

ADAMS COUNTY, COLORADO  
SECOND ADDENDUM TO THE  
CONSTRUCTION AGREEMENT

THIS SECOND ADDENDUM TO CONSTRUCTION AGREEMENT ("Second Addendum") is entered into this 14<sup>th</sup> day of April, 2014, 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 Brannan Sand and Gravel Company, located at 2500 E. Brannan Way, Denver, Colorado 80229, hereinafter referred to as the "Contractor."

RECITALS

WHEREAS, on June 17, 2013, the County entered into a Construction Agreement with Brannan Sand and Gravel Company, 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: 2013.065  
County Project No. IMP 2013-00006

WHEREAS, the County issued Change Orders 1 through 4, and 6 through 11 to the Contractor, none of which encumbered any additional funds for the Project; and,

WHEREAS, the County amended the agreement on February 24, 2014, to expand the scope of work for the Berkley Neighborhood Infrastructure Improvements; and,

WHEREAS, the County and the Contractor mutually desire to amend the Construction Agreement to expand the scope of work described in Exhibit "A", hereto attached as reference to Addendum Two.

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 of two hundred ninety two thousand six hundred thirteen dollars (\$292,613). The County has appropriated \$292,613 for this Addendum
2. 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.
3. The Recitals contained in this Second Addendum are incorporated into the body hereof and accurately reflect the intent and agreement of the parties.
4. 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.
5. 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 Second 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.

6. 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.
7. 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.

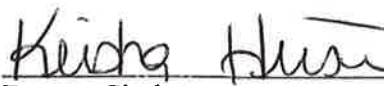
IN WITNESS WHEREOF, the County and the Contractor have caused their names to be affixed.

BOARD OF COUNTY COMMISSIONERS  
ADAMS COUNTY, COLORADO

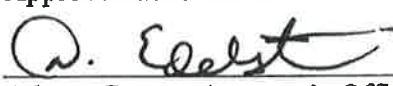
  
Chairman

4-14-14  
Date

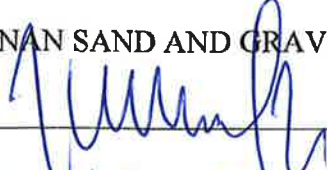
ATTEST:  
KAREN LONG  
CLERK AND RECORDER

  
Deputy Clerk



Approved as to form:  
  
Adams County Attorney's Office

BRANNAN SAND AND GRAVEL COMPANY

  
Name  
J.C. Marvel, Jr.; Manager/Secretary  
Title

03/19/2014  
Date

Signed and sworn to before me on this 19th day of March, 2014 by

J.C. Marvel, Jr.



  
Notary Public  
My commission expires on: 12-10-14





Exhibit "A"

 <b>ADAMS COUNTY</b> <small>COLORADO</small>	<b>ADAMS COUNTY PUBLIC WORKS</b> <b>CHANGE ORDER</b>		Project No.: IMP2013-00006	Project Code (SA#): W 33171301
	Location: 2013 Street Maintenance Project (Various Locations)			Date: 12/13/2013
Contractor: Brannan Sand and Gravel Company			Estimated cost to project: Increase xxx Decrease \$292,613.00	
Complete Address: 2500 E. Brannan Way, Denver, Colo. 80229			Total additional days allowed to complete work: 0	Federal Oversight? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Modification Title: <b>Additional Aggregate Base Course (Class 6) Shouldering, Muck Excavation, Flagging</b>				

Your contract is hereby modified to add additional quantity of Aggregate Base Course (Class 6), Muck Excavation, and Flagging. All work shall be completed in accordance with the 2011 Colorado Department of Transportation Standard Specifications for Road and Bridge Construction, the project plans, the project special provisions, and as directed by the Project Manager/Engineer. No additional time will be added to the contract.

The quantities of the following existing contract items are hereby modified as follows:

ITEM NO.	PAY ITEM DESCRIPTION	EST. QTY.	UNIT	PRICE	AMOUNT BID
203-00100	Muck Excavation	1450	C.Y.	\$30.04	\$43,558.00
304-06000	Aggregate Base Course (Class 6)	5000	TON	\$32.72	\$163,600.00
630-00000	Flagging	4050	HRS	\$21.10	\$85,455.00
					<b>\$292,613.00</b>

Total Change Order Cost \$292,613.00

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: 3/10/2014
OPTIONAL for additional funding requests		Contractor Representative:	Date: 3/10/2014
Approved by Board of County Commissioners:	Date:	Approved by Construction Manager:	Date: 3-12-14
		Participating <input type="checkbox"/> Non-participating <input type="checkbox"/> Participation as noted <input type="checkbox"/>	
		Approved Funding by Public Works Director:	Date: 3/13/14