

ADDENDUM TO STANDARD SOFTWARE MAINTENANCE AGREEMENT

The City of Commerce City ("City") and New World Systems Corporation ("New World") agree that the "Standard Software Maintenance Agreement" covering the period from October 1, 2015 through September 30, 2020 ("Agreement") is modified to include the following terms, notwithstanding anything in the Agreement or its incorporated terms to the contrary:

1. The obligations of the City to commit or expend funds pursuant to the Agreement after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted and otherwise available. If funds sufficient to maintain the Agreement are not appropriated by the City, the Agreement will terminate on the date that the requisite funding ceases to be available to the City, without notice. In such event, the City will not be liable for any amounts beyond the funds appropriated and encumbered for this Agreement and will be liable only to pay for services previously delivered or provided to the City as of the date of termination.

2. The parties acknowledge that the City is a public entity subject to the Colorado Open Records Act, C.R.S. § 24-72-201, et seq., and documents related to the performance of this Agreement may be subject to public disclosure.

3. No term or condition of the Agreement shall be construed or interpreted as a waiver, express or implied, of any immunities, rights, benefits, protections, or other provisions of the Colorado Governmental Immunity Act, CRS § 24-10-101 *et seq.*

ATTEST:

CITY OF COMMERCE CITY

Laura J. Bauer, MMC, City Clerk

Brian McBroom, City Manager

Recommended for approval:

Approved as to form:

Sheryl Carstens, Director of Finance

Robert D. Sheesley, Senior Assistant City Attorney

NEW WORLD SYSTEMS CORPORATION



Signature

GREG SEBASTIAN, CFO
Printed Name and Title