

FOURTH AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT

THIS FOURTH AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT (“Amendment”) is made and entered into effective this ____ day of _____, 2017 (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 HDR ENGINEERING, INC., a Nebraska corporation whose principal business address is 8404 Indian Hills Drive, Omaha, NE 68114 (“Contractor”), to amend the Professional Services Agreement dated November 10, 2014 (“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 Section 1(a) The Services are amended to include:
 - a. Contractor will provide the services set forth in Exhibit A, Amendment 2 (the “Services), attached and incorporated by reference.
2. Compensation. Section Section 2 (a) of the Agreement is amended to increase the total compensation payable under the Agreement in the amount of \$399,269 to a total sum not to exceed of \$2,419,944.
3. 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.
4. 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.
5. Counterparts; Execution. This Agreement 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.
6. 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 McBroom, City Manager
City Manager's Office

ATTEST:

APPROVED AS TO FORM:

Laura J. Bauer, MMC, City Clerk

Robert Sheesley, City Attorney

Recommended for approval:

Michelle Halstead, External Affairs Director
City Manager's Office

HDR ENGINEERING, INC.

Brad Martin, Vice President
[must be notarized]

STATE OF COLORADO)
) ss.
COUNTY OF _____)

The foregoing Agreement was acknowledged before me on _____, 201____,
by _____ (Name), _____ (Title),
of _____.

Witness my hand and official seal.

My commission expires:_____.

Notary Public

EXHIBIT A

Highway 2 Widening Scope of Services

EXHIBIT A

Commerce City Highway 2 Widening

Amendment #4

August 2017

Scope of Services

This project includes the following scope of services:

- Condemnation Support of BNSF & V-Co Enterprises
- Advanced Pre-emption Calculation Revisions to support PUC Agreements
- On-going BNSF Railroad Coordination
- Highway 2 Re-design to stay out of BNSF ROW
- Derby Area Parking Lot Design
- Right of Way Services
- Project Management & Design Services During Construction

Deliverables

- ✓ Highway 2 re-design schedule
- ✓ Draft roll plot for the re-design of Highway 2 to Avoid BNSF
- ✓ Responses to draft design comments
- ✓ Final revised and stamped plans for the re-design of Highway 2 to avoid BNSF ROW
- ✓ Draft roll plot for the re-design of the Derby Parking Area
- ✓ Responses to draft design comments
- ✓ Revised and stamped plans for the re-design of the Derby Parking Area
- ✓ Responses to Highway 2 Construction Requests for Information (RFIs)
- ✓ Monthly invoices
- ✓ Prepare for and hold design coordination meetings