

ADAMS COUNTY, COLORADO
FIRST ADDENDUM TO
CONSTRUCTION AGREEMENT

THIS FIRST ADDENDUM TO CONSTRUCTION AGREEMENT ("First Addendum") is entered into this 13th day of October, 2015, by and between the Board of County Commissioners of Adams County, Colorado, located at 4430 South Adams County Parkway, Brighton, CO 80601, and Foothills Paving & Maintenance, Inc. located at 15485 W. 44th Avenue, Suite C, Golden, CO 80403, hereinafter referred to as the "Contractor."

RECITALS

WHEREAS, on June 4, 2015, the County entered into a Construction Agreement with Foothills Paving & Maintenance, Inc. to furnish all of the 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 in the 2015.424 Seal Program Bid Documents; and,

WHEREAS, the term of the agreement expired on September 15, 2015; and,

WHEREAS, the County and the Contractor mutually desire to extend the Construction Agreement through November 30, 2015 to allow the Contractor time to complete the additional work described in "Exhibit A".

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 First Addendum in accordance with Section IV of the Construction Agreement. Adams County will pay the Contractor for additional emergency repairs in the amount of seventy-one thousand nine hundred ten dollars (\$71,910.00).
2. The term of the Construction Agreement is extended through November 30, 2015.
3. The Construction Agreement and this First 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 First 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 First Addendum, the terms, conditions, and provisions of this First Addendum shall control.
4. The Recitals contained in this First Addendum are incorporated into the body hereof and accurately reflect the intent and agreement of the parties.

5. This First 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 First 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 First 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 First Addendum is determined to be unenforceable or invalid for any reason, the remainder of the First 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 First Addendum, to grant the rights granted herein, and to perform the duties and obligations herein described.

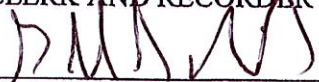
IN WITNESS WHEREOF, the County and the Contractor have caused their names to be affixed.

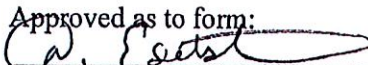
Board of County Commissioners'


Chairman

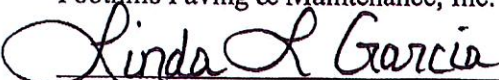
13 Oct 2015
Date

ATTEST:
STAN MARTIN
CLERK AND RECORDER


Deputy Clerk

Approved as to form:

Adams County Attorney's Office

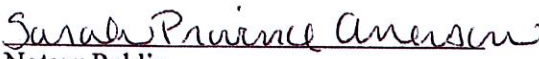
Foothills Paving & Maintenance, Inc.


Signature

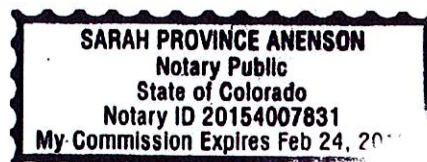
Oct 7, 2015
Date

Signed and sworn to before me on this 7 day of October, 2015 by

Linda L. Garcia


Notary Public

My commission expires on: Feb 24, 2019



Pursuant to Colorado Revised Statute, § 8-17.5-101, et.seq., as amended 5/13/08, as a prerequisite to entering into a contract for services with Adams County, Colorado, the undersigned Contractor hereby certifies that at the time of this certification, Contractor does not knowingly employ or contract with an illegal alien who will perform work under the attached contract for services and that the Contractor will participate in the E-Verify Program or Department program, as those terms are defined in C.R.S. § 8-17.5-101, et. seq. in order to confirm the employment eligibility of all employees who are newly hired for employment to perform work under the attached contract for services.

Foothills Paving & Maintenance, Inc. 10/7/15
Company Name Date


Lori Garcia
Name (Print or Type)


Signature

Gm
Title

2015.470 Seal Program/Addendum One

Exhibit "A"

 ADAMS COUNTY TRANSPORTATION DEPARTMENT CHANGE ORDER	Project Id No.: 30557822	Project Code (SA#): IMP2015-00009
	Location: Various Locations in Adams County	
Contractor: Foothills Paving & Maintenance, Inc.	Date: 8/7/15	Project Order No.: 001
Complete Address: 15485 West 44 th Ave, Suite C, Golden, CO 80403	Estimated cost to project: Increase x Decrease \$ 71,910.00	
Modification Title: Change Order #001-Add Items to Contract	Total additional days allowed to complete work: 0	Federal Oversight? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Your contract is hereby modified to add multiple new pay items. The following items shall be added to your contract, Aggregate Base, Asphalt Patch, Hot Pour Crack Seal, Asphalt Special (Wide Cracks), Mobilization, and Traffic Control. All work shall be performed per the Project Special Provisions, Standard Special Provisions, Standard Specifications, M&S Standards, Contract, and as directed by the Project Engineer.

The following new bid items are added at the unit price as follows:

ITEM NO.	PAY ITEM DESCRIPTION	EST. QTY.	UNIT	PRICE	AMOUNT BID
304-06000	Aggregate Base	35	TN	\$ 66.00	\$ 2,310.00
403-00720	Asphalt Patch	35	TN	\$ 210.00	\$ 7,350.00
408-01000	Hot Pour Crack Seal	10	TN	\$ 3,350.00	\$ 33,500.00
408-01400	Asphalt Special (Wide Cracks)	5	TN	\$ 3,850.00	\$ 19,250.00
626-00000	Mobilization	1	LS	\$ 3,000.00	\$ 3,000.00
630-00012	Traffic Control	1	LS	\$ 6,500.00	\$ 6,500.00
	Total Modified Items				\$ 71,910.00

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: <i>Rudra Sengupta</i>	Date: 8/25/15
OPTIONAL for additional funding requests		Contractor Representative: <i>H. H.</i>	Date: 8-25-15
Approved by Board of County Commissioners:	Date:	Approved by Construction Manager: <i>Ken V.</i>	Date: 8-25-15
		Participating <input type="checkbox"/> Non-participating <input type="checkbox"/> Participation as noted <input type="checkbox"/>	
		Approved Funding by Transportation Director: <i>[Signature]</i>	Date: 9-17-15