

## FIRST AMENDATORY AGREEMENT

**THIS FIRST AMENDATORY AGREEMENT** is made and entered into by and between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado (the “City”) and **BEAR CREEK LANDSCAPING AND TREE SERVICE LLC**, a Colorado limited liability company (the “Contractor”), jointly “the Parties.”

### RECITALS

**A.** The Parties entered into an Agreement executed on April 5, 2021 (the “Agreement”), for the performance of certain work set forth in that Agreement and Exhibit A thereto; and

**B.** The Parties wish to amend the Agreement to extend the term dates of the Agreement in order to continue the services.

**NOW, THEREFORE**, the Parties hereby amend the Agreement as follows:

**1.** Section 3. of the Agreement entitled “**TERM**” is amended to read as follows:

“The term of the Agreement runs from **January 1, 2021 until May 31, 2024** or until the Maximum Contract Amount specified in sub-section 4.A below is expended, whichever is sooner, unless this Agreement is terminated earlier as provided in this Agreement or unless this Agreement is extended as provided in a separate amendment to this Agreement (“**Term**”). If the time needed to complete any Task Notice or amended Task Notice extends beyond the Term specified above, this Agreement shall remain in full force and effect but only as to such Task Notice or amended Task Notice; however, the total amount paid to the Contractor shall not exceed the Maximum Contract Amount specified in sub-section 4.A below.”

**2.** Section 31. of the Agreement entitled “**CONFIRMATION OF LAWFUL EMPLOYMENT**” is hereby rescinded and the obligations therein are no longer of any force or effect.

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

**4.** This First 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.

**[SIGNATURE PAGES FOLLOW]**

**Contract Control Number:** PARKS-202370958-01 / 202157702-01  
**Contractor Name:** Bear Creek Landscaping and Tree Service 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:**

Attorney for the City and County of Denver

By:

By:

\_\_\_\_\_

\_\_\_\_\_

By:

\_\_\_\_\_

**Contract Control Number:**  
**Contractor Name:**

PARKS-202370958-01 / 202157702-01  
Bear Creek Landscaping and Tree Service LLC

By: DocuSigned by:  
*William Macaluso*  
6F712141G03A41F...

Name: william macaluso  
(please print)

Title: owner  
(please print)

ATTEST: [if required]

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

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

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