

AMENDMENT TO LEASE AGREEMENT

THIS AMENDMENT TO LEASE AGREEMENT (“Amendment”) is made and entered into by and between the **CITY AND COUNTY OF DENVER**, a home rule municipal corporation of the State of Colorado (the “City” or “Landlord”) and the **STATE OF COLORADO** (the “State”), acting by and through the Department of Personnel & Administration (hereinafter referred to as “Tenant”). Both Landlord and Tenant may be referred to individually as a “Party”, and shall collectively hereinafter be referred to as “Parties” to this Amendment.

WITNESSETH:

WHEREAS, the Parties entered into a Lease Agreement dated April 4, 2020 (the “Lease”) whereby the Landlord leased unto Tenant certain Premises at the Colorado Convention Center located at 700 14th Street, Denver, Colorado; and

WHEREAS, the Parties wish to amend the Lease to, amongst other things, extend the term of the Lease.

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

1. Capitalized Terms: Capitalized terms herein shall have the same meaning as is ascribed to such terms in the Lease, unless otherwise defined herein.

2. Premises. The first sentence of Section 1(B)(3) of the Lease is amended to read as follows:

“The Premises are to be used and occupied solely for the purpose of accommodations for patients recovering from COVID-19.”

3. Term: Section 1(B) of the Lease is amended to provide that the initial term of the Lease is until June 30, 2020 (“Term”), at and for a monthly rental (the “Monthly Rent”) for the full term as shown below:

<u>TERM DATES</u>	<u>MONTHLY RENT</u>	<u>INITIAL TERM RENT</u>
Commencement Date – 06/30/2020	\$30 per bed/per day times 2,000 = \$60,000/day	\$5,280,000

4. Renewal Option: Section 37 of the Lease, entitled “Additional Provisions”, is amended to the add following subpart (E):

“(E) Renewal Term. Provided this Lease is in full force and effect and the Parties mutually agree no later than thirty (30) calendar days prior to expiration of the then-

current term, the Parties may extend the Lease for up to three (3) additional three-month terms (“**Renewal Term**”), for a potential total extension of nine (9) months, by both Parties executing a letter of extension for each Renewal Term. The letter(s) of extension shall be executed by both Parties no later than twenty (20) calendar days prior to the expiration of the then-current term. On behalf of the City, the Director of Denver Arts & Venues or the Director’s authorized designee shall have the authority to execute the letter(s) of extension. Each Renewal Term shall be subject to the same terms and conditions of the Lease, including the amount of Monthly Rent.”

5. Examination of Records. Section 32 of the Lease is deleted in its entirety and replaced with the following provision:

“32. EXAMINATION OF RECORDS. 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 the Tenant’s performance pursuant to this Lease, provision of any goods or services to the City, and any other transactions related to this Lease. The Tenant 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 final closeout by FEMA or expiration of the applicable statute of limitations. When conducting an audit of this Lease, 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 the Tenant to make disclosures in violation of state or federal privacy laws. The Tenant shall at all times comply with D.R.M.C. 20-276.”

6. Compliance. Section 38 of the Lease is amended to read as follows:

“THIRD PARTY COMPLIANCE. The Tenant recognizes City’s prevailing wage and personnel requirements and Tenant will require all third parties to comply with the terms of this Lease in connection with the Building and Premises.”

7. Sanitization and Decontamination Upon Surrender. The **Exhibit D** attached to the Lease and referenced under Section 37(D) of the Lease is deleted in its entirety and replaced with the **Exhibit D** attached hereto.

8. Ratification: Except as herein amended, the Lease is affirmed and ratified in each and every particular.

9. City’s Execution of Amendment. This Amendment is expressly subject to, and shall not be or become effective or binding on the City until approval by its City Council and full execution by all the signatories set forth below.

[SIGNATURE PAGE(S) FOLLOW]

EXHIBIT D

Post use CLEANING/DISINFECTION Protocol for Colorado Convention Center Exposition Halls used as alternate care site for COVID-19 Patients

This protocol does not address selection and use of PPE, nor the process for donning and doffing PPE.

This protocol does not address cleaning staff competence in the use of PPE, or the practice of cleaning. All cleaning staff must be appropriately trained in the use of selected PPE, and in the use of cleaning products, their proper application, and safety.

Progress and Order of Cleaning

Cleaning staff and teams must work from core areas of the room, or from back corners of a room, toward doors. Similarly cleaning teams must work from building interiors toward building exits.

Areas within a large facility must be designated clean with appropriate signage as soon as they are cleaned so they will not be re-entered or put into use again with items and staff who have not been through cleaning and disinfection.

Clean areas must be set-up for temporary storage of cleaned equipment and hardware within large facilities.

