

2008-0249-3

FIFTH AMENDATORY AGREEMENT

THIS FIFTH AMENDATORY AGREEMENT is made between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado (the "City") and **WALSH ENVIRONMENTAL SCIENTISTS & ENGINEERS, LLC**, a Colorado limited liability company, doing business at 4888 Pearl East Circle, Suite 108, Boulder, Colorado 80301(the "Consultant").

RECITALS

A. The City entered into an agreement dated March 11, 2008, an Amendatory Agreement dated December 23, 2008, a Second Amendatory Agreement dated January 19, 2010, a Third Amendatory Agreement dated November 9, 2010, and a Fourth Amendatory Agreement dated July 11, 2011 with Consultant regarding environmental and technical services for the Denver Department of Environmental Health to support the Division of Environmental Quality's work with asbestos, lead-based paint, and indoor air quality investigations (the "Agreement").

B. The City and Consultant wish to amend the Agreement to extend the term and as otherwise set forth below.

NOW, THEREFORE, the parties hereby agree as follows:

1. Section 2 of the Agreement, entitled "**TERM**", is deleted and replaced in its entirety by the following provision:

"2. TERM. The term of this Agreement commences on January 1, 2008 and will terminate on July 31, 2012; provided however, that any work in progress initiated during the Term, as extended herein, may continue, at the Manager's sole discretion, and be paid for until completed, all terms of the Agreement remaining in force until completion thereof."

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

3. Consultant assures and guarantees that it possesses the legal authority, pursuant to any proper, appropriate and official motion, resolution, or action passed or taken, to enter into the Fifth Amendatory Agreement. The person or persons signing and executing the Fifth Amendatory Agreement on behalf of Consultant hereby warrants and guarantees that Consultant has fully authorized he or she or them to execute the Fifth Amendatory Agreement on behalf of Consultant and to validly and legally bind Consultant to all terms, performances and provisions in the Agreement as amended by the Fifth Amendatory Agreement set forth herein.

4. The Fifth Amendatory Agreement may be executed in two (2) counterparts, each of which is an original of this Agreement and together constitute the same instrument.

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Contract Control Number: OC81065

Vendor Name: WALSH ENVIRONMENTAL SCIENTISTS & ENG
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:

DOUGLAS J. FRIEDNASH, Attorney
for the City and County of Denver

By _____

By _____

By _____



Contract Control Number: OC81065

Vendor Name: WALSH ENVIRONMENTAL SCIENTISTS & ENG
LLC

By: 

Name: BRAD COLEMAN
(please print)

Title: PRINCIPAL, DENVER OFFICE MGR
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)

