

REVIVAL AND THIRD AMENDATORY AGREEMENT

THIS REVIVAL AND THIRD AMENDATORY AGREEMENT is made between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado (the "City"), and **H.C. PECK & ASSOCIATES, INC.**, a corporation with an address of 4001 Fox Street, Denver, Colorado 80215 (the "Contractor").

WITNESSETH:

WHEREAS, the City required the services of a contractor to perform a variety of real estate consulting services; and

WHEREAS, the Contractor was selected on the basis of its experience and demonstrated ability to perform the services contemplated herein, and the City therefore entered into an agreement with the Contractor dated January 9, 2007, subsequently amended in an Amendatory Agreement dated July 22, 2008 and a Second Amendatory Agreement dated September 29, 2009 (together, the "Agreement"); and

WHEREAS, The agreement expired October 31, 2011, and the Contractor has continued to complete work in progress with the Director of Real Estate's authorization.

WHEREAS, due to the need for additional work by the Contractor, the City and the Contractor wish to revive and amend the Agreement to provide additional compensation and extend the term of the Agreement.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and obligations herein set forth the parties agree as follows:

1. That Article 2 entitled "**TERM**" of the Agreement is amended to read as follows:
 2. **TERM**: The term of the Agreement is from November 1, 2006, to October 31, 2012, unless terminated earlier pursuant to the provisions of this Agreement."
2. That Article 8.B. entitled "**Proof of Insurance**" of the Agreement is amended to read as follows:

B. Proof of Insurance: Contractor shall provide a copy of this Agreement to its insurance agent or broker. Contractor certifies that the certificate of insurance (preferably an ACORD certificate of insurance) attached as **Exhibit D** complies with all insurance requirements of this Agreement. The City's acceptance of a certificate of insurance or other proof of insurance that does not comply with all insurance requirements set forth in this Agreement shall not act as a waiver of Contractor's breach of this Agreement or of any of the City's rights or remedies under this Agreement.

The City's Risk Management Office may require additional proof of insurance, including but not limited to policies and endorsements."

3. A new Article 32, entitled "**ELECTRONIC SIGNATURES AND ELECTRONIC RECORDS**," is added to the Agreement and reads as follows:

"32. **ELECTRONIC SIGNATURES AND ELECTRONIC RECORDS**: Contractor 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."

4. Except as amended herein, the Agreement is revived, reaffirmed, and ratified in each and every particular.

5. This Revival and Third Amendatory Agreement may be executed in two (2) counterparts, each of which is an original and constitute the same instrument.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

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: GENRL-OC62046-01

Contractor Name: H C PECK & ASSOCIATES INC

By: *J E Parker*

Name: J E PARKER, Jr.
(please print)

Title: EX VICE PRESIDENT
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)

