

## 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 MEETING THE CHALLENGE, INC., a Colorado corporation, with its principal place of business located at 3630 Sinton Road, Suite 103, Colorado Springs, Colorado, 80907 (the “Consultant”), jointly “the parties”.

### RECITALS:

A. The City and the Consultant previously entered into an Agreement dated December 11, 2014, an Amendatory Agreement dated November 20, 2015, and a Second Amendatory Agreement dated October 26, 2016 (the “Agreement”), to provide consulting services for the Project Civic Access related to the Americans with Disabilities Act compliance (the “Project”);

B. The City and the Consultant have determined that the work to be completed by Consultant will require more time and effort by the Consultant; and

C. The parties wish to adjust the Consultant’s fees, by this amendment to the Agreement, with all other terms and conditions of the Agreement remaining unchanged unless modified herein.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and obligations herein set forth the parties agree as follows:

1. Paragraph **4(a) Fee**, is modified in its entirety to read as follows:

**“4(a). Fee:** The City shall pay and Consultant shall accept as the sole compensation for services rendered and costs incurred under the Agreement up to the amount of **Nine Hundred Sixty Thousand and 0/100 Dollars (\$960,000.00)**. Amounts billed by Consultant may not exceed the hourly rates set forth in **Exhibit C**.

2. Paragraph **4(d). Maximum Contract Amount** is modified in its entirety to read as follows:

**“4(d). Maximum Contract Amount:**

- (1) Notwithstanding any other provision of the Agreement, the City’s maximum payment obligation will not exceed **Nine Hundred Sixty Thousand and 0/100 Dollars (\$960,000.00)** (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 Consultant beyond that specifically described in Exhibit A, Exhibit A-1 and Exhibit A-2. Any services performed beyond those in Exhibit A, Exhibit A-1 and Exhibit A-2 are performed at Consultant’s risk and without authorization under the Agreement.

- (2) The City's payment obligation, whether direct or contingent, extends only to funds appropriated annually by the Denver City Council, paid into the Treasury of the city, and encumbered for the purpose of the Agreement. The City does not by the Agreement irrevocably pledge present cash reserves for payment or performance in future fiscal years. The Agreement does not and is not intended to create a multiple-fiscal year direct or indirect debt or financial obligation of the City.

**(Remainder of Page Left Blank Intentionally)**

Contract Control Number: HRCRS-201418678-03

Contractor Name: MEETING THE CHALLENGE INC

By: Kent Kelley

Name: KENT KELLEY  
(please print)

Title: PRESIDENT  
(please print)

ATTEST: [if required]

By: Ken Heldt

Name: KEN HELDT  
(please print)

Title: DIRECTOR OF OPERATIONS  
(please print)



**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 \_\_\_\_\_



# Exhibit C

# Meeting the Challenge Inc. 2018 Consulting Rates

## Senior Executive Consultant

**Rate:** \$150.00 per hour

Bob Gattis, Randy Dipner, Kent Kelley

## Independent Licensed Architect

**Rate:** \$150.00 per hour

Darrell Vickers, AIA, LEED-AP BD+C

## Executive Consultant

**Rate:** \$120.00 per hour

Ken Heldt, Geoff Ames, Maggie Sims

## Senior Project Consultant

**Rate:** \$110.00 per hour

Glenn Staton, Philip Williams, Ryan Kelley,

## Project Consultant

**Rate:** \$90.00 per hour

Chris Phelps, Jesse Fackelman, Nick Kelley, Paul Simmons, Zack Kelley, David Butkus

## Field Technician/Administration

**Rate:** \$70.00 per hour

Brandi Abeyta, Brandon Poulos, Chris Heldt, Chris Murphy, Jordan Beecham