

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 **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”), jointly (“the Parties”).

WITNESSETH:

A. The Parties entered into Agreement dated October 15, 2013, a First Amendatory Agreement dated September 23, 2014, and a Second Amendatory Agreement dated September 9, 2015 (collectively, the “Agreement”) to provide on-call services for the management of hazardous materials and regulated wastes.

B. The Parties wish to amend the Agreement to extend the term and increase funding.

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

1. Section 3 of the Agreement entitled **TERM** is hereby deleted in its entirety and replaced with:

“**3. TERM:** The term of the Agreement will commence on October 15, 2013 and will expire on October 14, 2018.”

2. Section 9 of the Agreement entitled “**COMPENSATION AND PAYMENT**,” Subsection (c)(1), is hereby deleted in its entirety and replaced with:

“**9 COMPENSATION AND PAYMENT:**

(c) Maximum Contract Amount:

(1) Notwithstanding any other provision of the Agreement, the City's maximum payment obligation will not exceed **TWO MILLION DOLLARS AND NO CENTS (\$2,000,000.00)** (the "Maximum Contract Amount"). The City is not obligated to execute and Agreement or any amendments for services, including any services performed by Contractor beyond that specifically described in Exhibit A. Any services performed beyond those in Exhibit A are performed at Contractor's risk and without authorization under the Agreement.”

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.

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Contract Control Number:

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:

By _____

By _____

By _____



Contract Control Number: ENVHL-201312428-03

Contractor Name: ET TECHNOLOGIES INC

By: Clellan Pearce

Name: Clellan Pearce
(please print)

Title: President
(please print)

ATTEST: [if required]

By: Kay Smith

Name: Kay Smith
(please print)

Title: Office Manager
(please print)

