

**FIRST AMENDMENT TO AGREEMENT FOR CONTRACTUAL SERVICES NO. 11383
BETWEEN ALACHUA COUNTY AND SIEMENS INDUSTRY, INC. FOR ANNUAL
HEAVY EQUIPMENT HVAC BASIC COVERAGE IN VARIOUS COUNTY
BUILDINGS**

THIS FIRST AMENDMENT TO AGREEMENT NO. 11383, made and entered into this _____ day of _____ A.D. 20___, by and between Alachua County, a charter county and political subdivision of the State of Florida, hereinafter referred to as "County", and Siemens Industry, Inc., a foreign for profit corporation with a principal business address of 100 Technology Drive, Alpharetta, GA 30005, hereinafter referred to as "Contractor". Hereinafter, the County and the Contractor are hereinafter collectively referred to as the "Parties".

WITNESSETH:

WHEREAS, pursuant to Bid No. 20-18, the Parties hereto previously entered into an agreement for annual heavy equipment HVAC basic coverage services, dated 9/24/2019, (the "Agreement") with an initial term ending September 30, 2020, and included two (2) additional two (2) years renewal options; for the provision of **Annual Heavy Equipment HVAC Basic Coverage Services**; and

WHEREAS, the County has elected to exercise its first renewal option to renew the Term of the Agreement for a 2 years period commencing October 1, 2020 through September 30, 2022; and

WHEREAS, the Parties wish to amend the Agreement to add a clause which defines and allows electronic signatures as set forth herein.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is acknowledged by the Parties, the Parties hereby agree to amend the Agreement as follows:

1. **SECTION # 1** of the Agreement, *Term*, is amended in its entirety to read:

The County has elected to exercise its first two-year option to renew the Term of the Agreement. Accordingly, the Term of the Agreement is renewed for the period of October 1, 2020 through September 30, 2022 (the “First Renewal Option Term”), unless earlier terminated as provided herein. The Term of this Agreement may be renewed at the sole option of the County for one additional two year period at the same terms and conditions contained in this Agreement.

The County's performance and obligation to pay under this Agreement is contingent upon a specific annual appropriation by the Alachua County Board of County Commissioners (“Board”). The Parties hereto understand that this Agreement is not a commitment of future appropriations. Therefore, the continuation of this Agreement beyond the end of any fiscal year shall be subject to both the appropriation and the availability of funds in accordance with Chapter 129, Florida Statutes, and that the failure of the Board to do so shall not constitute a breach or default of this Agreement.

2. **SECTION # 29** of the Agreement, *Electronic Signatures*, is added to read:

Electronic Signatures.

The Parties agree that an electronic version of this Agreement shall have the same legal effect and enforceability as a paper version. The Parties further agree that this Agreement, regardless of whether in electronic or paper form, may be executed by use of electronic signatures. Electronic signatures shall have the same legal effect and enforceability as manually written signatures. The County shall determine the means and methods by which electronic signatures may be used to execute this Agreement and shall provide the Contractor with instructions on how to use said method. Delivery of this Agreement or any other document contemplated hereby bearing an manually written or electronic signature by facsimile transmission (whether directly from one facsimile device to another by means of a dial-up connection or whether mediated by the worldwide web), by electronic mail in “portable document format” (“.pdf”) form, or by any other electronic means intended to preserve the original graphic and pictorial appearance of a document, will have the same effect as physical delivery of the paper document bearing an original or electronic signature.

3. This First Amendment shall take effect upon execution by the Parties.

4. **SAVE and EXCEPT** as expressly amended herein, all other terms and provisions of the Agreement shall be and remain in full force and effect.

REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the Parties have caused this First Amendment to Agreement to be executed for the uses and purposes therein expressed on the day and year first above-written.

ALACHUA COUNTY, FLORIDA

By: _____
Robert Hutchinson, Chair
Board of County Commissioners

Date: _____

ATTEST

APPROVED AS TO FORM

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

DocuSigned by:
David Forziano
70E5E84DBE1E4D3...

Alachua County Attorney's Office

CONTRACTOR

DocuSigned by:
Josh Hudanish
By: _____
5978840B862840B...

