

2009-0995-B

SECOND AMENDATORY AGREEMENT

THIS SECOND AMENDATORY AGREEMENT is made between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado (the “City”) and **BUREAU VERITAS NORTH AMERICA, INC.**, a Delaware corporation, doing business at 165 South Union Boulevard, Suite 310, Lakewood, Colorado 80228 (the “Consultant”).

RECITALS

A. The City and the Consultant entered into an Agreement dated November 3, 2009, and an Amendatory Agreement dated November 9, 2010 concerning hazardous waste remediation services for the Department of Environmental Health’s (“DEH”) (the “Agreement”).

B. The parties wish to amend the Agreement to extend the term, revise the cost schedule, and as otherwise set forth below.

NOW, THEREFORE, the parties hereby agree as follows:

1. Section 2 of the Agreement, entitled “**TERM**”, is deleted and replaced in its entirety by the following provision:

“2. TERM. The term of the Agreement will commence on November 3, 2009 and will terminate on November 3, 2012 (the “Term”).”

2. The revised Cost Schedule is attached hereto and incorporated herein as **Exhibit C-2**. All references to “Exhibit C-1” in the Agreement are hereby amended to read “Exhibit C-2” for all work performed under the Agreement after November 2, 2011.

3. Section 45, entitled “**ELECTRONIC SIGNATURES AND ELECTRONIC RECORDS**” is hereby added to the Contract to read as follows:

“45. ELECTRONIC SIGNATURES AND ELECTRONIC RECORDS: Consultant 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.”

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

5. The Second Amendatory Agreement is not effective or binding on the City until it has been fully executed by all signatories of the City and County of Denver, and if required by Charter, approved by the City Council.

6. The Consultant assures and guarantees that it possesses the legal authority, pursuant to any proper, appropriate and official motion, resolution, or action passed or taken, to enter into the Second Amendatory Agreement. The person or persons signing and executing the Second Amendatory Agreement on behalf of the Consultant hereby warrants and guarantees that the Consultant has fully authorized he or she or them to execute the Second Amendatory Agreement on behalf of the Consultant and to validly and legally bind the Consultant to all terms, performances and provisions in the Agreement as amended by the Second Amendatory Agreement set forth herein.

7. The Second Amendatory Agreement may be executed in two (2) counterparts, each of which is an original and together constitute the same instrument.

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Contract Control Number: OC91321

Vendor Name: BUREAU VERITAS NORTH AMERICA 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:

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

By _____

By _____

By _____



Contract Control Number: OC91321

Vendor Name: BUREAU VERITAS NORTH AMERICA INC

By: 

Name: Eric M Ross
(please print)

Title: Vice President
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)

