

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, through and on behalf of its Department of Aviation (“City”), and **MERCHANT AVIATION, LLC**, a New Jersey Limited Liability Company authorized to do business in Colorado (the “**Consultant**”).

WITNESSETH:

WHEREAS, the parties entered into an Agreement for professional services related to on-call professional planning services for Denver International Airport, Contract No. 201839468 (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. The first sentence of Article IV.A of the Existing Agreement, entitled “Maximum Contract Liability,” is hereby amended and restated to read as follows:

Notwithstanding any other provision of this Agreement, in no event shall City be liable for payment for services rendered and expenses incurred by Consultant under the terms of this Agreement for any amount in excess of One Million Seven Hundred Thousand Dollars and no cents (\$1,700,000.00) (“Maximum Contract Liability”).

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 here, and are hereby ratified and reaffirmed.

3. This First Amendment to Agreement shall not become effective or binding on the City until it is approved by City Council and fully executed by all signatories of the City and County of Denver.

[SIGNATURE PAGES FOLLOW]

Contract Control Number: PLANE-202157815-01 / Alfresco 201839468-01
Contractor Name: MERCHANT AVIATION 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-202157815-01 / Alfresco 201839468-01
MERCHANT AVIATION LLC

By:  _____
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Name: Kiran Merchant
(please print)

Title: CEO
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)