

## AMENDATORY AGREEMENT

**THIS AMENDATORY AGREEMENT** is made and entered into by and between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado (the "City"), and **SMG**, formerly known as **SPECTACOR MANAGEMENT GROUP**, a Pennsylvania general partnership, whose address is 701 Market Street, 4th Floor, Philadelphia, PA, 19106 (hereinafter referred to as "SMG")(together, the "Parties").

### WITNESSETH:

**WHEREAS**, the City and SMG entered into an Agreement dated November 18, 2008, pursuant to which SMG provides the City stagehand staffing and payroll services as needed to various City venues and facilities (the "Agreement"); and

**WHEREAS**, the City and SMG wish to amend the Agreement, to extend its term and increase the total amount payable to SMG for its services;

**NOW, THEREFORE**, in consideration of the premises and the mutual covenants and obligations herein set forth, the Parties agree as follows:

1. Section 4 of the Agreement, entitled "**Term of Agreement**", is amended to read as follows:

"4. **Term of Agreement**: The term of this Agreement shall commence on January 1, 2009 (the "Effective Date") and expire on December 31, 2014, unless earlier terminated in accordance with the terms of the Agreement."

2. The first sentence of subsection 6.C. of the Agreement is amended to read as follows:

"Notwithstanding any other provision of this Agreement, in no event shall the City be liable under the terms of this Agreement for any amount in excess of the sum of Twenty-five Million Dollars (\$25,000,000.00)."

3. The Agreement is amended to add a new section 43, as follows:

"43. **Electronic Signatures And Electronic Records**: SMG consents to the use of electronic signatures by the City. The Agreement, and any other documents requiring a signature hereunder, may be signed electronically by the City in the manner specified by the City. The Parties agree not to deny the legal effect or enforceability of the Agreement solely

because it is in electronic form or because an electronic record was used in its formation. The Parties agree not to object to the admissibility of the Agreement in the form of an electronic record, or a paper copy of an electronic document, or a paper copy of a document bearing an electronic signature, on the ground that it is an electronic record or electronic signature or that it is not in its original form or is not an original.”

3. As herein amended, the Agreement is affirmed and ratified in each and every particular.

Contract Control Number: CE93004 (1)

Vendor Name: S M G

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:

DOUGLAS J. FRIEDNASH, Attorney  
for the City and County of Denver

By \_\_\_\_\_

By \_\_\_\_\_

By \_\_\_\_\_



Contract Control Number: CE93004 (1)

Vendor Name: S M G

By: John F. Burns

Name: John F. Burns  
(please print)

Title: CFO  
(please print)

ATTEST: [if required]

By: Jackie Mumliss

Name: Jackie Mumliss  
(please print)

Title: Administrative Assistant  
(please print)

