

SECOND AMENDATORY AGREEMENT

THIS SECOND AMENDATORY AGREEMENT is made by and between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado (the "City"), and **E.T. TECHNOLOGIES, INC.**, a Utah corporation, with its principal place of business located at 10000 South Dransfeldt Road, Suite 100, Parker, Colorado 80134 (the "Contractor").

RECITALS:

A. The City and Contractor entered into an Agreement dated September 28, 2011 and an Amendatory Agreement dated July 9, 2012, (together, the "Agreement") relating to storage tank management service as set forth in the Agreement.

B. The City and Contractor wish to amend the Agreement to extend the term and increase funding as set forth below.

The parties agree as follows:

1. Section 2 of the Agreement, entitled "**TERM**," is amended by deleting the first sentence and replacing it with:

"The Agreement will commence September 1, 2011 and will expire on August 31, 2014 (the "Term")."

2. The first sentence of subparagraph d.(1) of Paragraph 5, which paragraph is entitled "**COMPENSATION AND PAYMENT**," is amended by deleting it and replacing it with:

"Notwithstanding any other provision of the Agreement, the City's maximum payment obligation shall not exceed **THREE MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS AND NO CENTS (\$3,250,000.00)** (the "Maximum Contract Amount")."

3. Except as amended in the Second Amendatory Agreement, the Agreement is affirmed and ratified in each and every particular.
4. Contractor 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 Second Amendatory Agreement. The person or persons signing and executing the Second Amendatory Agreement on behalf of Contractor hereby warrants and guarantees that Contractor has fully authorized he or she or them to execute the Second Amendatory Agreement on behalf of Contractor and to validly and legally bind Contractor to all terms, performances and provisions in the Agreement as amended by the Second Amendatory Agreement set forth herein.
5. The Second Amendatory Agreement may be executed in two (2) counterparts, each of which is an original of this Agreement and together constitute the same instrument.

2011-0797-B

Contract Control Number: ENVHL-201101761-02

Contractor Name: E.T. TECHNOLOGIES, 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:

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

By _____

By _____

By _____



Contract Control Number: ENVHL-201101761-02

Contractor Name: E.T. TECHNOLOGIES, INC.

By: Clellan E. Pearce

Name: Clellan E. Pearce
(please print)

Title: President
(please print)

ATTEST: [if required]

By: Cynthia L. Cason

Name: Cynthia L. Cason
(please print)

Title: Asst. Corp. Secretary
(please print)

