

FIRST AMENDMENT TO MASTER SERVICES AGREEMENT

THIS FIRST AMENDMENT TO MASTER SERVICES AGREEMENT ("Amendment") is made and entered into effective this 8 day of January, ~~2019~~²⁰²⁰ (the "Effective Date"), by and between the CITY OF COMMERCE CITY, a Colorado home rule municipality whose address is 7887 East 60th Avenue, Commerce City, Colorado (the "City"), and TWA, INC d/b/a SIERRA LANDSCAPING AND MAINTENANCE, a Colorado corporation whose principal business address is 1205 Boston Avenue, Longmont, CO 80501 ("Contractor"), to amend the Master Services Agreement dated April 26, 2019 ("Agreement"). In consideration of the mutual covenants and agreements contained in this Amendment, the sufficiency of which is acknowledged, the parties agree as follows:

1. Term: The Term of the Agreement is extended through December 31, 2020.
2. Remainder of Agreement in Full Force and Effect. Except as otherwise provided by this Amendment, all other terms and conditions of the Agreement shall remain unchanged and in full force and effect and shall apply to this Amendment.
3. Authority. The parties represent and warrant that they have taken all actions necessary to legally authorize the undersigned signatories to execute this Amendment on behalf of the parties and to bind the parties to its terms.
4. Counterparts; Execution. This Agreement may be executed in any number of counterparts, each deemed to be an original, and, taken together will constitute one and the same instrument. Signature pages may be executed via "wet" signature or electronic mark and the executed signature pages may be delivered using pdf or similar file type transmitted via electronic mail, cloud based server, e-signature technology or other similar electronic means.
5. Headings. Paragraph headings used in this Amendment are for convenience of reference and shall in no way control or affect the meaning or interpretation of any provision of this Amendment.

[Remainder of this page intentionally blank. Signature page(s) follow(s)]

IN WITNESS WHEREOF, the parties have executed this Agreement as of the Effective Date.



ATTEST:

Dylan A. Gibson, Deputy City Clerk

Recommended for approval:

Joe Wilson, Director
Public Works

CITY OF COMMERCE CITY

Brian McBroom, City Manager
City Manager's Office

APPROVED AS TO FORM:

Brian Swann, Assistant City Attorney

TWA, INC.

Signature

Kim Ingino Operations Manager

Printed Name, Title



Procurement and Contract Cover Sheet

For Goods and Services

PROJECT INFORMATION

Description: Right of Way Contract Maintenance – 1st Amendment
Department: Public Works Division: Maintenance
Contract/Project Manager: Willis Waterhouse, Parks Maintenance Supervisor Phone: 303-289-8111

SOLICITATION INFORMATION

| | | | |
|--|------------------------|------------------------------|-------------|
| Solicitation type: | Formal (over \$50,000) | Date Submitted for Approval: | 11/27/2019 |
| Must have City Attorney approval prior to formal solicitation. | | Council Approval (+\$250k): | Select Date |
| | | Resolution No.: | Type Number |
| Attach applicable selection form: Procurement Justification; Collaborative Purchasing Documentation; Quotes Documentation. | | | |
| Comments: ROW and General Maintenance | | | |

CONTRACT/PROCUREMENT APPROVAL (Obtain after selection of vendor using required solicitation method.)

| | | | | |
|---|--|-------|-----------------------------------|--|
| Contractor Name: | TWA Inc, d/b/a Sierra Landscaping and Maintenance | | Contract Term | Single Use |
| Type of contract: | Master Services Agreement | | Renewals: | N/A |
| Selected by 5% local preference: | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A | | Termination Date: | 12/31/2020 |
| Dollar Amount (All Years): \$ 195,000 | | | Renewal Increase: | Enter, if any. |
| Vendor verified with State (SOS)? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A | Date: | 4/4/2019 | Federal funding? If yes, attach EPLS <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Verify funding available: | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A | Date: | 4/4/2019 | Grant Funding? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Funding Source: (include account number, if available) 010-16-552-731-167 | | | | |
| Procurement Approval Required:\$50,000.01-\$250k - City Mgr. (Signature required prior to contract routing.) | | | Signature: _____ | |
| Contract Signature Required: +\$50,000.01 - City Mgr. (If contract required.) | | | Name: Brian McBroom, City Manager | |

Reviewers:

Vendor/Contractor: _____ Risk Manager: _____ City Attorney: _____
(By Contract Admin) Initials/Date ☐ N/A Initials/Date Initials/Date

Route contract in the following order for signature (as required):

- ☐ 1. Vendor / Contractor ☐ 3. City Attorney ☐ 5. City Clerk
☐ 2. Department ☐ 4. City Manager/City Council ☒ 6. Return to: David M - PRG

Additional Notes: