

**THIRD AMENDMENT TO LYNN R. MORGAN WATER TREATMENT FACILITY
EXPANSION CMAR CONTRACT**

This Third Amendment to Lynn R. Morgan Water Treatment Facility Expansion CMAR Contract (the "Second Amendment") is made and entered into this 28th day of January, 2020 (the "Effective Date") by and between the Town of Erie, a Colorado municipal corporation with an address of 645 Holbrook Street, P.O. Box 750, Erie, Colorado 80516 (the "Town"), and Garney Companies, Inc., an independent contractor with a principal place of business at 7911 Shaffer Parkway, Littleton, Colorado 80127 ("Contractor") (each a "Party" and collectively the "Parties")

WHEREAS, on December 26, 2018, the Parties entered into the Lynn R. Morgan Water Treatment Facility Expansion CMAR Contract (the "Contract"); and

WHEREAS, on February 26, 2019, the Parties entered into the First Amendment to the Contract; and

WHEREAS, on May 14, 2019, the Parties entered into the Second Amendment to the Contract; and

WHEREAS, the Parties wish to amend the Contract a third time as provided herein.

NOW THEREFORE, for the consideration hereinafter set forth, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Section 5.02 of the Contract is hereby amended by the addition of new subsection B, to read as follows:

5.02. Construction phase services:

B. In full consideration of Contractor's Services during the Construction Phase of this Contract, Owner will pay to Contractor an additional \$184,915 for the extension of the 30-inch waterline from the south property line of the water treatment plant property south past the extension of Marfell Street into Rex Ranch Filing 2. This payment is in addition to the previously authorized Pre-Construction Phase Services of \$24,210, the early procurement of membranes from Evoqua Water Technologies for \$2,011,057 and the Construction phase services of \$8,750,768.

2. Except as expressly modified herein and by the First Amendment and Second Amendment, the Contract shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties have executed this Second Amendment as of the Effective Date.

TOWN OF ERIE, COLORADO

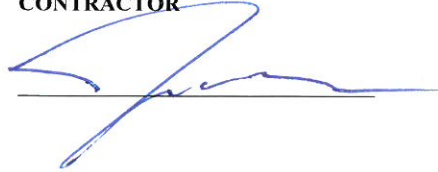
Jennifer Carroll, Mayor

ATTEST:

Joanne Salser, Deputy Town Clerk

CONTRACTOR

By:



STATE OF COLORADO)
COUNTY OF Jefferson) ss.

The foregoing instrument was subscribed, sworn to and acknowledged before me this 20th
day of January, 2020, by J Del Heimbeck as Director
of Garney Companies, Inc.

My commission expires:

(S E A L)

6-17-21


Notary Public

