

ADAMS COUNTY, COLORADO  
SECOND ADDENDUM TO THE  
CONSTRUCTION AGREEMENT  
WITH SEMA CONSTRUCTION, INC.

THIS SECOND ADDENDUM TO CONSTRUCTION AGREEMENT ("Second Addendum") is entered into this 8<sup>th</sup> day of May, 2013, by and between the Board of County Commissioners of Adams County, Colorado, located at 4430 South Adams County Parkway, Brighton, CO 80601, hereinafter referred to as the "County," and SEMA Construction, Inc., located at 7353 South Eagle Street, Centennial, Colorado 80112, hereinafter referred to as the "Contractor."

RECITALS

WHEREAS, on November 30, 2009, the County entered into a Construction Agreement with SEMA Construction, Inc., to furnish all labor, machinery, equipment, materials and supplies necessary to perform all of the work shown on the plans and described in the specifications, and in all other documents incorporated into the Agreement by reference entitled:

Invitation for Bid: 2009 Pecos Street Grade Separation  
Federal Aid Project No. ES6 C120-018  
Construction Project Code No. 17330  
County Project No. 2009-00004

WHEREAS, the County and the Contractor amended the Construction Agreement to expand the scope of work on March 23, 2011, and,

WHEREAS, the County and the Contractor extended the term of the Agreement until February 1, 2012, and,

WHEREAS, the County and the Contractor mutually deleted the second sentence in SECTION VIII (A) CHANGE ORDERS OR EXTENSIONS of the Agreement, and,

WHEREAS, the County and the Contractor mutually desire to extend the term of the Agreement until December 31, 2013, and,

WHEREAS, the County and the Contractor mutually desire to amend the Construction Agreement to expand the scope of work described in Exhibit "A", attached hereto and incorporated in this Second Addendum, and,

NOW, THEREFORE, for the consideration set forth herein, the sufficiency of which is mutually acknowledged by the parties, the County and the Contractor agree as follows:

1. The County shall reimburse the Contractor for the work provided under this Second Addendum in accordance with Section V of the Construction Agreement in the amount not to exceed seven hundred thousand dollars (\$700,000.00).
2. The contract completion date is extended to December 31, 2013.
3. The Construction Agreement and this Second Addendum contain the entire understanding of the parties hereto and neither it, nor the rights and obligations hereunder, may be changed, modified, or waived except by an instrument in writing that is signed by both parties. Any terms, conditions, or provisions of the Construction Agreement that are not amended or modified by this Second Addendum shall remain in full force and effect. In the event of any conflicts between the terms,

conditions, or provisions of the Construction Agreement and this Second Addendum, the terms, conditions, and provisions of this Second Addendum shall control.

4. The Recitals contained in this Second Addendum are incorporated into the body hereof an accurately reflect the intent and agreement of the parties.
5. This Second Addendum may be executed in multiple counterparts, each of which shall be deemed to be an original and all of which taken together shall constitute one and the same agreement.
6. Nothing expressed or implied in this Second Addendum is intended or shall be construed to confer upon or to give to, any person other than the parties, any right, remedy, or claim under or by reason of this First Addendum or any terms, conditions, or provisions hereof. All terms, conditions, and provisions in this Second Addendum by and on behalf of the County and the Contractor shall be for the sole and exclusive benefit of the County and the Contractor.
7. If any provision of this Second Addendum is determined to be unenforceable or invalid for any reason, the remainder of the Second Addendum shall remain in effect, unless otherwise terminated in accordance with the terms contained in the Construction Agreement.
8. Each party represents and warrants that it has the power and ability to enter into this Second Addendum, to grant the rights granted herein, and to perform the duties and obligations herein described.

IN WITNESS WHEREOF, the County and the Contractor have caused their names to be affixed.

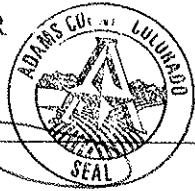
BOARD OF COUNTY COMMISSIONERS  
ADAMS COUNTY, COLORADO

[Signature]  
Chairman

5-21-13  
Date

ATTEST:  
KAREN LONG  
CLERK AND RECORDER

[Signature]  
Deputy Clerk



Approved as to form:  
[Signature]  
Adams County Attorney's Office


SEMA Construction, Inc.  
[Signature]  
Name T. Brett Ames  
District President

May 8, 2013  
Date

Title

Signed and sworn to before me on this 8th day of May, 2013 by

\_\_\_\_\_  
Notary Public  
My commission expires on: \_\_\_\_\_

 <b>ADAMS COUNTY PUBLIC WORKS</b> <b>CHANGE ORDER</b> <b>ADAMS COUNTY</b> <small>COLORADO</small>	Project No.: ES6 C120-018	Project Code (SA#): 17330 (IMP2009-00004)
	Location: Pecos Street; 56 <sup>th</sup> Ave. to I-76	
Contractor: SEMA Construction, Inc.	Date: 10/01/2012	Project Order No.: 10
Complete Address: 7353 S. Eagle Street, Centennial, CO 80112	Estimated cost to project: Increase      Decrease      \$ 0	Total additional days allowed to complete work: 0
Modification Title: Landfill Cap (Final Soil Cover)		Federal Oversight? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Your contract is hereby modified to include placing a landfill Cap (final soil cover) over the solid waste area encountered within the limits of the project and development, submittal of the associated Final Cover Construction Report to CDPHE for review and approval with 30 days of construction completion. The area of disturbance is located under Osage bridge, south of BNSF railroad tracks 30'south, 30'north, 20'east, and 20'west of Pier 2 (between Osage bridge Sta.604+06 to 604+66). Based on the Colorado Department of Public Health and Environment (CDPHE) the landfill cap must be placed and/or replaced according to the "Pecos Street Grade Separation Final Soil Cover Construction Quality Assurance/ Quality Control Plan" dated November 12, 2010 as approved by the Colorado Department of Public Health and Environment (CDPHE) and Section 203 Embankment Material, revision dated November 12, 2010. All work shall be done in accordance with the 2005 Colorado Department of Transportation Standard Specifications for Road and Bridge Construction, the project plans, the project special provisions, the attached specifications, and as directed by the Project Engineer.

