

08-0249-D

FOURTH AMENDATORY AGREEMENT

THIS FOURTH 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, and a Third Amendatory Agreement dated November 9, 2010 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 add funds and as otherwise set forth below.

NOW, THEREFORE, the parties hereby agree as follows:

1. Subparagraph d(1) of Section 5 of the Agreement, entitled “**COMPENSATION AND PAYMENT**”, is deleted in its entirety and replaced by the following provision:

“(1) **Maximum Contract Liability**: Notwithstanding any other provision of the Agreement, the City’s maximum obligation under the Agreement shall not exceed **ONE MILLION TWO HUNDRED EIGHTY THOUSAND DOLLARS AND NO CENTS (\$1,280,000.00)** (the “Maximum Contract Amount”). The City is not obligated to execute any amendment or change orders for any further services, including any services performed by Consultant beyond that specifically described in or approved as provided for in the Agreement. Any services performed beyond those provided for herein are performed at Consultant’s risk and without authorization under the Agreement.”

2. Paragraph 37, entitled “**ELECTRONIC SIGNATURES AND ELECTRONIC RECORDS**,” is hereby added to the Contract to read as follows:

“**37. ELECTRONIC SIGNATURES AND ELECTRONIC RECORDS**: Consultant consents to the use of electronic signatures by the City. The Agreement, and any other documents requiring a signature hereunder, may be signed electronically by the City in the manner specified by the City. The parties agree not to deny the legal effect or enforceability of the Agreement solely because it is in electronic form or because an electronic record was used in its formation. The parties agree not to object to the admissibility of the Agreement in the form of an electronic

record, or a paper copy of an electronic document, or a paper copy of a document bearing an electronic signature, on the ground that it is an electronic record or electronic signature or that it is not in its original form or is not an original.”

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

4. 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 Fourth Amendatory Agreement. The person or persons signing and executing the Fourth Amendatory Agreement on behalf of Consultant hereby warrants and guarantees that Consultant has fully authorized he or she or them to execute the Fourth 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 Fourth Amendatory Agreement set forth herein.

5. The Fourth 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 & ENGINEERS, 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:

DAVID W. BROADWELL, Attorney
for the City and County of Denver

By _____

By _____

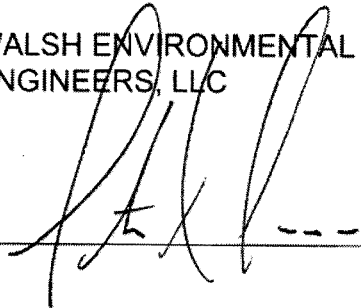
By _____



IN WITNESS WHEREOF, the parties have hereunto set their hands and affixed their seals at Denver, Colorado as of the day first above written.

Contract Control Number: OC81065 -4

Vendor Name: WALSH ENVIRONMENTAL SCIENTISTS & ENGINEERS, LLC

By:  _____

Name: STEVEN D TARASAK
(please print)

Title: Program Manager
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)

