

SECOND AMENDATORY AGREEMENT

THIS SECOND AMENDATORY AGREEMENT is made between the **CITY AND COUNTY OF DENVER** and **NORTHWEST CASCADE, INC.**

RECITALS:

WHEREAS, the Parties entered into an Agreement dated June 7, 2023, and an Amendatory Agreement dated October 24, 2023 (the “Agreement”), to provide portable toilet rental services as described in the Agreement.

WHEREAS, the Parties now wish to amend the Agreement to extend the Term, increase the Maximum Contract Amount and to make such other amendments as are herein set forth.

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

1. Capitalized terms used but not defined herein shall have the meanings given them in the Agreement.

2. In **Exhibit A, Scope of Work**, the table titled “Pricing” is hereby deleted and replaced with **Exhibit A-2 Pricing** attached hereto and incorporated herein.

3. Section 2 of the Agreement, entitled “**TERM:**”, is amended to read as follows:

“**2. TERM:** The Agreement will commence on June 1, 2023 and will expire on May 31, 2028 (the “Term”). The Term may be extended for an additional one (1) one (1) year renewal terms by the City under the same terms and conditions by a written amendment to this Agreement. Subject to the Director’s (as defined in Paragraph 3, below) prior written authorization, the Contractor shall complete any work in progress as of the expiration date and the Term will extend until the work is completed or earlier terminated by the Director.”

4. Section 5 of the Agreement, entitled “**COMPENSATION AND METHOD OF PAYMENT:**”, Subsection 5.1 entitled “**Fee:**”, is amended to read as follows:

“**5.1 Fee:** The City shall pay, and the Contractor shall accept as the sole compensation for Services rendered, performance measures achieved, and costs incurred under the Agreement, the amount of **TEN MILLION DOLLARS AND ZERO CENTS (\$10,000,000.00)**. Amounts billed may not exceed the foregoing amount.”

5. Section 5 of the Agreement, entitled “**COMPENSATION AND METHOD OF PAYMENT:**”, Subsection 5.4 entitled “**Maximum Contract Amount:**”, Subparagraph 5.4.1 is amended to read as follows:

5.4 Maximum Contract Amount:

“**5.4.1** Notwithstanding any other provision of the Agreement, the City’s maximum payment obligation will not exceed **TEN MILLION DOLLARS AND ZERO CENTS (\$10,000,000.00)** (the “Maximum Contract Amount”). The City is not obligated to execute an agreement or any amendments to this Agreement for any further services, including any Services, performed by Contractor beyond that specifically described in Exhibit A. Any services performed beyond those in **Exhibit A** are performed at Contractor’s risk and without authorization under the Agreement.”

6. A new section 45 entitled “**COMPLIANCE WITH DENVER WAGE LAWS:**”, is hereby being added to the Agreement to read as follows:

45. COMPLIANCE WITH DENVER WAGE LAWS: To the extent applicable to the Contractor’s provision of Services hereunder, the Contractor shall comply with, and agrees to be bound by, all rules, regulations, requirements, conditions, and City determinations regarding the City’s Minimum Wage and Civil Wage Theft Ordinances, Sections 58-1 through 58-26 D.R.M.C., including, but not limited to, the requirement that every covered worker shall be paid all earned wages under applicable state, federal, and city law in accordance with the foregoing D.R.M.C. Sections. By executing this Agreement, the Contractor expressly acknowledges that the Contractor is aware of the requirements of the City’s Minimum Wage and Civil Wage Theft Ordinances and that any failure by the Contractor, or any other individual or entity acting subject to this Agreement, to strictly comply with the foregoing D.R.M.C. Sections shall result in the penalties and other remedies authorized therein.”

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

8. This Second 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.

[SIGNATURE PAGES FOLLOW.]

Contract Control Number: GENRL-202683472-02[GENRL-202367547-02]
Contractor Name: NORTHWEST CASCADE, 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:

GENRL-202683472-02[GENRL-202367547-02]
NORTHWEST CASCADE, INC.

By:  Signed by:
D443E57FF52E498...

