

SECOND AMENDATORY AGREEMENT

THIS SECOND 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; and a First Amendatory Agreement executed on September 27, 2023 (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 extend the term of the Agreement in order to continue the services.

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

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

“The term of the Agreement runs from the Effective Date of this Agreement and expires on May 31, 2026, or until the Maximum Contract Amount specified is expended, whichever is sooner, unless this Agreement is terminated earlier as provided in this Agreement or unless this Agreement is extended as provided in a separate amendment to this Agreement (“**Term**”). If the term of any Work Order or Work Order Change extends beyond the Term specified above, this Agreement shall remain in full force and effect but only as to such Work Order or Work Order Change; however, the total amount paid to the Contractor shall not exceed the Maximum Contract Amount specified in sub-section 4.A below.”

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

3. This Second 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-202475561-02 / 202262259-02
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-202475561-02 / 202262259-02
BIOHABITATS, INC.

By:  _____
48DF604D75BE4E8...

Name: Adam Feuerstein
(please print)

Title: CFO
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)