

## THIRD AMENDATORY AGREEMENT

This **THIRD AMENDATORY AGREEMENT** is made between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado (the “City”), and **DENVER- DBA, MCITP/MCTS COMPUTER & LIMOUSINE SERVICES, S-CORP**, a Colorado corporation located at 4966 Durham Court, Denver, Colorado 80239 (“Contractor” and, together with the City, the “Parties”).

### RECITALS:

**A.** The Parties entered into an Agreement dated June 14, 2016, an Amendatory Agreement dated August 8, 2018, and a Revival and Second Amendatory Agreement dated April 5, 2022 (collectively, the “Agreement”) for Contractor to undertake and perform the patron shuttle services for events at Red Rocks Amphitheatre as set forth in the Agreement.

**B.** The Parties wish to amend the Agreement to extend the term, increase the maximum compensation, and to make such other amendments as are herein set forth.

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

1. Capitalized terms used but not defined herein shall have the meanings given them in the Agreement.

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

“**3. TERM:** This Agreement shall commence on April 1, 2016, and shall expire on February 29, 2024 (the “Term”).”

3. Subsection a. of Section 4 of the Agreement, entitled “**COMPENSATION AND PAYMENT:**”, is hereby amended to read as follows:

“**a. Fees:** The City shall pay and Contractor shall accept as the sole compensation for services rendered and costs incurred under this Agreement no more than Nine Hundred Fifty Thousand Dollars and No Cents (\$950,000.00).”

4. In Section 4 of the Agreement, entitled “**COMPENSATION AND PAYMENT:**”, Subsection d., entitled “**Maximum Contract Amount:**”, subsection (1) is hereby amended to read as follows:

“(1) Notwithstanding any other provision of this Agreement, the City’s maximum payment obligation will not exceed Nine Hundred Fifty Thousand Dollars and No Cents (\$950,000.00). The City is not obligated to execute an agreement or any amendments to this Agreement for any further services, including any services performed by Contractor beyond that

specifically described in the Scope of Work. Any services performed beyond those in the Scope of Work are performed at Contractor's risk and without authorization under this Agreement.”

5. Contractor consents to the use of electronic signatures by the City. This Third Amendatory 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 this Third Amendatory 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 this Third Amendatory 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.

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

7. This Third 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 BALANCE OF THIS PAGE IS INTENTIONALLY LEFT BLANK;  
SIGNATURE PAGES FOLLOW.]**

**Contract Control Number:** THTRS-202366578-03/ Alfresco 201627334-03  
**Contractor Name:** Denver - DBA, MCITP/MCTS Computer & Limousine Services, S-Corp

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-202366578-03/ Alfresco 201627334-03  
Denver - DBA, MCITP/MCTS Computer & Limousine  
Services, S-Corp

DocuSigned by:  
*Gabe Yesha*  
By: 1F35DCBDE1C34D6...

Name: Gabe Yesha  
(please print)

Title: CEO  
(please print)

ATTEST: [if required]

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

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

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