: President  
(please print)

ATTEST: [if required]

By: 

Name: LINDA GONZALEZ  
(please print)

Title: OFFICE MANAGER  
(please print)