Name: Greg Potts
(please print)

Title: CEO
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)

Exhibit A.2 Pricing										
Row ID	Source Group	Source Item	Description of Unit	Description of Rental	Rental Period	Original Contract Amount			2 year Extension	
						Unit Price Year 1	Unit Price Year 2	Unit Price Year 3	6/1/2026 - 5/31/2027	6/1/2027-5/31/2028
1	Group 1 - Citywide service not including DEN	1	Standard Portable Toilet	One (1) Service Weekly (Cleaning)	28 days	\$80.00	\$82.40	\$84.87	\$87.42	\$90.04
2	Group 1 - Citywide service not including DEN	1A	Add Hand Sanitizer	Add Hand Sanitizer	28 days	\$5.00	\$5.15	\$5.30	\$5.46	\$5.62
3	Group 1 - Citywide service not including DEN	2	Standard Portable Toilet	Two (2) Services Weekly	28 days	\$175.00	\$180.25	\$185.66	\$191.23	\$196.97
4	Group 1 - Citywide service not including DEN	2A	Add Hand Sanitizer	Add Hand Sanitizer	28 days	\$10.00	\$10.30	\$10.61	\$10.93	\$11.26
5	Group 1 - Citywide service not including DEN	3	Standard Portable Toilet	Three (3) Services Weekly	28 days	\$300.00	\$309.00	\$318.27	\$327.82	\$337.65
6	Group 1 - Citywide service not including DEN	3A	Add Hand Sanitizer	Add Hand Sanitizer	28 days	\$10.00	\$10.30	\$10.61	\$10.93	\$11.26
7	Group 1 - Citywide service not including DEN	4	Standard Portable Toilet	Four (4) Services Weekly	28 days	\$425.00	\$437.75	\$450.88	\$464.41	\$478.34
8	Group 1 - Citywide service not including DEN	4A	Add Hand Sanitizer	Add Hand Sanitizer	28 days	\$10.00	\$10.30	\$10.61	\$10.93	\$11.26
9	Group 1 - Citywide service not including DEN	5	Standard Portable Toilet	Five (5) Services Weekly	28 days	\$550.00	\$566.50	\$583.50	\$601.01	\$619.04
10	Group 1 - Citywide service not including DEN	5A	Add Hand Sanitizer	Add Hand Sanitizer	28 days	\$20.00	\$20.60	\$21.22	\$21.86	\$22.51
11	Group 1 - Citywide service not including DEN	6	Standard Portable Toilet	Six (6) Services Weekly	28 days	\$700.00	\$721.00	\$742.63	\$764.91	\$787.86
12	Group 1 - Citywide service not including DEN	6A	Add Hand Sanitizer	Add Hand Sanitizer	28 days	\$20.00	\$20.60	\$21.22	\$21.86	\$22.51
13	Group 1 - Citywide service not including DEN	7	Standard Portable Toilet	Seven (7) Services Weekly	28 days	\$875.00	\$901.25	\$928.29	\$956.14	\$984.82
14	Group 1 - Citywide service not including DEN	7A	Add Hand Sanitizer	Add Hand Sanitizer	28 days	\$20.00	\$20.60	\$21.22	\$21.86	\$22.51
15	Group 1 - Citywide service not including DEN	8	Standard Portable Toilet	1 extra weekly service	Per Service	\$30.00	\$30.90	\$31.83	\$32.78	\$33.77
16	Group 1 - Citywide service not including DEN	8A	Add Hand Sanitizer	Add Hand Sanitizer	Per Service	\$5.00	\$5.15	\$5.30	\$5.46	\$5.62
17	Group 1 - Citywide service not including DEN	9	ADA Compliant Handicap Portable Toilet	One (1) Service Weekly	28 days	\$130.00	\$133.90	\$137.92	\$142.06	\$146.32
18	Group 1 - Citywide service not including DEN	9A	Add Hand Sanitizer	Add Hand Sanitizer	28 days	\$5.00	\$5.15	\$5.30	\$5.46	\$5.62
19	Group 1 - Citywide service not including DEN	10	ADA Compliant Handicap Portable Toilet	Two (2) Services Weekly	28 days	\$235.00	\$242.05	\$249.31	\$256.79	\$264.49
20	Group 1 - Citywide service not including DEN	10A	Add Hand Sanitizer	Add Hand Sanitizer	28 days	\$10.00	\$10.30	\$10.61	\$10.93	\$11.26
21	Group 1 - Citywide service not including DEN	11	ADA Compliant Handicap Portable Toilet	Three (3) Services Weekly	28 days	\$350.00	\$360.50	\$371.32	\$382.46	\$393.93
22	Group 1 - Citywide service not including DEN	11A	Add Hand Sanitizer	Add Hand Sanitizer	28 days	\$20.00	\$20.60	\$21.22	\$21.86	\$22.51
23	Group 1 - Citywide service not including DEN	12	ADA Compliant Handicap Portable Toilet	Four (4) Services Weekly	28 days	\$475.00	\$489.25	\$503.93	\$519.05	\$534.62
24	Group 1 - Citywide service not including DEN	12A	Add Hand Sanitizer	Add Hand Sanitizer	28 days	\$20.00	\$20.60	\$21.22	\$21.86	\$22.51
25	Group 1 - Citywide service not including DEN	13	ADA Compliant Handicap Portable Toilet	Five (5) Services Weekly	28 days	\$600.00	\$618.00	\$636.54	\$655.64	\$675.31
26	Group 1 - Citywide service not including DEN	13A	Add Hand Sanitizer	Add Hand Sanitizer	28 days	\$20.00	\$20.60	\$21.22	\$21.86	\$22.51
27	Group 1 - Citywide service not including DEN	14	ADA Compliant Handicap Portable Toilet	Six (6) Services Weekly	28 days	\$710.00	\$731.30	\$753.24	\$775.84	\$799.11
28	Group 1 - Citywide service not including DEN	14A	Add Hand Sanitizer	Add Hand Sanitizer	28 days	\$20.00	\$20.60	\$21.22	\$21.86	\$22.51
29	Group 1 - Citywide service not including DEN	15	ADA Compliant Handicap Portable Toilet	Seven (7) Services Weekly	28 days	\$925.00	\$952.75	\$981.33	\$1,010.77	\$1,041.09
30	Group 1 - Citywide service not including DEN	15A	Add Hand Sanitizer	Add Hand Sanitizer	28 days	\$20.00	\$20.60	\$21.22	\$21.86	\$22.51
31	Group 1 - Citywide service not including DEN	16	ADA Compliant Handicap Portable Toilet	1 extra weekly service	Per Service	\$50.00	\$51.50	\$53.05	\$54.64	\$56.28

