

1 BY AUTHORITY

2 ORDINANCE NOW, _____

COUNCIL BILL NO. _____

3 SERIES OF 2011

COMMITTEE OF REFERENCE:

4 BUSINESS, WORKFORCE & SUSTAINABILITY

5 A BILL

6 For an ordinance approving a proposed First Amendatory Agreement between the City
7 and County of Denver and ISS Facility Services, Inc., concerning window washing
8 services at Denver International Airport.
9

10 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

11 **Section 1.** The proposed First Amendatory Agreement between the City and County of
12 Denver and ISS Facility Services, Inc., in the words and figures contained and set forth in that form
13 of the First Amendatory Agreement filed in the office of the Clerk and Recorder, Ex-Officio Clerk of
14 the City and County of Denver, on the 6th day of January, 2011, City Clerk's Filing No.
15 69-234-A is hereby approved.
16

17 COMMITTEE APPROVAL DATE: December 31, 2010

18 MAYOR-COUNCIL DATE: January 4, 2011

19 PASSED BY THE COUNCIL _____ 2011

20 _____ - PRESIDENT

21 APPROVED: _____ - MAYOR _____ 2011

22 ATTEST: _____ - CLERK AND RECORDER,
23 EX-OFFICIO CLERK OF THE
24 CITY AND COUNTY OF DENVER
25

26 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2011 _____ 2011

27 PREPARED BY: John M. Redmond, ^{JR} DATE: January 6, 2011

28 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
29 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
30 ordinance. The proposed ordinance is submitted to the City Council for approval pursuant to § 3.2.6
31 of the Charter.
32

33 David R. Fine, City Attorney

34 BY: _____, _____ City Attorney

35 DATE: January 6, 2011

FIRST AMENDATORY AGREEMENT

THIS FIRST AMENDATORY AGREEMENT is entered into this _____ day of _____, 2011 by and between the **CITY AND COUNTY OF DENVER**, a Colorado municipal corporation ("City"), Party of the First Part, and **ISS FACILITY SERVICES INC.**, a Texas corporation authorized to do business in Colorado ("Contractor"), Party of the Second Part.

WITNESSETH

WHEREAS, the parties entered into an Agreement dated April 7, 2009 ("Existing Agreement") wherein the Contractor agreed to provide window washing services for Denver International Airport; and

WHEREAS, the parties desire to amend the Existing Agreement to increase the maximum contract liability;

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

1. Paragraph 4.03 "**MAXIMUM LIABILITY**" of the Existing Agreement is hereby amended by deleting the said paragraph in its entirety and replacing it with the following:

"4.03. MAXIMUM LIABILITY:

Any other provision in this Contract notwithstanding, in no event shall the City be liable for payment under this Contract for any amount in excess of Six Million Seven Hundred Fifty- Nine Thousand Nine Hundred Dollars (\$6,759,900.00). The Maximum Contract Liability may only be increased by amendment to this Contract. All payments under this Contract shall be paid solely and exclusively from the City's "City and County of Denver, Airport System and Operation and Maintenance Fund" and from no other fund or source. The City is under no obligation to make any future apportionments or allocations to said fund."

2. 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 herein.

3. This First Amendatory Agreement shall not be effective or binding on the City until fully executed by all signatories of the City and County of Denver.

[END OF PAGE]

09-234-A

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

ATTEST:

CITY AND COUNTY OF DENVER

STEPHANIE Y. O'MALLEY, Clerk and
Recorder, Ex-officio Clerk of the City and
County of Denver

By _____
Mayor

RECOMMENDED AND APPROVED:

APPROVED AS TO FORM:

DAVID R. FINE, Attorney for the
City and County of Denver

By  _____
Manager of Aviation

By _____
Assistant City Attorney

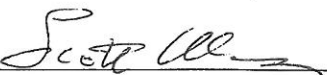
REGISTERED AND COUNTERSIGNED:

By _____
Manager of Finance
Contract Control No. CE 94010 (1)

By _____
Auditor

"CITY"

ISS FACILITY SERVICES INC.

By:  _____

Title: V.P. Aviation Div.

"CONTRACTOR"