

FIRST AMENDMENT TO AGREEMENT

THIS FIRST AMENDMENT TO AGREEMENT (“Amendment”) is made and entered into by and between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado, for and on behalf of the Department of Aviation (the "**City**"), and **MISSION YOGURT, LLC**, (the "**Concessionaire**") (collectively, the "**Parties**").

WITNESSETH:

WHEREAS, the Parties entered into Concession Agreement No. 201952055 (the "**Agreement**") for the operation of a kiosk concession at Denver International Airport ("**DEN**"); and

WHEREAS, the COVID-19 pandemic caused significant disruptions to air travel and supply chains, with resulting inflationary increases in operational and buildout costs and precipitous drops in concession sales at DEN; and

WHEREAS, the Parties agree that the unforeseen, significant increases in costs of construction and doing business under the Agreement materially hinder Concessionaire’s ability to succeed and be profitable within the Agreement’s current five-year Term; and

WHEREAS, to support and stabilize Concessionaire’s business and employees, and to ensure that essential goods and services remain available to passengers and employees at DEN, the Parties agree to extend the Agreement for two years.

NOW, THEREFORE, for and in consideration of the privileges granted by the Agreement and other good and valuable consideration, the sufficiency of which is acknowledged, the Parties hereto agree as follows:

1. The Term and the Expiration Date of the Agreement are extended by two (2) years. Hereafter, Section 1.01 of the Agreement, Summary of Contract Provisions, is modified so that the Term is increased from five (5) years to seven (7) years, and the Expiration Date is increased to August 1, 2029.
2. Section 2.01 CC’s definition for “Expiration Date” is deleted and replaced with “The 7th anniversary of the Required Opening Date.”
3. Except as provided herein, all provisions, terms and conditions of the Agreement shall remain in full force and effect as if fully set forth herein.
4. This Amendment to the Agreement shall not be effective or binding on the City until approved and fully executed by all signatories of the City and County of Denver.

**END OF AGREEMENT
SIGNATURE PAGES AND EXHIBITS TO FOLLOW**

Contract Control Number: PLANE-202264190-01
Contractor Name: MISSION YOGURT, 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:

REGISTERED AND COUNTERSIGNED:

Attorney for the City and County of Denver

By:

By:

By:

Contract Control Number:
Contractor Name:

PLANE-202264190-01
MISSION YOGURT, LLC

DocuSigned by:
By: Rod Tafoya
9300A8FE8377449...

Name: Rod Tafoya
(please print)

Title: president
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)