32	Group 1 - Citywide service not including DEN	16A	Add Hand Sanitizer	Add Hand Sanitizer	Per Service	\$5.00	\$5.15	\$5.30	\$5.46	\$5.62
33	Group 1 - Citywide service not including DEN	17	Standard Portable Toilet	Additional Cleaning on Weekend (Scheduled)	Per Service	\$75.00	\$77.25	\$79.57	\$81.96	\$84.42
34	Group 1 - Citywide service not including DEN	18	Standard Portable Toilet	Emergency Cleaning (Within 6 hours)	Per Service	\$75.00	\$77.25	\$79.57	\$81.96	\$84.42
35	Group 1 - Citywide service not including DEN	19	ADA Compliant Handicap Portable Toilet	Additional Cleaning on Weekend (Scheduled)	Per Service	\$75.00	\$77.25	\$79.57	\$81.96	\$84.42
36	Group 1 - Citywide service not including DEN	20	ADA Compliant Handicap Portable Toilet	Emergency Cleaning (Within 6 hours)	Per Service	\$75.00	\$77.25	\$79.57	\$81.96	\$84.42
37	Group 1 - Citywide service not including DEN	21	Free Standing Hand Wash Unit	One Week Service	Weekly	\$125.00	\$128.75	\$132.61	\$136.59	\$140.69
38	Group 1 - Citywide service not including DEN	22	Free Standing Hand Wash Unit	One Day Service	Daily	\$125.00	\$128.75	\$132.61	\$136.59	\$140.69
39	Group 1 - Citywide service not including DEN	23	Free Standing Hand Wash Unit	Daily Service	Per Week	\$275.00	\$283.25	\$291.75	\$300.50	\$309.52
40	Group 2 - DEN service	23	Standard Portable Toilet with Hand Sanitizer	One (1) Service Weekly (Cleaning)	28 days	\$75.00	\$77.25	\$79.57	\$81.96	\$84.42
41	Group 2 - DEN service	24	Standard Portable Toilet with Hand Sanitizer	Two (2) Services Weekly	28 days	\$200.00	\$206.00	\$212.18	\$218.55	\$225.10
42	Group 2 - DEN service	25	Standard Portable Toilet with Hand Sanitizer	Three (3) Services Weekly	28 days	\$275.00	\$283.25	\$291.75	\$300.50	\$309.52
43	Group 2 - DEN service	26	Standard Portable Toilet with Hand Sanitizer	Four (4) Services Weekly	28 days	\$350.00	\$360.50	\$371.32	\$382.46	\$393.93
44	Group 2 - DEN service	27	Standard Portable Toilet with Hand Sanitizer	Five (5) Services Weekly	28 days	\$425.00	\$437.75	\$450.88	\$464.41	\$478.34
45	Group 2 - DEN service	28	Standard Portable Toilet with Hand Sanitizer	Six (6) Services Weekly	28 days	\$500.00	\$515.00	\$530.45	\$546.36	\$562.75
46	Group 2 - DEN service	29	Standard Portable Toilet with Hand Sanitizer	Seven (7) Services Weekly	28 days	\$600.00	\$618.00	\$636.54	\$655.64	\$675.31
47	Group 2 - DEN service	30	Standard Portable Toilet with Hand Sanitizer	1 extra weekly service	Per Service	\$30.00	\$30.90	\$31.83	\$32.78	\$33.77
48	Group 2 - DEN service	31	ADA Compliant Handicap Portable Toilet with Hand Sanitizer	One (1) Service Weekly	28 days	\$125.00	\$128.75	\$132.61	\$136.59	\$140.69
