

PARTICIPATING ADDENDUM AMENDMENT

Amendment #4	Original Contract CMS # 35232	Amendment CMS # 93307
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1. PARTIES

This Amendment to the above-referenced Participating Addendum (hereinafter called the "Addendum") is entered into by and between **Federal Express Corporation** (hereinafter called "Contractor"), and the State of Colorado, acting by and through the Department of Personnel & Administration, State Purchasing & Contracts Office, (hereinafter called the "State" or "SPCO").

2. EFFECTIVE DATE AND ENFORCEABILITY

This Amendment shall not be effective or enforceable until it is approved and signed by the Colorado State Controller or designee (hereinafter called the "Effective Date"). The State shall not be liable to pay or reimburse Contractor for any performance hereunder including, but not limited to, costs or expenses incurred, or be bound by any provision hereof prior to the Effective Date.

3. FACTUAL RECITALS

- A. The Parties entered into an Addendum effective **September 20, 2011** that authorizes the utilization of **Small Package Delivery Services** to Colorado Ordering Entities as set forth in the WSCA Master Agreement by the lead State of **Utah** Master Contract, number **MA065** and in the State of Colorado's Price Agreement, number **91559YYY02M/WSCA**.
- B. The original Addendum was amended by Amendment #1, CMS #**49385**, to further extend the contract term through **08/27/2014**.
- C. The Addendum was then amended by Amendment #2, CMS #**72472**, to extend the contract through **8/27/2015**, as well as add the Performance outside the State of Colorado provision, and change the Primary Contact information.
- D. Additionally, the Addendum was amended by Amendment #3, CMS #**82698**, to further extend the contract term through **8/27/2016**.

4. CONSIDERATION

The Parties acknowledge that the mutual promises and covenants contained herein and other good and valuable consideration are sufficient and adequate to support this Amendment.

5. LIMITS OF EFFECT

This Amendment is incorporated by reference into the Addendum, and the Addendum and all prior Amendments thereto, if any, remain in full force and effect except as specifically modified herein.

6. MODIFICATIONS

The Addendum and all prior amendments thereto, if any, are modified as follows:

In accordance with **Section 3.A of Exhibit A**, the Addendum is further extended through **11/27/2016**, unless sooner terminated.

7. ORDER OF PRECEDENCE

Except for the Special Provisions, in the event of any conflict, inconsistency, variance, or contradiction between the provisions of this Amendment and any of the provisions of the Addendum, the provisions of this Amendment shall in all respects supersede, govern, and control. The most recent version of the Special Provisions incorporated into the Addendum or any amendment shall always control other provisions in the Addendum or any amendments.

8. AVAILABLE FUNDS

Financial obligations of the State payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted, or otherwise made available.

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THE PARTIES HERETO HAVE EXECUTED THIS AMENDMENT

* Persons signing for Contractor hereby swear and affirm that they are authorized to act on Contractor's behalf and acknowledge that the Participating State is relying on their representations to that effect.

<p style="text-align: center;">CONTRACTOR Federal Express Corporation</p> <p>By: <u>Charles Weyer</u> Title: <u>Worldwide Account Manager</u></p> <p><u>Charles Weyer</u> Signature</p> <p>Date: <u>8/10/16</u></p>	<p style="text-align: center;">STATE OF COLORADO John W. Hickenlooper, GOVERNOR Department of Personnel and Administration June Taylor, Executive Director</p> <p>By: <u>Cindy Lombardi</u> Cindy Lombardi, State Purchasing and Contracts Director</p> <p>Date: <u>8/17/16</u></p>
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ALL CONTRACTS REQUIRE APPROVAL BY THE STATE CONTROLLER

CRS §24-30-202 requires the State Controller to approve all State Contracts. This Amendment is not valid until signed and dated below by the State Controller or delegate. Contractor is not authorized to begin performance until such time. If Contractor begins performing prior thereto, the State of Colorado is not obligated to pay Contractor for such performance or for any goods and/or services provided hereunder.

STATE CONTROLLER
Robert Jaros, CPA, MBA, JD

By: Charles M. Blaser Date: 8/23/16