

AMENDMENT NO. 1
TO
CONTRACT NO. 95-LAO-856
BETWEEN
CITY OF FORT MORGAN, COLORADO
AND
UNITED STATES
DEPARTMENT OF ENERGY
WESTERN AREA POWER ADMINISTRATION
ROCKY MOUNTAIN REGION
LOVELAND AREA PROJECTS
FOR
CONSOLIDATED FACILITY ARRANGEMENTS

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Table of Contents

<u>Section</u>	<u>Title</u>	<u>Page No.</u>
1	Preamble	1
2	Explanatory Recitals	2
3	Agreement	2
4	Term of Contract Amendment	2
5	Revision of Section 5 of the Original Contract (Term of Contract)	3
6	Revision of Section 21 of the Original Contract (General Power Contract Provisions)	4
7	Original Contract to Remain in Effect	4
	Signatures	5

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1. PREAMBLE: This Amendment No. 1 (Amendment) is made this ____ day of _____, 2015, to be effective October 1, 2015, between the UNITED STATES OF AMERICA, Western Area Power Administration, an agency of the Department of Energy, hereinafter called Western, and City of Fort Morgan, Colorado, hereinafter called Fort Morgan, each sometimes hereinafter individually called the "Party," and collectively called "Parties," as part of Contract No. 95-LAO-856, as amended (Original Contract), pursuant to the same authorities as the Original Contract, and subject to all of the provisions of the Original Contract except as herein modified.

2. EXPLANATORY RECITALS:

2.1 The Parties entered into the Original Contract effective July 11, 1996, which provides for consolidated facility arrangements between Fort Morgan and Western for general services, ownership, operation, maintenance, replacement, exchange of services, and sharing of responsibilities for specific facilities.

2.2 The Original Contract terminates September 30, 2015. The Parties desire to amend the Original Contract to extend the period of time required to finalize and execute a replacement contract.

3. AGREEMENT: The Parties agree to the terms and conditions set forth herein.

4. TERM OF CONTRACT AMENDMENT: This Amendment No. 1 shall become effective on the date of execution, shall remain in effect concurrently with the Original Contract, and shall terminate coincidentally therewith.

5. REVISION OF SECTION 5 OF THE ORIGINAL CONTRACT (TERM OF CONTRACT): Section 5 of the Original Contract is hereby deleted in its entirety and replaced with the following:

“5. TERM OF CONTRACT:

- 5.1 This Contract shall become effective on the date written above and shall remain in effect until September 30, 2017, or until the provisions for ownership, operation, maintenance, replacement, exchange of services, and sharing of responsibilities for specific facilities provided for in the Contract have been included in a new Consolidated Facilities Arrangement between the Parties, whichever occurs first.
- 5.2 Notwithstanding Section 5.1, each Party agrees, in the event either party chooses to change, modify, or discontinue a service or otherwise not execute a replacement contract, and such change, modification, discontinuation, and/or termination of service adversely impacts the other Party, the Original Contract will be extended until such a time that is mutually agreed to or one (1) year after the Party desiring to change, modify, discontinue and/or terminate service provides notice to the other party.”

6. REVISION OF SECTION 21 OF THE ORIGINAL CONTRACT (GENERAL POWER CONTRACT PROVISIONS): Section 21 of the Original Contract is hereby deleted in its entirety and replaced with the following:

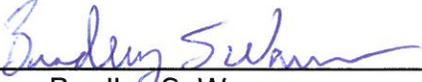
"21. GENERAL POWER CONTRACT PROVISIONS: The General Power Contract Provisions dated September 1, 2007, attached hereto, are hereby made a part of this Contract the same as if they had been expressly set forth herein; Provided, That Provisions 2 through 5, 7 through 9, 11, 12, and 15 through 19 shall not be applicable hereunder; Provided further, That the word "Contractor" in the General Power Contract Provisions refers to Fort Morgan."

7. ORIGINAL CONTRACT TO REMAIN IN EFFECT: Except as expressly modified herein, the Original Contract shall remain in full force and effect, and this Amendment shall be subject to all the provisions, as herein modified, of the Original Contract.

Amendment No. 1
Contract No. 95-LAO-856
CITY OF FORT MORGAN, COLORADO

The Parties have executed this Amendment No. 1 to Contract No. 95-LAO-856 as of the day and year set forth in Section 1 above.

WESTERN AREA POWER ADMINISTRATION

By: 
Bradley S. Warren

Title: Senior Vice President
Rocky Mountain Regional Manager

Address: 5555 East Crossroads Boulevard
Loveland, CO 80539-3003



(SEAL)

Attest:

By: 

Date: 11/5/15

CITY OF FORT MORGAN, COLORADO

By: 
Terry L. McAlister

Title: Mayor

Address: P.O. Box 100
Fort Morgan, CO 80701

Reviewed By City ATTORNEY



RESOLUTION NO. 2015-11-01

A RESOLUTION ACCEPTING AND AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO CONTRACT NUMBER 95-LAO-856 BETWEEN THE CITY OF FORT MORGAN AND THE DEPARTMENT OF ENERGY WESTERN AREA POWER ADMINISTRATION

WHEREAS, the US Department of Energy Western Area Power Administration (“Western”) executed a Consolidated Facility Arrangements Agreement in July 1996 for co-location of electric infrastructure; and,

WHEREAS, the July 1996 Agreement requires an extension of the term length and the Amendment will require the Mayor’s signature and the Council’s Authorization.

NOW, THEREFORE, BE IT RESOLVED BY CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO:

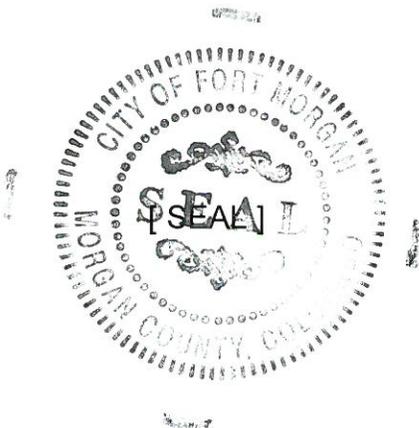
SECTION 1. The Mayor is hereby authorized to sign Amendment No. 1 to Contract Number 95-LAO-856 between the City of Fort Morgan and U.S. Department of Energy Western Area Power Administration.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 3rd day of November 2015, the vote upon roll call being as follows:

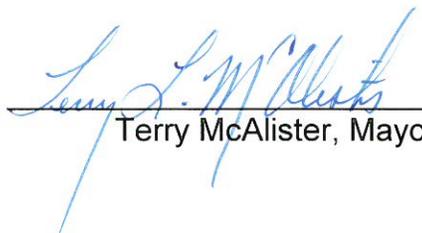
Ayes: Mayor McAlister, Councilmembers Anderson, Castoe, Lindell, Northrup, Segura and Shaver.

Nays: None.

Absent /Abstain: None



THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

BY: 
Terry McAlister, Mayor

ATTEST:



John Brennan, City Clerk

STATE OF COLORADO)
COUNTY OF MORGAN)
CITY OF FORT MORGAN)

ss.

CERTIFICATE

I, John Brennan, City Clerk of the City of Fort Morgan, Colorado, do hereby certify that the above and foregoing **Resolution** is a true, perfect and complete copy of the **Resolution** adopted by the City Council and is identical to the original thereof appearing in the official records of the City of Fort Morgan, Colorado, and that the same has not been, since its adoption, in any respect, rescinded or amended.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the City of Fort Morgan this 3rd day of November, 2015.



John Brennan, City Clerk