

SECOND AMENDATORY AGREEMENT

THIS SECOND AMENDATORY AGREEMENT is made between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado (hereinafter referred to as the “City”), and **JBK HOTELS, LLC**, a Delaware limited liability company, whose address is 270 St Paul Street, Suite 200, Denver, CO 80206 and with a mailing address of Po Box 158, Golden, CO 80402 (the “Contractor”), jointly “the Parties” and individually a “Party.”

WHEREAS, the Parties entered into an Agreement dated May 13, 2020, and an Amendatory Agreement dated September 16, 2020, to provide necessary meal services in response to the COVID-19 public health crisis (the “Agreement”); and

WHEREAS, the Parties now wish to modify the Agreement by increasing the contract funds and by extending the term of the Agreement as set forth below.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties incorporate the recitals set forth above and agree as follows:

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

“**3. TERM:** The term of this Agreement shall begin on the date the City delivers a fully executed electronic copy of this Agreement via electronic mail to the Contractor at jonathangandhi@gmail.com (the “Effective Date”) and terminate at 11:59 P.M. MST on February 28, 2021 (“Term”), *provided, however*, the Parties agree that the Term shall not extend beyond the duration of the Public Health Emergency, as that term is defined under the Nationwide Emergency Declaration and the City may terminate this Agreement at any time upon expiration of the Public Health Emergency or as otherwise stated herein. The Parties shall have the option to extend this Agreement for four (4) additional one-month terms (through June 30, 2021) by both Parties executing a letter of extension. The letter of extension shall be executed by both Parties no later than ten (10) days prior to the expiration of the then-current term. On behalf of the City, the City’s Director of Real Estate or the Director’s authorized designee shall have authority to execute letters of extension.”

2. Section 4.4.1 of the Agreement, under the title “**Maximum Contract Amount**,” is amended to read as follows:

“**4.4.1.** Notwithstanding any other provision of the Agreement, the City’s maximum payment obligation will not exceed One Million Four Hundred Eighteen Thousand Two

Hundred Dollars (\$1,418,200.00) (the “Maximum Contract Amount”). The City is not obligated to execute an Agreement or any amendments for any further services, including any services performed by the Contractor beyond that specifically described in **Exhibit A**. Any services performed beyond those in **Exhibit A** or performed outside the Term are performed at the Contractor’s risk and without authorization under the Agreement.”

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

4. This Second Amendatory Agreement is not 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:
Contractor Name:

FINAN-202057167-02 / 202054604-02
JBK HOTELS, 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:

FINAN-202057167-02 / 202054604-02
JBK HOTELS, LLC

By: (See attached)

Name: _____
(please print)

Title: _____
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)

Contract Control Number:
Contractor Name:

FINAN-202057167-02 / FINAN-202054604-02 / FINAN-202055636-02
JBK HOTELS, LLC

By:  _____

Name: Jonathan Gandhi
(please print)

Title: Manager
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)