

AMENDATORY AGREEMENT

THIS AMENDATORY AGREEMENT is made between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado (hereinafter referred to as the “City”), and **JBK HOTELS, LLC**, a Delaware limited liability company, whose address is 270 St Paul Street, Suite 200, Denver, CO 80206 and with a mailing address of Po Box 158, Golden, CO 80402 (the “Contractor”, jointly “the Parties” and individually a “Party.”)

WHEREAS, the Parties entered into an Agreement dated May 13, 2020, to provide necessary meal services in response to the COVID-19 public health crisis (the “Agreement”). The Parties now wish to modify the Agreement by increasing the contract funds in the amount of Three Hundred Fifty-Four Thousand Two Hundred dollars (\$354,200.00) and by extending the term of the Agreement as set forth below.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties incorporate the recitals set forth above and agree as follows:

1. Section 3 of the Agreement, titled “**TERM**,” is amended to read as follows:

“**3. TERM:** The term of this Agreement shall begin on the date the City delivers a fully executed electronic copy of this Agreement via electronic mail to the Contractor at jonathangandhi@gmail.com (the “Effective Date”) and terminate at 11:59 P.M. MST on December 31, 2020 (“Term”), *provided, however*, the Parties agree that the Term shall not extend beyond the duration of the Public Health Emergency, as that term is defined under the Nationwide Emergency Declaration and the City may terminate this Agreement at any time upon expiration of the Public Health Emergency or as otherwise stated herein.”

2. Section 4.4.1 of the Agreement, under the title “**Maximum Contract Amount**,” is amended to read as follows:

“**4.4.1.** Notwithstanding any other provision of the Agreement, the City’s maximum payment obligation will not exceed Seven Hundred Eighty-Four Thousand Seven Hundred Dollars (\$784,700.00) (the “Maximum Contract Amount”). The City is not obligated to execute an Agreement or any amendments for any further services, including any services performed by the Contractor beyond that specifically described in **Exhibit A**. Any services performed beyond those in **Exhibit A** or performed outside the Term are performed at the Contractor’s risk and without authorization under the Agreement.”

3. Except as amended here, the Agreement is affirmed and ratified in each and every particular.

4. This Amendatory Agreement is not effective or binding on the City until it has been fully executed by all required signatories of the City and County of Denver, and if required by Charter, approved by the City Council.

End.

Signature pages and Exhibits follow this page.

Contract Control Number: FINAN-202055636-01 (ALF: FINAN-202054604-01)
Contractor Name: JBK HOTELS, LLC

IN WITNESS WHEREOF, the parties have set their hands and affixed their seals at Denver, Colorado as of:

SEAL

CITY AND COUNTY OF DENVER:

ATTEST:

By:

APPROVED AS TO FORM:

REGISTERED AND COUNTERSIGNED:

Attorney for the City and County of Denver

By:

By:

By:

Contract Control Number:
Contractor Name:

FINAN-202055636-01 (ALF: FINAN-202054604-01)
JBK HOTELS, LLC

By: (See attached)_____

Name: (See attached)_____
(please print)

Title: (See attached)_____
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)

Contract Control Number:
Contractor Name:

FINAN-202055636-01
JBK HOTELS, LLC

By:  _____

Name: Jonathan Gandhi
(please print)

Title: Manager
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)