

SECOND AMENDMENT TO MASTER SERVICES AGREEMENT

THIS SECOND AMENDMENT TO MASTER SERVICES AGREEMENT ("Amendment") is made and entered into effective this ____ day of _____, 2016 ("Effective Date"), by and between the CITY OF COMMERCE CITY, a Colorado home rule municipality whose address is 7887 East 60th Avenue, Commerce City, Colorado ("City"), and ATKINS NORTH AMERICA, INC., a Florida corporation whose principal business address is 4030 W. Boy Scout Boulevard, Suite 700, Tampa, FL 33607 ("Contractor"), to amend the Master Services Agreement dated March 1, 2016 ("Agreement"). In consideration of the mutual covenants and agreements contained in this Amendment, the sufficiency of which is acknowledged, the parties agree as follows:

1. Services. Section II(B) is amended to read as follows:

The total amount of compensation paid under this Agreement shall not exceed a maximum aggregate amount of \$693,075.00 (including all years and any Services performed under this Agreement), unless an amendment to this Agreement is approved by the City Council of the City.

2. Remainder of Agreement in Full Force and Effect. Except as otherwise provided by this Amendment, all other terms and conditions of the Agreement shall remain unchanged and in full force and effect and shall apply to this Amendment.

3. Authority. The parties represent and warrant that they have taken all actions necessary to legally authorize the undersigned signatories to execute this Amendment on behalf of the parties and to bind the parties to its terms.

4. Counterparts; Execution. This Amendment may be executed in any number of counterparts, each deemed to be an original, and, taken together will constitute one and the same instrument. Signature pages may be executed via "wet" signature or electronic mark and the executed signature pages may be delivered using pdf or similar file type transmitted via electronic mail, cloud based server, e-signature technology or other similar electronic means.

5. Headings. Paragraph headings used in this Amendment are for convenience of reference and shall in no way control or affect the meaning or interpretation of any provision of this Amendment.

[Remainder of this page intentionally blank. Signature page(s) follow(s)]

IN WITNESS WHEREOF, the parties have executed this Amendment as of the Effective Date.

CITY OF COMMERCE CITY

Brian K. McBroom, City Manager

ATTEST:

APPROVED AS TO FORM:

Laura J. Bauer, MMC, City Clerk

Robert Sheesley, Interim City Attorney

Recommended for approval:

Maria D'Andrea, Director
Public Works

ATKINS NORTH AMERICA, INC.

Dan Liddle, Division Manager
[must be notarized]

STATE OF COLORADO)
) ss.
COUNTY OF _____)

The foregoing Agreement was acknowledged before more this _____, 2016
by Dan Liddle, Division Manager of Atkins North America, Inc.

Witness my hand and official seal.

My commission expires:_____.

Notary Public