49	Group 2 - DEN service	32	ADA Compliant Handicap Portable Toilet with Hand Sanitizer	Two (2) Services Weekly	28 days	\$250.00	\$257.50	\$265.23	\$273.19	\$281.38
50	Group 2 - DEN service	33	ADA Compliant Handicap Portable Toilet with Hand Sanitizer	Three (3) Services Weekly	28 days	\$325.00	\$334.75	\$344.79	\$355.13	\$365.79
51	Group 2 - DEN service	34	ADA Compliant Handicap Portable Toilet with Hand Sanitizer	Four (4) Services Weekly	28 days	\$400.00	\$412.00	\$424.36	\$437.09	\$450.20
52	Group 2 - DEN service	35	ADA Compliant Handicap Portable Toilet with Hand Sanitizer	Five (5) Services Weekly	28 days	\$475.00	\$489.25	\$503.93	\$519.05	\$534.62
53	Group 2 - DEN service	36	ADA Compliant Handicap Portable Toilet with Hand Sanitizer	Six (6) Services Weekly	28 days	\$550.00	\$566.50	\$583.50	\$601.01	\$619.04
54	Group 2 - DEN service	37	ADA Compliant Handicap Portable Toilet with Hand Sanitizer	Seven (7) Services Weekly	28 days	\$650.00	\$669.50	\$689.59	\$710.28	\$731.59
55	Group 2 - DEN service	38	ADA Compliant Handicap Portable Toilet with Hand Sanitizer	1 extra weekly service	Per Service	\$30.00	\$30.90	\$31.83	\$32.78	\$33.77
56	Group 2 - DEN service	39	Standard Portable Toilet with Hand Sanitizer	Additional Cleaning on Weekend (Scheduled)	Per Service	\$50.00	\$51.50	\$53.05	\$54.64	\$56.28
57	Group 2 - DEN service	40	Standard Portable Toilet with Hand Sanitizer	Emergency Cleaning (Within 6 hours)	Per Service	\$70.00	\$72.10	\$74.26	\$76.49	\$78.78
58	Group 2 - DEN service	41	ADA Compliant Handicap Portable Toilet with Hand Sanitizer	Additional Cleaning on Weekend (Scheduled)	Per Service	\$50.00	\$51.50	\$53.05	\$54.64	\$56.28
59	Group 2 - DEN service	42	ADA Compliant Handicap Portable Toilet with Hand Sanitizer	Emergency Cleaning (Within 6 hours)	Per Service	\$70.00	\$72.10	\$74.26	\$76.49	\$78.78
60	Group 2 - DEN service	43	DIA Comfort Station	See Exhibit "A" (estimated 5 services per year)	Per Service	\$200.00	\$206.00	\$212.18	\$218.55	\$225.10
61	Group 2 - DEN service	44	Free Standing Hand Wash Unit	One Week Service	Weekly	\$125.00	\$128.75	\$132.61	\$136.59	\$140.69
62	Group 2 - DEN service	45	Free Standing Hand Wash Unit	One Day Service	Daily	\$125.00	\$128.75	\$132.61	\$136.59	\$140.69
63	Group 3 - Special events citywide (not DEN)	46	Portable Toilet	One Week Service	Weekly	\$125.00	\$128.75	\$132.61	\$136.59	\$140.69
64	Group 3 - Special events citywide (not DEN)	47	Portable Toilet	One Day Service	Daily	\$125.00	\$128.75	\$132.61	\$136.59	\$140.69

