

SEVENTH AMENDATORY COMPOSTING AGREEMENT

This **SEVENTH AMENDATORY COMPOSTING AGREEMENT** is made between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado (the “City”) and **WASTE MANAGEMENT DISPOSAL SERVICES OF COLORADO, INC.**, a Colorado corporation, with its principal place of business located at 5500 S. Quebec Street, Suite 250, Greenwood Village, Colorado 80111 (hereinafter referred to as “WMC” or “Contractor”), jointly (“the Parties”).

RECITALS:

A. The City and Waste Management of Colorado, Inc. entered into a Composting Agreement dated December 10, 2015, an Amendatory Agreement dated January 16, 2019, a Second Amendatory Agreement dated September 26, 2019, a Third Amendatory Agreement dated January 7, 2021, a Fourth Amendatory Agreement dated September 21, 2021, a Fifth Amendatory Composting Agreement dated December 7, 2022, and a Sixth Amendatory Composting Agreement dated January 5, 2024 (collectively, the “Agreement”) to operate a composting facility at the Denver Arapahoe Disposal Site landfill.

B. On or about October 26, 2022, Waste Management of Colorado, Inc. assigned its rights and obligations under the Agreement to Waste Management Disposal Services of Colorado, Inc.

C. The Parties wish to amend the Agreement to extend the term and update subsection 23.2-Examination of Records and Audits.

NOW THEREFORE, in consideration of the premises and the Parties’ mutual covenants and obligations, the Parties agree as follows:

1. Section 1 of the Agreement entitled “**Term**”, subsection 1.1 is hereby deleted in its entirety and replaced with:

“1.1 The term (“**Term**”) of this Agreement will begin **January 1, 2016** and extend until **December 31, 2027**. The Term may be extended by written agreement of the Parties. WMC or the City may terminate this Agreement for convenience after providing one-hundred eighty (180) days written notice to the other Party.”

2. Section 23 of the Agreement entitled “**Examination of Records and Audits.**”, subsection 23.2 is hereby deleted in its entirety and replaced with:

“23.2 Any authorized agent of the City, including the City Auditor or his or her representative, has the right to access, and the right to examine, copy and retain copies, at City’s election in paper or electronic form, any pertinent books, documents, papers and records related to WMC’s performance pursuant to this Agreement, provision of any goods or services to the City, and any other transactions related to this Agreement. WMC shall cooperate with City representatives and City representatives shall be granted access to the foregoing documents and information during reasonable business hours and until the latter of three (3) years after the final payment under the Agreement or expiration of the applicable statute of limitations. When conducting an audit of this Agreement, the City Auditor shall be subject to government auditing standards issued by the United States Government Accountability Office by the Comptroller General of the United States, including with respect to disclosure of information acquired during the course of an audit. No examination of records and audits pursuant to this paragraph shall require WMC to make disclosures in violation of state or federal privacy laws. WMC shall at all times comply with D.R.M.C. 20-276.”

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

4. This Seventh Amendatory Agreement will not be 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.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.]

[SIGNATURE PAGES FOLLOW]

Contract Control Number: ESEQD-202474884-07 / ENVHL-201524286-07
Contractor Name: WASTE MANAGEMENT DISPOSAL SERVICES OF COLORADO, INC.

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:

ESEQD-202474884-07 / ENVHL-201524286-07
WASTE MANAGEMENT DISPOSAL SERVICES OF
COLORADO, INC.

By:  _____
2662860BF4064CA...

Name: Scott Bradley
(please print)

Title: President
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)