

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 **THE REGENTS OF THE UNIVERSITY OF COLORADO**, a body corporate, for and on behalf of the University of Colorado, Denver (the “University”), whose address is University of Colorado Denver, Grants & Contracts, MS F428, Anschutz Medical Campus, Bldg. 500, Rm. W1126, 13001 E. 17th Place, Box 6508, Aurora, Colorado 80045-0508.

WITNESSETH:

WHEREAS, the City and the University previously entered into an On-Call Technical and Engineering Services Agreement dated September 29, 2009, and an Amendatory Agreement dated August 31, 2010, for on-call technical and professional services (collectively, the “Agreement”); and

WHEREAS, Section 4.01 of the Agreement allows the City at its sole option to extend the initial term for up to four (4) consecutive one (1) year renewal terms; and

WHEREAS, the City desires to exercise its option to extend the Agreement for an additional one-year renewal term and the parties desire to amend the Agreement to extend the term and otherwise amend the Agreement as set forth below.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and obligations herein set forth, the parties agree as follows:

1. Section 4.01 of the Agreement, entitled “**Term**” is hereby amended to read in its entirety as follows:

“4.01 Term. The initial term of this Agreement shall commence upon execution and shall end August 28, 2010; provided, however, that any work in progress that was initiated during the term of this Agreement shall continue and be paid for hereunder until the completion thereof. All terms and conditions of the Agreement shall remain in full force and effect until such completion. This initial term may be extended upon the same terms and conditions as set forth herein, at the sole option of the City, for up to **four (4)** consecutive one (1) year renewal terms, upon written notice from the Manager issued prior to expiration of the then current term. In no event, however, shall the University’s performance under this Agreement, including the **four (4)** possible extensions, exceed a **five (5)** year period ending on month and day of the execution of this Agreement. In addition, nothing contained herein shall obligate the City to extend the Agreement beyond the initial term.

The City previously exercised its sole option to extend the term for one additional one year term ending August 28, 2011. The City hereby exercises its sole option to extend the term for a one (1) year renewal term, ending on August 28, 2012.”

2. A new Section is added to the Agreement and reads as follows:

“5.30 Electronic Signatures and Electronic Records: University 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.”

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

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Contract Control Number:

Vendor Name:

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:

By _____

By _____

By _____



Contract Control Number: OC91217

Vendor Name:

UNIVERSITY OF COLORADO AT DENVER
~~UCHSC~~



By: Christine Ahearn 9/2/11

Christine Ahearn
Assistant Director
Office of Grants and Contracts

Name: _____
(please print)

Title: _____
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)

