

FIRST AMENDMENT TO AGREEMENT

THIS FIRST AMENDMENT TO AGREEMENT (“First Amendment”) is made and entered into on the date of the City’s signature page by and between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado (“**City**”), and **KAPLAN KIRSCH ROCKWELL, LLP**, a Colorado Limited Liability Partnership (“**Special Counsel**”).

WITNESSETH:

WHEREAS, the parties entered into an Agreement dated June 26, 2018, for professional legal services for the City and County of Denver Department of Aviation (the “**Existing Agreement**”); and

WHEREAS, the parties desire to amend the Existing Agreement as hereinafter set forth;

NOW, THEREFORE, for and in consideration of the premises and other good and valuable consideration, the sufficiency of which is acknowledged, the parties hereto agree as follows:

1. Section 4. a. of the Existing Agreement, entitled “PAYMENT OF FEES AND EXPENSES,” is hereby amended and restated to read as follows:

“4. PAYMENT OF FEES AND EXPENSES:

a. The City shall pay to Special Counsel, and Special Counsel agrees to accept as full payment, fees not to exceed Eight Hundred Thousand Dollars and Zero Cents (\$800,000.00), which shall be paid from time to time on the basis of monthly statements rendered by Special Counsel to the City.”

2. Section 4. d. 1. of the Existing Agreement, entitled “Maximum Contract Amount,” is hereby amended and restated to read as follows:

“4. PAYMENT OF FEES AND EXPENSES:

d. Maximum Contract Amount:

(1) Notwithstanding any other provision of the Agreement, the City’s maximum payment obligation will not exceed **Eight Hundred Thousand Dollars and Zero Cents (\$800,000.00)** (the “Maximum Contract Amount”). The City is not obligated to execute an Agreement or any amendments for any further services, including any services performed by Special Counsel beyond that specifically stated herein. Any services performed beyond those in Exhibit A are performed at Special Counsel’s risk and without authorization under the Agreement.”

3. Except as otherwise provided herein, all of the terms, provisions, and conditions of the Existing Agreement shall remain in full force and effect as though set out in full here, and are hereby ratified and reaffirmed.

4. This First Amendment to Agreement shall not become effective or binding on the City until it is approved by the City Council if so required by the City's Charter, and it is fully executed by all signatories of the City and County of Denver.

[SIGNATURE PAGES FOLLOW]

Contract Control Number:

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: ATTNY-201841072-01

Contractor Name: KAPLAN KIRSCH ROCKWELL LLP

By: 

Name: STEPHEN H. KAPLAN
(please print)

Title: PARTNER
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)

