

## AMENDATORY AGREEMENT

**THIS AMENDATORY AGREEMENT** is made between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado (the “City”), and **ZIVARO, INC.**, a Colorado corporation, whose address is 3900 E. Mexico Avenue, Suite 1000, Denver, CO 80210 (the “Contractor”), individually a “Party” and collectively the “Parties.”

**WHEREAS**, the Parties entered into an Agreement dated August 18, 2022, to provide cloud-based data storage services (the “Agreement”); and

**WHEREAS**, the Parties now wish to modify the Agreement as set forth below.

**NOW, THEREFORE**, in consideration of the mutual covenants and agreements hereinafter set forth and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties incorporate the recitals set forth above and amend the Agreement as follows:

1. Subsection 9.4.1 of the Agreement, titled “**Maximum Contract Liability**,” is amended to read as follows:

“**9.4.1.** Notwithstanding any other provision of the Agreement, the City’s maximum payment obligation will not exceed Four Million Two Hundred Fifty Thousand Dollars (\$4,250,000.00) (the “Maximum Agreement Amount”). The City is not obligated to execute an Agreement or any amendments for any further services, including any services performed by Contractor beyond that specifically described in the attached Exhibits. Any services performed beyond those in the attached Exhibits are performed at Contractor’s risk and without authorization under the Agreement.”

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

3. This Amendatory Agreement is not 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.

**REMAINDER OF PAGE INTENTIONALLY BLANK**

**Contract Control Number:** TECHS-202368090-01 (202263433-01)  
**Contractor Name:** Zivaro, 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:**

TECHS-202368090-01 (202263433-01)  
Zivaro, Inc.

By:  \_\_\_\_\_  
C9DEC3DB0C9945D...

Name: Carolina Palacios  
(please print)

Title: Director of Contracts  
(please print)

ATTEST: [if required]

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

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

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