

FIRST AMENDMENT TO AGREEMENT BETWEEN ALACHUA COUNTY AND KITTELSON & ASSOCIATES, INC., NO.14136

THIS FIRST AMENDMENT (“Amendment”) is made by and between Alachua County, Florida, a political subdivision and charter county of the State of Florida, by and through its Board of County Commissioners (the “County”) and KITTELSON & ASSOCIATES, INC., a Foreign for Profit Corporation which is authorized to do business in the State of Florida (“Professional”), who are collectively referred to as the “Parties”.

WITNESSETH:

WHEREAS, the Parties previously entered into an Agreement, dated June 13, 2024, for a Countywide Bicycle Pedestrian Master Plan, identified by No. 14136 (the “Agreement”); and

WHEREAS, the County has elected its option to renew the term of the original Agreement to allow the Contractor to furnish the goods or service to Alachua County; and

WHEREAS, the Parties agree to include the statutory language and affidavit from Section 787.06(13), Florida Statutes, No Coercion for Labor or Services, to the original Agreement; and

WHEREAS, the Parties agree to include the statutory language and affidavit from Section 287.138, Florida Statutes, Contracting with Entities of Foreign Countries of Concern Prohibited, to the original Agreement; and

WHEREAS, the Parties desires to amend the Agreement to extend the term and to do as otherwise provided herein.

NOW, THEREFORE, the County and Contractor agree to amend the Agreement as follows:

A. Amendment. Section #3, of the Agreement titled “Term” is amended to read as follows:

Term. This Amendment extends the term of the Agreement through September 30, 2027 unless earlier terminated as provided herein. This Agreement may be amended at the option of the County for 1 additional 1-year term.

B. Amendment. Section #12.T, of the Agreement titled “No Coercion for Labor or Services” is added to read as follows:

T. **Affidavit of No Coercion Pursuant to §787.06, Florida Statutes**

1. Section 787.06(13), Florida Statutes, requires any governmental entity when executing, renewing, or extending a contract, must obtain an affidavit from the non-governmental entity attesting that it does not use coercion for labor or services. The terms "coercion" and "labor" are defined respectively in sections 787.06(2)(a) and 787.06(2)(e), Florida Statutes.

2. The Professional will certify this understanding, obligation, through the completion and execution of the Affidavit of No Coercion Pursuant to §787.06, Florida Statutes, a copy of which is attached to this Amendment as **Exhibit 4**.

C. Amendment. Section #12.U, of the Agreement titled “Contracting with Entities of Foreign Countries of Concern Prohibited” is added to read as follows:

U. **Contracting with Entities of Foreign Countries of Concern Prohibited**

1. Section 287.138, Florida Statutes, prohibits any governmental entity from contracting with entities if the contract provides the entity with access to an individual's personal identifying information and:

- a. The entity is owned by the government of a foreign country of concern;
- b. The government of a foreign country of concern has a controlling interest in the entity; or
- c. The entity is organized under the laws of or has its principal place of business in a foreign country of concern.

2. The statute identifies foreign countries of concern as: The People's Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People's Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicolas Maduro, or the Syrian Arab Republic does not have a controlling interest in the Supplier.

3. The Professional will certify this understanding, obligation, through the completion and execution of the Affidavit Regarding Foreign Countries of Concern, a copy of which is attached to this Amendment as **Exhibit 5**.

D. Effective Date. This Amendment shall be effective upon execution by both Parties.

E. Original Agreement. Unless expressly amended herein, all other terms and provisions of the original Agreement between the Parties, including any prior amendments to the Agreement, shall be and remain in full force and effect. In the event any of the prior amendments to the Agreement conflict with this Amendment, the provisions of this Amendment shall prevail.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the Parties have caused this First Amendment to be executed on the day and year below written.

ALACHUA COUNTY, FLORIDA

By: _____
Charles Chestnut, IV, Chair
Board of County Commissioners
Date: _____

ATTEST

APPROVED AS TO FORM

J.K. "Jess" Irby, Esq., Clerk
(SEAL)

Alachua County Attorney's Office

CONTRACTOR

Signed by:
By: Jennifer Musselman
Jennifer Musselman
Print: _____
Associate Engineer
Title: _____
Date: 6/5/2025

IF THE CONTRACTOR IS NOT A NATURAL PERSON, PLEASE PROVIDE A CERTIFICATE OF INCUMBENCY AND AUTHORITY, OR A CORPORATE RESOLUTION, LISTING THOSE AUTHORIZED TO EXECUTE AGREEMENTS ON BEHALF OF YOUR ORGANIZATION. IF ARE A NATURAL PERSON, THEN YOUR SIGNATURE MUST BE NOTARIZED.

Exhibit 4: No Coercion for Labor or Services Affidavit

**AFFIDAVIT OF NO COERCION
PURSUANT TO §787.06, FLORIDA STATUTES**

State of Florida
County of Alachua

I, Jennifer Musselman [insert full legal name of the person providing this affidavit], as
Associate Engineer [insert corporate title of the person providing this affidavit] of the
KITTELSON & ASSOCIATES, INC., having taken an oath, deposes and says:

1. I am over the age of twenty-one (21) and make this Affidavit on personal knowledge and not upon information or belief
2. I am duly authorized to attest and affirm as to the matters contained herein on behalf of the KITTELSON & ASSOCIATES, INC..
3. I attest and affirm that KITTELSON & ASSOCIATES, INC. does not use coercion as defined in section 787.06(2)(a), Florida Statutes, to employ any person for labor or services.
4. This signed attestation is provided to the Alachua County Board of County Commissioners to comply with section 787.06(13), Florida Statutes.

Under penalty of perjury, I declare that I have read the foregoing affidavit and that the facts stated in it are true.

Signed by:
Jennifer Musselman
Signature

Jennifer Musselman
Name Printed

6/5/2025
Date Signed

Exhibit 5: Foreign Countries of Concern Affidavit

**AFFIDAVIT REGARDING FOREIGN COUNTRIES OF CONCERN
PURSUANT TO 287.138, Florida Statutes**

State of Florida
County of Alachua

I, Jennifer Musselman [insert full legal name of the person providing this affidavit], as
Associate Engineer [insert corporate title of the person providing this affidavit] of the
KITTELSON & ASSOCIATES, INC., having taken an oath, deposes and says:

1. I am over the age of twenty-one (21) and make this Affidavit on personal knowledge and not upon information or belief.

2. I am duly authorized to attest and affirm as to the matters contained herein on behalf of KITTELSON & ASSOCIATES, INC..

3. I attest and affirm that the following is true and correct: _

a. KITTELSON & ASSOCIATES, INC. is not owned by the government of a foreign country of concern as identified in section 287.138(1)(c), Florida Statutes (*i.e.*, People's Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People's Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicolas Maduro, or the Syrian Arab Republic, including any agency of or any other entity of significant control of such foreign country of concern).

b. The government of a foreign country of concern does not have a controlling interest in KITTELSON & ASSOCIATES, INC..

c. KITTELSON & ASSOCIATES, INC. is not organized under the laws of or has its principal place of business in a foreign country of concern.

4. This affidavit is provided to the Alachua County Board of County Commissioners to comply with section 287.138(4) Florida Statutes.

Under penalty of perjury, I declare that I have read the foregoing affidavit and that the facts stated in it are true.

Signed by:
Jennifer Musselman
Signature

Jennifer Musselman
Name Printed

6/5/2025
Date Signed