65	Group 3 - Special events citywide (not DEN)	48	ADA Compliant Handicap Portable Toilet	One Week Service	Weekly	\$150.00	\$154.50	\$159.14	\$163.91	\$168.83
66	Group 3 - Special events citywide (not DEN)	49	ADA Compliant Handicap Portable Toilet	One Day Service	Daily	\$150.00	\$154.50	\$159.14	\$163.91	\$168.83
67	Group 3 - Special events citywide (not DEN)	50	Free Standing Hand Wash Unit	One Week Service	Weekly	\$125.00	\$128.75	\$132.61	\$136.59	\$140.69
68	Group 3 - Special events citywide (not DEN)	51	Free Standing Hand Wash Unit	One Day Service	Daily	\$125.00	\$128.75	\$132.61	\$136.59	\$140.69
69	Group 3 - Special events citywide (not DEN)	52	Trash Box	Delivery of Trash Boxes	As Needed	\$10.00	\$10.30	\$10.61	\$10.93	\$11.26
70	Group 4 - DEN special events	53	Portable Toilet	One Week Service	Weekly	\$90.00	\$92.70	\$95.48	\$98.34	\$101.29
71	Group 4 - DEN special events	54	Portable Toilet	One Day Service	Daily	\$90.00	\$92.70	\$95.48	\$98.34	\$101.29
72	Group 4 - DEN special events	55	ADA Compliant Handicap Portable Toilet	One Week Service	Weekly	\$150.00	\$154.50	\$159.14	\$163.91	\$168.83
73	Group 4 - DEN special events	56	ADA Compliant Handicap Portable Toilet	One Day Service	Daily	\$150.00	\$154.50	\$159.14	\$163.91	\$168.83
74	Group 4 - DEN special events	57	Free Standing Hand Wash Unit	One Week Service	Weekly	\$125.00	\$128.75	\$132.61	\$136.59	\$140.69
75	Group 4 - DEN special events	58	Free Standing Hand Wash Unit	One Day Service	Daily	\$125.00	\$128.75	\$132.61	\$136.59	\$140.69
76	Group 4 - DEN special events	59	Trash Box	Delivery of Trash Boxes	As Needed	\$10.00	\$10.30	\$10.61	\$10.93	\$11.26
						Total Year 1	Total Year 2	Total Year 3	Total Year 4	Total Year 5
						\$15,155.00	\$15,609.65	\$16,078.00	\$16,560.34	\$17,057.15