Using Disinfectants

Cleaning staff must use disinfectant cleaning products that are approved by the EPA as effective against the infectious agents targeted. To combat COVID-19, cleaning staff must use commercial disinfectants the USEPA has approved for use against emerging viral pathogens including the virus SARS-CoV-2 which is the cause of COVID-19. EPA maintains an online list here:

<https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2>

Cleaning staff must follow the instructions on the label of the disinfectant cleaner used. Disinfection, the process of killing or inactivating pathogens, including viruses, takes time, often called dwell time or contact time. Surfaces to be disinfected must remain wet with disinfectant, usually a liquid coating or spray coating of fine droplets, for the entire period of time recommended on the label. This dwell or contact time may be as short as 30 seconds or as long as 10 minutes, depending upon the chemical and the pathogen.

Liquid disinfectants that quickly bead-up on smooth or non-stick surfaces may be less effective, by leaving some surface area dry between beads or droplets. Use a disinfectant that coats well, or use a application process such as wiping or spreading, which causes the liquid to more uniformly coat the material being cleaned.

Failure to following proper use of disinfectant cleaners per instructions on the label, may result in insufficient disinfection and the transport of active pathogens.

If using a locally prepared chlorine bleach solution, add a small amount of surfactant, such as dish or laundry detergent, to the solution to reducing beading.

Using Locally Prepared Chlorine Bleach Solution

A locally prepared chlorine bleach solution must be prepared using fresh commercial chlorine bleach concentrate product, such as a laundry bleach with an approximate concentration of 6% hypochlorite. Hypochlorite, the active ingredient in liquid chlorine bleach, diminishes in concentration over time. Do not use a bleach concentrate at or beyond its shelf-life. Do not use a chlorine bleach concentrate from a container that has been opened and in use for more than 2-weeks.

A locally prepared chlorine bleach solution will degrade quickly after it is prepared and will become an ineffective disinfectant after several hours through loss of chlorine. Discard a locally prepared chlorine bleach solution after 4 hours, and prepare a new solution just before it is intended for use.

The following are CDC guidelines to locally prepare a chlorine bleach solution effective against the virus which causes COVID-19 using common household laundry bleach (approximately 6% hypochlorite):

- Mix 5 tablespoons (1/3rd cup) bleach per gallon of water, or
- Mix 4 teaspoons bleach per quart of water.

These formulae will produce a solution with a minimum 1000 parts-per-million concentration of hypochlorite. A small amount of a surfactant may be added to improve liquid film formation when applied to smooth surfaces.

A locally prepared chlorine bleach solution produced in this manner requires a liquid film contact time of 1-minute on a smooth, non-porous, surface to effectively inactivate the virus which causes COVID-19.

Removing soil

Areas that are visibly soiled or stained must be cleaned before final disinfection. Soils and stains are a substrate material, however thin, that can harbor microbial pathogens, such as the virus which causes COVID-19, and make the pathogens difficult to impact with disinfectant agents. Attempts to disinfect a soiled or stained surface may be ineffective. If soil or a stain cannot be removed, the impacted material must be removed and safely discarded.

Soiled or stained carpet that cannot be cleaned must be cut out and discarded.

Trash Management and Waste Disposal

All wastewaters, including spent disinfectants solutions at read-to-use concentrations may be discharged to areas sinks, toilets and floor drains inside of the facility. Un-used, expired and waste chemical products must be contained in suitable packaging for storage and removal from the facility.

Waste solids, such as used wiping cloths, paper towels, mop heads and small disposable applicators, plus empty packaging of these items must be placed in heavy duty (at least 3-mil) plastic trash bags. Bags should be filled to not more than two-thirds full, then sealed or drawn closed per manufacturer's instructions. Bags of trash should then be taped shut in a manner which prevents the escape of dust and air during handling. Bags of trash generated in facility cleaning are not medical waste and are not subject to special medical or biohazardous waste management requirements. Bags of trash generated in facility cleaning may be disposed of in facility dumpsters.

Bed and Patient Care Areas: Bed and patient care areas require comprehensive cleaning and disinfection due to the likelihood of contamination by bodily fluids released in patient care, especially clinical practices likely to produce aerosols.

Bathrooms and showers: Clean all tile and non-porous surfaces using a high-volume low pressure spray of a suitable disinfectant. Coat all surfaces with a wet film of disinfectant and allow to air dry beyond the prescribed contact time

Equipment: Establish a common equipment disinfection area or contaminant reduction zone just outside of patient care areas. Move equipment to that a common disinfection area. Instruments that have been sheathed during use by a disposable covering must still be disinfected. The disposable sheath should be rolled-up gently, turning inside-out, then discarded in a trash receptacle dedicated to contaminated materials.

Disinfect all equipment with appropriate cleaner for the nature of the instrument. Apply disinfectant to instrument legs, base, and casters not well covered by a disposable sheath. Also apply disinfectant to all high touch areas on the instrument -switches, knobs and key-pads, and all thru-fittings where hoses and cords attached to the instrument. Disinfect all cords, cables and permanent umbilicals to the instrument.