Print: Josh Hudanish

Title: General Branch Manager

Date: 9/10/2020

IF THE CONTRACTOR IS NOT A NATURAL PERSON, PLEASE PROVIDE A CERTIFICATE OF INCUMBANCY AND AUTHORITY, OR A CORPORATE RESOLUTION, LISTING THOSE AUTHORIZED TO EXECUTE CONTRACTS ON BEHALF OF YOUR ORGANIZATION.

Certificate Of Completion

Envelope Id: B9C00D61600F4EFA998FBEEEDF5CEFF1A	Status: Completed
Subject: Please DocuSign: Amendment 1 to Alachua County HVAC Agreement No. 11383	
Source Envelope:	
Document Pages: 4	Signatures: 1
Certificate Pages: 4	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelopeld Stamping: Enabled	Michelle Guidry
Time Zone: (UTC-05:00) Eastern Time (US & Canada)	mguidry@alachuacounty.us
	IP Address: 216.194.144.254

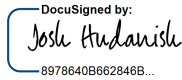
Record Tracking

Status: Original 9/10/2020 2:58:41 PM	Holder: Michelle Guidry mguidry@alachuacounty.us	Location: DocuSign
Security Appliance Status: Connected	Pool: StateLocal	
Storage Appliance Status: Connected	Pool: Alachua County	Location: DocuSign

Signer Events

Josh Hudanish
josh.hudanish@siemens.com
Security Level: Email, Account Authentication (None)

Signature

DocuSigned by:

8978640B662846B...

Signature Adoption: Pre-selected Style
Using IP Address: 104.129.205.118

Timestamp

Sent: 9/10/2020 3:06:19 PM
Viewed: 9/10/2020 3:42:18 PM
Signed: 9/10/2020 3:43:34 PM

Electronic Record and Signature Disclosure:
Accepted: 9/10/2020 3:42:18 PM
ID: 0afc43a7-9792-4ecb-818c-d9132c5b755d

In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	9/10/2020 3:06:19 PM
Certified Delivered	Security Checked	9/10/2020 3:42:18 PM
Signing Complete	Security Checked	9/10/2020 3:43:34 PM
Completed	Security Checked	9/10/2020 3:43:34 PM
Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, Alachua County (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact Alachua County:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: mguidry@alachuacounty.us

To advise Alachua County of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at mguidry@alachuacounty.us and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from Alachua County

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to mguidry@alachuacounty.us and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with Alachua County

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to mguidry@alachuacounty.us and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

By selecting the check-box next to 'I agree to use electronic records and signatures', you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify Alachua County as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by Alachua County during the course of your relationship with Alachua County.

Certificate Of Completion

Envelope Id: A814D4ACE94A496A9DF0A9DCE508A3D9	Status: Completed
Subject: Please DocuSign: HVAC Amendment 1 - Ready for ATF	
Source Envelope:	
Document Pages: 8	Signatures: 1
Certificate Pages: 4	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelopeld Stamping: Enabled	Michelle Guidry
Time Zone: (UTC-05:00) Eastern Time (US & Canada)	mguidry@alachuacounty.us
	IP Address: 216.194.144.254

Record Tracking

Status: Original 9/10/2020 3:54:54 PM	Holder: Michelle Guidry mguidry@alachuacounty.us	Location: DocuSign
Security Appliance Status: Connected	Pool: StateLocal	
Storage Appliance Status: Connected	Pool: Alachua County	Location: DocuSign

Signer Events

David Forziano
dforziano@alachuacounty.us
Security Level: Email, Account Authentication (None)

Signature

DocuSigned by:

70E5E81DBE1E4D3...
Signature Adoption: Pre-selected Style
Using IP Address: 216.194.144.254

Timestamp

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Resent: 9/17/2020 8:58:59 AM
Viewed: 9/10/2020 5:22:09 PM
Signed: 9/17/2020 9:42:49 AM

Electronic Record and Signature Disclosure:
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Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	9/17/2020 8:58:59 AM
Certified Delivered	Security Checked	9/15/2020 9:07:14 AM
Signing Complete	Security Checked	9/17/2020 9:42:49 AM
Completed	Security Checked	9/17/2020 9:42:49 AM
Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		

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