

THIRD AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT

THIS THIRD AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT (“Amendment”) is made and entered into effective this ____ day of _____, 2024 (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 Huitt-Zollars, Inc., a TEXAS corporation whose principal business address is 555 17th St., Ste. 900 Denver, CO 80202 (“Contractor”), to amend the Professional Services Agreement dated November 29, 2022 (“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. Exhibit A of the agreement is amended to add Tasks 7-13, as detailed in Exhibit 1 of this amendment.

2. Compensation: Section II / Paragraph A of the agreement is amended to increase the total compensation payable under the Agreement by \$443,123.20. Under no circumstances shall the Contractor’s total compensation for services performed under this agreement exceed \$1,365,318.24

3. Compensation: Exhibit A of the Agreement, “Cost” is amended to read:

Under no circumstances shall the compensation due and owing to the Contractor for performance of the services described herein exceed \$1,365,318.24

4. Time for Completion: Contractor shall complete all Services to the City’s satisfaction by no later than September 30, 2024.

5. 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.

6. 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.

7. 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.

8. 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 Third Amendment as of the Effective Date.

CITY OF COMMERCE CITY

Jason R. Rogers, City Manager
City Manager's Office

ATTEST:

APPROVED AS TO FORM:

Dylan A. Gibson, City Clerk

John-Patrick Sansom, Assistant City Attorney

HUITTZOLLARS, INC.

Signature

Wendy L. Amann, Vice President, Managing Principal
Printed Name, Title

[must be notarized unless Section is removed by City Attorney]

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing Agreement was acknowledged before me on _____, 20____,
by _____ (Name), _____ (Title),
of _____.

Witness my hand and official seal.

My commission expires:_____.

Notary Public