Move disinfected equipment to a clean zone or a ready for transport or ready for re-deployment zone.

Bed/cot sheets and blankets: All sheets and blankets used in patient care must be gently rolled-up and placed into a plastic trash bag. Trash bags for used bedding must be at least 3-mil in thickness. Fill bags to not more than two-thirds capacity, sealed closed per manufactured instructions, then additionally taped closed to prevent escape of air and dust when the bag is transported. Label bags appropriately. Used bedding may be laundered off site or appropriately discarded in a manner that prevents re-use.

Beds/cots: Disinfect plastic covered mattresses with a suitable disinfectant cleaner. Disinfect all bed and cot frames, railings, articulated joints, posts and floor supports and casters. Once disinfected, beds and cots may be moved to a clean zone, a ready for transport zone, or ready for re-deployment zone.

Partitions: Bed and patient care area partitions must be cleaned and disinfected with an appropriate disinfectant cleaner. Remove visible soil and stains from panels, and then disinfect both sides of the partition panel. Similarly clean and disinfect all parts of the partition frame, including the floor

supports and panel-to-panel attachment hardware. Once cleaned and disinfected, the panels may be stacked and moved to a clean zone.

Flooring and carpet: Clean all hard flooring (concrete, painted or epoxy sealed concrete, stone, ceramic and plastic and synthetic tile and sheet flooring) through wet-mopping with an appropriate disinfectant cleaner. A best practice is to leave a wet sheen on the floor through the entire advised disinfectant contact time and allow the disinfectant cleaner to air dry following prescribed time.

Carpet must be wet cleaned: wetted with a suitable disinfectant cleaner and then liquid vacuum extracted. Wetting by disinfectant must be for the minimum advised contact of product dwell time before it is extracted. Once extracted, carpet may be air dried using fans.

Lab Areas: Clean lab areas in the same manner used for instruments and hard surfaces and flooring. All desk and countertop surfaces must be cleaned of soils and stains then disinfected with a suitable chemical product, observing the prescribed product wet contact time.

Administrative and Pharmacy Areas: Clean and disinfect all tables, desk and countertops, including the edge and lower edge of tables, desks and counters where clothing often rubs, and where staff may grab to pull themselves forward or back.

Apply disinfectant cleaner to all high-touch surfaces and observe the cleaning and contact time recommended on the label. High touch surfaces are all items typically grabbed or held by persons: door handles, the front edge of doors from waist height up, remote controls, light and electronic control panels, switch plates and areas where the hand brushes next to knobs and switches, all areas around handles, and large items where staff grab them adjustment, and the arms of chairs.

Disinfect fabric covered items and upholstered chairs through application of a suitable liquid disinfectant solution either by electrostatic sprayer or high volume low pressure canister sprayer. Surface fabric must be fully wetted during the required dwell time for the disinfectant to be effective. Beyond the prescribed dwell time the fabric or upholstery may be air-dried or vacuumed dry.

LANDLORD

CITY AND COUNTY OF DENVER

TENANT

STATE OF COLORADO

Jared S. Polis, Governor

The Department of Personnel & Administration

By: _____
Authorized Signatory

By: _____
Kara Veitch, Executive Director

Name (Print) Title (Print)

Date: _____

REAL ESTATE PROGRAMS

STATE OF COLORADO

Jared S. Polis, Governor

DEPARTMENT OF PERSONNEL & ADMINISTRATION

Office of State Architect, For the Executive Director

ALL CONTRACTS MUST BE APPROVED BY THE STATE CONTROLLER:

CRS 24-30-202 requires that the State Controller approve all State contracts. This contract is not valid until the State Controller, or such assistant as he may delegate, has signed it. The Landlord is not authorized to begin performance until the contract is signed and dated below. If performance begins prior to the date below, the State of Colorado may not be obligated to pay for the good and/or services provided.

By: _____

Date: _____

OFFICE OF RISK MANAGEMENT

STATE OF COLORADO

Jared S. Polis, Governor

DEPARTMENT OF PERSONNEL & ADMINISTRATION

For the Executive Director

STATE OF COLORADO

Jared S. Polis, Governor

STATE CONTROLLER'S OFFICE

State Controller (or authorized Delegate)

By: _____

State Risk Manager

By: _____

Date: _____

Date: _____

LEGAL REVIEW

DEPARTMENT OF LAW

Philip J. Weiser, Colorado Attorney General

ATTORNEY GENERAL (or authorized Delegate)

By: _____

Date: _____

Contract Control Number:
Contractor Name:

THTRS-202054319-01
STATE OF COLORADO

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:

THTRS-202054319-01
STATE OF COLORADO

By: _____

Name: _____
(please print)

Title: _____
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)

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