

FIRST AMENDATORY AGREEMENT

THIS FIRST AMENDATORY AGREEMENT is made and entered into by and between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado (the “City”) and **BIOHABITATS, INC.**, a foreign corporation (the “Contractor”), jointly “the Parties.”

RECITALS

A. The Parties entered into an Agreement executed on May 31, 2022 (the “Agreement”) for the performance of certain work set forth in that Agreement and Exhibit A thereto; and

B. The Parties wish to amend the Agreement to add funds to the Agreement in order to continue the services.

NOW, THEREFORE, the Parties hereby amend the Agreement as follows:

1. Section 4.A. of the Agreement entitled “Maximum Contract Amount” is amended to read as follows:

“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 **THREE MILLION DOLLARS AND ZERO CENTS (\$3,000,000.00)** 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. Issued Work Orders or Work Order Changes shall not, individually or cumulatively, authorize the performance of Work for which the Work Project Amount(s) exceed the Maximum Contract Amount. It shall be the responsibility of the Contractor to verify that the total Work Project Amount(s) do not exceed the Maximum Contract Amount of this Agreement. All Work is subject to inspection by the City prior to payment.”

2. Section 29 of the Agreement entitled “CONFIRMATION OF LAWFUL EMPLOYMENT” is hereby rescinded and the obligations therein are no longer of any force or effect.

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

4. This First 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: PARKS-202368774-01 / 202262259-01
Contractor Name: BIOHABITATS 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:

PARKS-202368774 -01 / 202262259-01
BIOHABITATS INC

DocuSigned by:
By: Claudia Browne
93FF9008301245B...

Name: Claudia Browne
(please print)

Title: Western Operations Leader
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)