

**AMENDMENT TO PUBLIC CONTRACT FOR SERVICES
BALDWIN DAM, 7641 PONDEROSA LANE PASTURE RESTORATION
DOUGLAS COUNTY PROJECT NUMBER SP 2021-002
AMENDMENT NUMBER ONE (1)
PURCHASE ORDER NUMBER: 2023929
ACCOUNT NUMBER: 800503.444700**

THIS AMENDMENT is entered into as of this _____ day of _____, 2024, by and between the Board of County Commissioners of the County of Douglas, State of Colorado (the "County"), and BACK 40 ACRES, LLC (the "Consultant").

WHEREAS, the County and the Consultant entered into a certain Public Contract for Services dated October 23, 2023 (the "Contract"); and

WHEREAS, the County and the Consultant originally agreed to a Maximum Contract Expenditure for services in the amount of **TWENTY THOUSAND DOLLARS (\$20,000.00)**. Compensation for the additional work associated with this Amendment Number ONE (1) shall be **SIX THOUSAND SIX HUNDRED DOLLARS (\$6,600.00)**; and

WHEREAS, the County and the Consultant desire to amend the Contract by increasing the Maximum Contract Expenditure which may be paid to the Consultant, and by adding additional payment terms and extending the Term; and

WHEREAS, the County has budgeted and appropriated the necessary funds to satisfy the financial obligations set forth in the Contract.

NOW, THEREFORE, the parties hereto mutually agree as follows:

1. Section 4 of the Contract is hereby amended to read:

"Maximum Contract Expenditure. Any other provision of this Contract notwithstanding and pursuant to Section 29-1-110, C.R.S., the amount of funds appropriated for this Contract is **TWENTY-SIX THOUSAND, SIX HUNDRED DOLLARS AND NO CENTS (\$26,600.00)**. In no event shall the County be liable for payment under this Contract for any amount in excess thereof. The County is not under obligation to make any future apportionment or allocation to this Contract nor is anything set forth herein a limitation of liability for Consultant. Any potential expenditure for this Contract outside the current fiscal year is subject to future annual appropriation of funds for any such proposed expenditure.

THE COST OF THIS ADDITIONAL WORK SHALL NOT EXCEED: \$ 6,600.00

PREVIOUSLY APPROVED PCS REVISIONS: \$ 0.00

TOTAL FOR ALL PCS REVISIONS (TO DATE): \$ 6,600.00

TOTAL FOR ORIGINAL PCS: \$ 20,000.00

GRAND TOTAL INCLUDING ALL PCS REVISIONS SHALL NOT EXCEED: \$ 26,600.00

ACTUAL TIME AND MATERIALS FOR SERVICES PROVIDED SHALL BE BILLED MONTHLY.

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2. Section 5 of the Contract is hereby amended to read:

“Term. It is mutually agreed by the parties that the term of this Contract shall commence as of 12:01 a.m. on July 1, 2023, and terminate at 12:00 a.m. on April 30, 2024. This Contract and/or any extension of its original term shall be contingent upon annual funding being appropriated, budgeted and otherwise made available for such purposes and subject to the County’s satisfaction with all products and services received during the preceding term.”
3. Exhibit B of the Contract is hereby amended by adding the payment terms contained in the attached **Exhibit B-1** for all work completed in 2024, incorporated herein by this reference.
5. The remainder of the Contract shall remain in full force and effect.

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IN WITNESS WHEREOF, the County and Consultant have executed this Amendment as of the date first above written.

BACK 40 ACRES, LLC

BY: *Rain Buswell*

TITLE: *President*

DATE: *2/23/24*

Signature of Notary Public Required:

STATE OF *Colorado*)

COUNTY OF *Douglas*)

ss.

DUSTYN KAYE CONNELLEY
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20224033458
MY COMMISSION EXPIRES AUGUST 25, 2026

The foregoing instrument was acknowledged before me this *23rd* day of *Feb.*, 2024, by *Rain Buswell*

Witness my hand and official seal

[Signature]
Notary Public

My commission expires: *08/25/26*

APPROVED AS TO CONTENT:

DOUGLAS J. DEBORD Date
County Manager

APPROVED BY DEPARTMENT:

DocuSigned by:
Janet Herman 2/7/2024
JANET HERMAN, P.E. Date
Director of Public Works

APPROVED AS TO FISCAL CONTENT:

ANDREW COPLAND Date
Director of Finance

APPROVED AS TO LEGAL FORM:

CHRIS PRATT Date
Senior Assistant County Attorney

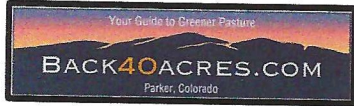


Exhibit B: For Douglas County

Weed Control:

- Per site minimum of \$934.20 or \$259.20/acre, whichever is greater.

Fertilizer (liquid):

- Per site minimum of \$934.20 or \$259.50/acre, whichever is greater.

Fertilizer (dry organic):

- Per site minimum of \$1349.40 or \$363.30/acre, whichever is greater.

Mowing:

- Per site minimum of \$778.50 or \$166.08/acre, whichever is greater.

Seeding:

- Per site minimum of \$2179.80 or \$980.91/acre, whichever is greater.
 - Seed mix is generally made of Orchard, Brome, Ryes, and Wheat Grasses but may vary. Additional mixes can be made, however price may be affected.
 - **Cover Crop:** Seeding at the same time as above additional \$202.41/acre.
 - I prefer winter rye but can be open to winter wheat depending on the time of year.

*Prices may vary year to year as they are a commodity

* As a rule, Back 40 does not recommend seeding back-to-back years.

* Second seeding seed may vary from list above.

*Back 40 reserves the right to make corrections based on weather patterns and observations with prior written approval.