

THIRD AMENDATORY AGREEMENT

This **THIRD AMENDATORY AGREEMENT** is made between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado (the “City”) and **ISTONISH, INC.**, a Colorado corporation whose address is 5500 Greenwood Plaza, Suite 200, Greenwood Village, Colorado 80111 (the “Contractor”), jointly (“the Parties”).

WITNESSETH:

A. The Parties entered into an Agreement dated October 29, 2014, a First Amendatory Agreement dated April 5, 2017, and a Second Amendatory Agreement dated December 19, 2017 (collectively, the “Agreement”) relating to remote Service Desk support, after business hours, weekends and City holidays.

B. The Parties wish to amend the Agreement to extend the term and amend the Examination of Records.

NOW THEREFORE, in consideration of the premises and the Parties’ mutual covenants and obligations, the Parties agree as follows:

1. Article 3 of the Agreement entitled **TERM** is amended to read as follows:

“**3. TERM:** The term of the Agreement is from October 1, 2014, through December 31, 2021.”

2. Article 7 of the Agreement entitled **EXAMINATION OF RECORDS** is amended to read as follows:

“**7. EXAMINATION OF RECORDS:**

Examination of Records and Audits: Any authorized agent of the City, including the City Auditor or his or her representative, has the right to access, and the right to examine, copy and retain copies, at City's election in paper or electronic form, any pertinent books, documents, papers and records related to Istonish, Inc.’s performance pursuant to this Agreement, provision of any goods or services to the City, and any other transactions related to this Agreement. Istonish, Inc. shall cooperate with City representatives and City representatives shall be granted access to the foregoing documents and information during reasonable business hours and until the latter of three (3) years after the final payment under the Agreement or expiration of the applicable statute of limitations. When conducting an audit of this Agreement, the City Auditor shall be subject to government auditing standards issued by the United States Government Accountability Office by the Comptroller General of the United States, including with respect to disclosure of information acquired during the course of an audit. No examination of records and audits pursuant to this

paragraph shall require to make disclosures in violation of state or federal privacy laws. Istonish, Inc. shall at all times comply with D.R.M.C. 20-276.”

3. As herein amended, the Agreement is affirmed and ratified in each and every particular.

4. This Third Amendatory Agreement will not be 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.

[THE BALANCE OF THIS PAGE IS INTENTIONALLY LEFT BLANK.]

Contract Control Number: TECHS-202055904-03 (TECHS201418233-03)
Contractor Name: ISTONISH 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-202055904-03 (TECHS201418233-03)
ISTONISH INC

By:  _____
A5D642313AFA4FA...

Name: Brad Rich
(please print)

Title: President
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)