

## **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 **THE COLORADO COALITION FOR THE HOMELESS**, a Colorado nonprofit, whose address is 2111 Champa Street, Denver, Colorado 80205 (the “Contractor”), jointly (“the Parties”).

**WHEREAS**, the Parties entered into an Agreement dated November 11, 2020, a First Amendatory Agreement dated July 16, 2021, a Second Amendatory Agreement dated November 30, 2021, (collectively, the “Agreement”) to provide rapid rehousing services to people experiencing homelessness in the Denver Area and;

**WHEREAS**, the Parties wish to amend the Agreement to update Cares Act Fund language.

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

1. Section 4 of the Agreement entitled **COMPENSATION AND PAYMENT** Sub-paragraph 4.5 entitled **CARES Act Funds** is amended to read as follows:

### **“4.5 CARES Act Funds**

4.5.1 The Contractor agrees and acknowledges that some or all of the funds encumbered by the City to pay for the services described herein have been provided in accordance with Sections 601(b) and (d) of the Social Security Act, as added by Section 5001 of the Coronavirus Aid, Relief, and Economic Security Act of 2020, Public Law No. 116-136, Division A, Title V (March 27, 2020) (the “CARES Act”). The Parties acknowledge that all funding from the CARES Act (collectively, “CRF Funds”) may only be used to cover those costs that:

4.5.1.1. Are necessary expenditures incurred due to the public health emergency with the respect to the Coronavirus Disease 2019 (“COVID-19”)

4.5.1.2. Were not accounted for in the budget most recently approved by the City; and

4.5.1.3. Were incurred for the period that begins on March 1, 2020 and ends on or before the date required for CRF Funds as specified in the CARES Act, as amended.

4.5.2. The Contractor shall only utilize CRF Funds for the purposes described in the attached Scope of Work, Exhibit A. The Contractor agrees and acknowledges that, as a condition to receiving the CRF Funds, it shall strictly follow the Federal Provisions attached hereto and incorporated herein as Exhibit C. All invoices submitted by the Contractor to the City pursuant to this Agreement shall use “COVID-19” or “Coronavirus” as a descriptor for those costs that are paid by CRF Funds to facilitate the tracking of Agreement-related spending related to COVID-19. The Contractor shall segregate and specifically identify the time and expenditures billed to the City on each invoice to allow for future review and analysis of COVID-19 related expenses.

4.5.3. The Contractor agrees and acknowledges that payment for all services performed by the Contractor using CRF Funds must comply with CRF Fund timeline guidelines. Any invoice submitted by the Contractor after the Invoice Deadline Date for work performed prior to December 30, 2020 may not be eligible to be paid by CRF Funds, and, to the extent that CRF Funds are not available to pay such invoice, partially or in total, such invoice shall only be paid subject to funds appropriated annually by the Denver City Council, paid into the Treasury of the City, and encumbered for the purpose of this Agreement.

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

3. 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:** HOST-202263262-03, GENRL-202055793-03  
**Contractor Name:** THE COLORADO COALITION FOR THE HOMELESS

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:**

HOST-202263262-03, GENRL-202055793-03  
THE COLORADO COALITION FOR THE HOMELESS

By:  \_\_\_\_\_  
DocuSigned by:  
John Parvensky  
CB0DB8BE0E684A5...

Name: John Parvensky  
(please print)

Title: President and CEO  
(please print)

ATTEST: [if required]

By: \_\_\_\_\_

Name: \_\_\_\_\_  
(please print)

Title: \_\_\_\_\_  
(please print)