9420-02 Asmd 3

THIRD AMENDMENT TO AGREEMENT UTILIZING DUVAL COUNTY PUBLIC SCHOOLS CONTRACT # ITB-019-11/LM BETWEEN THE CITY OF JACKSONVILLE AND MCCURDY-WALDEN, INC. FOR PURCHASE OF ANNUAL ROOFING REPAIRS AND REPLACEMENT

THIS THIRD AMENDMENT to Agreement is made and entered into in duplicate this <u>25</u> day of <u>200</u>, 2015, by and between the CITY OF JACKSONVILLE (hereinafter the ACity@), a municipal corporation existing under the Constitution and the laws of the State of Florida, and MCCURDY-WALDEN, INC. (hereinafter the AContractor@), a Florida profit corporation with principal office at 5267 Commonwealth Avenue, Jacksonville, Florida 32254, for the purchase of annual roofing repairs and replacement (hereinafter the AProject@).

RECITALS:

WHEREAS, effective December 1, 2010, the Duval County Public Schools ("DCPS") entered into DCPS Contract Number ITB-019-11/LM (hereinafter the "DCPS Contract") with Contractor for annual roofing repairs and replacement; and

WHEREAS, on October 16, 2012, City and Contractor made and entered into a contract for the Project, more particularly identified as City Contract #9420-02 (hereinafter the "Agreement"), using the DCPS Contract, which had been competitively procured and awarded; and

WHEREAS, said Agreement has been amended twice previously; and

WHEREAS, said Agreement should be amended further by exercising the final renewal option so as to extend the period of service through December 31, 2015, and by increasing the maximum indebtedness by \$250,000.00 to a new maximum indebtedness not-to-exceed \$3,250,000.00, with all other provisions, terms, and conditions remaining unchanged; now therefore

IN CONSIDERATION of the premises and of the mutual covenants and agreements hereinafter contained and for other good and valuable consideration, the parties agree as follows:

1. The above-stated recitals are accurate, true, and correct and are incorporated herein by this reference.

2. Article 4 of said Agreement is amended by exercising the final renewal option so as to extend the period of service through December 31, 2015, and as amended shall read as follows:

"ARTICLE 4: Duration of Agreement/Pricing Available to Other Entities:

The term of this Agreement shall commence on the Effective Date and shall continue and remain in full force and effect as to all its terms, conditions, and provisions as set forth herein until December 31, 2015, unless sooner terminated as provided in **Composite Exhibit** 1, with no renewal options remaining. During said period of time, the Roofing Materials provided hereunder shall be available to all using agencies and other political subdivisions, boards, agencies, or authorities existing in Duval County that may desire to purchase the same at the contract price provided herein."

3. Section 5.2 of said Agreement is amended by increasing the maximum indebtedness by \$250,000.00 to a new maximum indebtedness not-to-exceed \$3,250,000.00, and as amended shall read as follows:

"5.2. Notwithstanding any contrary provision in **Composite Exhibit 1**, the maximum indebtedness of the CITY for all fees, reimbursable items, or other costs for the Roofing Materials sold by Contractor pursuant to this Agreement shall not exceed the sum of Three Million Two Hundred Fifty Thousand and 00/100 USD (\$3,250,000.00)."

SAVE AND EXCEPT as expressly amended in this instrument, the provisions, terms, and conditions in said Agreement of October 16, 2012, as previously amended, shall remain unchanged and shall continue in full force and effect.

[Remainder of page left blank intentionally. Signature page follows immediately.]

IN WITNESS WHEREOF, the parties hereto have executed this Third Amendment the day and year first above written.

ATTEST: CITY OF JACKSONVILLE: By Bv amer . James R. McCain, Jr. Alvin vor Corporation Secretary Cleveland Ferguson III Deputy Chief Administrative Officer For: Mayor Alvin Brown Under Authority of. WITNESS: MCCURIEXEQUITYE DEN NOV CO15-01 By frather Waller By <u>Mark Walden</u> Type/Print Name uh lan Jonathan Type/Print Name President Sccra far In compliance with the Brainance Gode of the City of Jacksonville, I do certify that there is an unexpanded, unencumbered and unimpounded balance in the appropriation sufficient to cover the foregoing Agreement and that provision has Form Approved: nade for the led therein to be paid. Director of Finance 9420-02, Amd 3 encumbered MB y PO been made for the payment of the monies provided therein to be paid fice of General Counse

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