

## SECOND AMENDATORY AGREEMENT

**THIS SECOND 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 **SERVICE AMERICA CORPORATION**, operating under the tradename Sodexo Live!, a Delaware corporation licensed and authorized to do business in the State of Colorado, whose address is One Landmark Square, 18th Floor, Stamford, CT 06901 (the “Concessionaire”).

### RECITALS

**WHEREAS** the City and Concessionaire entered into an Agreement dated **June 25, 2019**, and an Amendatory Agreement dated **December 12, 2020**, to provide services (the “Agreement”), and

**WHEREAS** the intent of the Parties is to completely remove and extract **Exhibit I** from this Agreement. Both Parties wish to release Concessionaire from the obligations of occupying and operating the restaurant space associated with the Colorado Convention Center that is described and depicted in **Exhibit I**. Once removed, **Exhibit I**, and the restaurant space it covers, will no longer be subject to this Agreement, Concessionaire’s obligations under this Agreement will no longer apply to the restaurant space depicted in **Exhibit I**, and the City will be at liberty to let the **Exhibit I** premises to a new tenant or new Concessionaire.

**WHEREAS** the Parties now wish to make certain modifications to the Agreement as set forth below.

The Parties agree as follows:

1. **Exhibit I**, and any reference thereto, is hereby deleted in its entirety from this Agreement.
2. Section 14 of the Agreement titled ‘*No Discrimination in Employment*’ is hereby deleted in its entirety and replaced with:

“14. *No Discrimination in Employment*: In connection with the performance of work under the Agreement, the Contractor may not refuse to hire, discharge, promote, demote, or discriminate in matters of compensation against any person otherwise qualified, solely because of race, color, religion, national origin, ethnicity, citizenship, immigration status, gender, age, sexual orientation, gender

identity, gender expression, marital status, source of income, military status, protective hairstyle, or disability. The Contractor shall insert the foregoing provision in all subcontracts.”

3. Section 38 of the Agreement titled ‘*No Employment of Illegal Aliens to Perform Work Under this Agreement*’ is hereby deleted in its entirety from this agreement and replaced as follows:

“38. *RESCINDED.*”

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

5. 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 follow this page.**

**Contract Control Number:** THTRS-202369160-02 / 201950097-02  
**Contractor Name:** SERVICE AMERICA CORPORATION  
D/B/A SODEXO LIVE!

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-202369160-02 / 201950097-02  
SERVICE AMERICA CORPORATION  
D/B/A SODEXO LIVE!

DocuSigned by:  
*Hadi Monavar*  
By: E16DA9E3D2134C4...

Name: Hadi Monavar  
(please print)

Title: EVP & CFO  
(please print)

ATTEST: [if required]

By: \_\_\_\_\_

Name: \_\_\_\_\_  
(please print)

Title: \_\_\_\_\_  
(please print)