

MASTER AGREEMENT AMENDMENT

Table with 3 columns: Amendment # 2, Master Agreement # 2016-181 Original Contract CMS # 88370, Amendment CMS # 126993

1. PARTIES

This Amendment to the above-referenced Master Agreement is entered into by and between Point Blank Enterprises, Inc. (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"), and collectively referred to as the "Parties."

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 a Master Agreement effective March 25, 2016, that authorized Participating States to execute Participating Addenda with the Contractor for Body Armor Products, as set forth in the NASPO ValuePoint Master Agreement, Contract number 2016-181.
B. The Master Agreement was extended through March 15, 2019, as set forth in Amendment # 1, CMS # 107251.

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 Contract, and the Contract and all prior amendments thereto, if any, remain in full force and effect except as specifically modified herein.

6. MODIFICATIONS

This Amendment shall extend the term through March 15, 2020.

7. START DATE

This Amendment shall take effect on the Effective Date or March 16, 2019, whichever is sooner.

8. 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 Master Agreement, the provisions of this Amendment shall in all respects supersede, govern, and control.

9. 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.

THE PARTIES HERETO HAVE EXECUTED THIS AMENDMENT

Table with 2 columns: CONTRACTOR (Point Blank Enterprises, Inc.) and STATE OF COLORADO (John W. Hickenlooper, Governor). Includes signatures and dates for both parties.

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: [Signature] Date: 1/17/19