

### THIRD AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT

THIS THIRD AMENDMENT ("Amendment") is made and entered into effective this \_\_\_\_ day of \_\_\_\_\_, 2019 (the "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 (the "City"), and ATKINS NORTH AMERICA, INC., a Florida corporation authorized to conduct business in the State of Colorado whose principal business address is 4030 W. Boy Scout Boulevard, Suite 700, Tampa, FL 33607 ("Contractor"), to amend the Professional Services Agreement dated December 12, 2016 ("Agreement"). In consideration of the mutual covenants and agreements contained in this Amendment, the sufficiency of which is acknowledged, the parties agree to amend the Agreement as follows:

1. Services. The Services are amended to include:
  - a. Additional engineering consulting services required for the Colorado Boulevard and 72<sup>nd</sup> Avenue Rail Line Station Area Improvements for project completion as set forth in Exhibit A.
2. Compensation. Section A of the Agreement is amended to increase the total compensation payable under the Agreement in the amount of \$49,990 to complete the additional engineering services identified, for a total sum not to exceed \$460,990.
3. Term: The Term of the Agreement is extended through October 31, 2019.
4. 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.
5. 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.
6. Counterparts. This Amendment may be executed in any number of counterparts, each of which shall be deemed to be an original and all such counterparts taken together shall be deemed to constitute one and the same instrument.
7. 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, City Attorney

Recommended for approval:

\_\_\_\_\_  
Joe Wilson, Director of Public Works

**ATKINS NORTH AMERICA, INC.**

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David Nemovitz, PE Division Manager