The following items are hereby added to your contract at agreed unit prices:

ITEM NO.	ITEM DESCRIPTION	UNIT	EST. QTY.	UNIT PRICE	COST
000-00030	Construction Engineering	LS	1	\$ 14,190	\$ 14,190.00
202-00060	Embankment Material	CY	1670	\$ 11.57	\$ 19,321.90
207-00205	Top Soil	CY	95	\$ 11.00	\$ 1,045.00
212-00006	Seeding (Native)	ACRE	2	\$ 1,100	\$ 220.00
212-00047	Soil Preparation (Special)	ACRE	2	\$ 1.10	\$ .22
216-00039	Soil Retention Blanket	SY	968	\$ 1.54	\$ 1,490.72
250-00010	Environmental Health and Safety	LS	1	\$ 8,250	\$ 8,250.00
625-00000	Construction Surveying	LS	1	\$ 1,100	\$ 1,109.28
626-00000	Mobilization	LS	1	\$ 7,950	\$ 7,950.00
Total					\$ 53,577.12


The following existing bid items are hereby modified as follows:

ITEM NO.	ITEM DESCRIPTION	UNIT	EST. QTY.	UNIT PRICE	COST
700-70010	F/A Minor Contract Revision	F A	-53577.12	\$ 1.00	\$ (53,577.12)
Total Modified Items					\$ (53,577.12)
Total Change Order Cost					\$ 0.00

Should Federal funds not be available to cover these additional costs, or FHWA decides not to participate in these costs, the Local agency agrees to provide the required funds.

Adams County has approved this Change Order by signing below.

I hereby accept this order, for work to be performed and prices on which payment is to be based.			
REQUIRED IN ACCORDANCE WITH INSTRUCTIONS IN THE CDOT CONSTRUCTION MANUAL		REQUIRED FOR ALL CHANGE ORDERS	
Approved by FHWA Operations Engineer:	Date:	Authorized by Project Engineer:	Date:
OPTIONAL for additional funding requests		Contractor Representative:	Date:
Approved by Board of County Commissioners:	Date:	Approved by Construction Manager:	Date:
Approved by Resident Engineer:	Date:	Participating    Non-participating    Participation as noted	Date:
Approved Funding by Public Works Director:			Date:

 <b>ADAMS COUNTY</b> COLORADO	<b>ADAMS COUNTY PUBLIC WORKS CHANGE ORDER</b>		Project No.: ES6 C120-018	Project Code (SA#): 17330 (IMP2009-00004)
	Location: Pecos Street; 56 <sup>th</sup> Ave. to I-76			Date: 05/10/2012
Contractor: SEMA Construction, Inc.		Estimated cost to project: Increase      Decrease      \$ 0		
Complete Address: 7353 S. Eagle Street, Centennial, CO 80112		Total additional days allowed to complete work: 0	Federal Oversight? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Modification Title: 59th Avenue removal and relocation of fence and gate				

Your contract is hereby modified to remove 290 (LF) of fence and reset (1) gate along the south side of 59<sup>th</sup> Avenue between Sta.500+ 35 to Sta.503+50 RT. This work removes fence and resets a gate that has been installed per the plans. All work shall be done in accordance with the attached 59<sup>th</sup> Ave. hydrant revision # 28 dated 05-07-12 and the 2005 Colorado Department of Transportation Standard Specifications for Road and Bridge Construction, the revised project plans, the project special provisions, and as directed by the Project Engineer.

The following items are hereby added to your contract at agreed unit prices:

ITEM NO.	ITEM DESCRIPTION	UNIT	EST. QTY.	UNIT PRICE	COST
210-01000	Removal of fence	LF	290	\$ 4.40	\$ 1,276.00
210-01011	Reset Gate	EA	1	\$ 5,845.13	\$ 5,845.13
<b>Total Added Items</b>					<b>\$ 7,121.13</b>

The following existing bid items are hereby modified as follows:

ITEM NO.	ITEM DESCRIPTION	UNIT	EST. QTY.	UNIT PRICE	COST
700-70010	F/A Minor Contract Revision	F A	(7121.13)	\$ 1.00	\$ (7,121.13)
<b>Total Modified Items</b>					<b>\$ (7,121.13)</b>
<b>Total Change Order Cost</b>					<b>\$ 0.00</b>

Should Federal funds not be available to cover these additional costs, or FHWA decides not to participate in these costs, the Local agency agrees to provide the required funds.

Adams County has approved this Change Order by signing below.

I hereby accept this order, for work to be performed and prices on which payment is to be based.			
<b>REQUIRED IN ACCORDANCE WITH INSTRUCTIONS IN THE CDOT CONSTRUCTION MANUAL</b>		<b>REQUIRED FOR ALL CHANGE ORDERS</b>	
Approved by FHWA Operations Engineer:	Date:	Authorized by Project Engineer: <i>[Signature]</i>	Date: 2/28/13
<b>OPTIONAL for additional funding requests</b>		Contractor Representative:	Date:
Approved by Board of County Commissioners:	Date:	Approved by Construction Manager: <i>[Signature]</i>	Date: 4-24-13
Approved by Resident Engineer:	Date:	Participating      Non-participating      Participation as noted	
Approved Funding by Public Works Director:			Date: