

FOURTH AMENDATORY AGREEMENT

This **FOURTH AMENDATORY AGREEMENT** is made and entered by and between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado, and **POLARIZED WATER SOLUTIONS**, a Colorado limited liability company.

RECITALS:

WHEREAS, the Parties entered into an On-Call Sand Trap/Interceptor Repair and Maintenance Services Agreement dated January 3, 2022, an Amendatory Agreement dated August 16, 2022, a Second Amendatory Agreement dated December 20, 2023, and a Third Amendatory Agreement dated November 8, 2024 (collectively, the “Agreement”) to provide services for the various Sand and Grease Traps located throughout the City; and

WHEREAS, the Parties now wish to modify the Agreement to extend the Term, increase the Maximum Contract Amount, and as otherwise set forth below.

AGREEMENT:

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

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

“**3. TERM:** The term of the Agreement started on January 1, 2022, and shall expire at 11:59:59 p.m. on December 31, 2026. This Agreement may be terminated earlier as provided in this Agreement.

2. Section 4 of the Agreement, entitled “**COMPENSATION AND PAYMENT**”, Sub-section A, entitled “**Maximum Contract Amount**”, is amended to read as follows:

“**A. Maximum Contract Amount:** The City agrees to pay the Contractor, and the Contractor agrees to accept, as the total compensation for the Work rendered and costs incurred (including all "out-of-pocket" expenses) during the term of this Agreement a sum not to exceed **ONE MILLION TWO HUNDRED THOUSAND DOLLARS AND NO CENTS (\$1,200,000.00)**, which amount shall not be exceeded unless this Agreement is modified to increase said amount by a duly authorized and written amendment to this Agreement executed by the Parties in the same manner as this Agreement. All Work is subject to inspection by the City prior to payment.”

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

4. This Fourth 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:
Contractor Name:

GENRL-202581003-04 [GENRL-202161473-04]
POLARIZED WATER SOLUTIONS, LLC

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:

Attorney for the City and County of Denver

By:

REGISTERED AND COUNTERSIGNED:

By:

By:

Contract Control Number:
Contractor Name:

GENRL-202581003-04 [GENRL-202161473-04]
POLARIZED WATER SOLUTIONS, LLC

By:

Signed by:

Justin Evett

7C66D896E434416...

Name:

Justin Evett

(please print)

Title:

COO - Pump Division

(please print)

ATTEST: [if required]

By:

Name:

(please print)

Title:

(please print)