

**FIRST AMENDMENT**

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**THIS IS A FIRST AMENDMENT TO THE AGREEMENT** dated the \_\_\_\_\_ day of \_\_\_\_\_, 2017, between:

**CITY OF POMPANO BEACH**, a municipal corporation of the State of Florida, whose address is 100 West Atlantic Boulevard, Pompano Beach, Florida 33060, hereinafter referred to as "CITY,"

and

**DUDE SOLUTIONS, INC.**, a North Carolina corporation, having its office and place of business at 11000 Regency Parkway, Suite 110, Cary NC 27518, hereinafter referred to as "CONTRACTOR."

**WHEREAS**, the parties entered into an agreement for the use of MaintenanceEdge on April 28<sup>th</sup>. 2017, Ordinance number 2017-41 ("Original Agreement"); and

**WHEREAS**, the CITY and CONTRACTOR have mutually agreed to conduct a facility condition assessment and import the data into the City's Dude Solutions software per Exhibit "A" Scope of Services; and

**WHEREAS**, the CITY and CONTRACTOR have mutually agreed to implement an additional module to MaintenanceEdge, Capital Forecast Evaluation and Work Order Module, and add yearly maintenance fee to the module, which shall be concurrent to the existing software maintenance.

**WITNESSETH:**

**IN CONSIDERATION** of the mutual terms, conditions, promises, covenants and payments herein set forth CITY and CONTRACTOR agree as follows:

1. Each "WHEREAS" clause set forth above is true and correct and herein incorporated by this reference.

2. The terms and conditions contained within the Original Agreement between CITY and CONTRACTOR, effective April 28<sup>th</sup>, 2017, a copy of which is attached hereto and made a part hereof as Exhibit "1," shall remain in full force and effect except as specifically amended hereinbelow.

3. Exhibit A, Scope of Work, is hereby substituted for, and in all references replaces, that Exhibit A, Scope of Work, which was attached to, referenced and made a part of the Original Agreement.

4. Exhibit B, Insurance Requirements, is attached hereto and by reference incorporated herein and made a part hereof.

5. Paragraph 6, Price Formula, is hereby deleted in its entirety and a new Paragraph 6 Price Formula is hereby substituted as follows:

6. Price Formula. City shall pay the implementation cost of the Capital Forecast and Work Order Module of \$56,710.00 upon completion of the services. Maintenance fees shall be paid in accordance with the below schedule:

| Item  | Term              | Maintenance Fees |
|---|-------------------|------------------|
| MaintenanceEdge   | 10/1/16 - 9/30/17 | \$17,990.00      |
| MaintenanceEdge and Capital Forecast Evaluation and Work Order Module | 10/1/17 - 9/30/18 | \$20,894.17      |
| MaintenanceEdge and Capital Forecast Evaluation and Work Order Module | 10/1/18 - 9/30/19 | \$21,475.00      |
| MaintenanceEdge and Capital Forecast Evaluation and Work Order Module | 10/1/19 - 9/30/20 | \$22,014.70      |
| MaintenanceEdge and Capital Forecast Evaluation and Work Order Module | 10/1/20 - 9/30/21 | \$22,570.59      |
| MaintenanceEdge and Capital Forecast Evaluation and Work Order Module | 10/1/21 - 9/30/22 | \$23,143.16      |

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IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year hereinabove written.

Witnesses:

CITY OF POMPANO BEACH

\_\_\_\_\_

By: \_\_\_\_\_  
LAMAR FISHER, MAYOR

\_\_\_\_\_

By: \_\_\_\_\_  
GREGORY P. HARRISON, CITY MANAGER

Attest:

\_\_\_\_\_  
ASCELETA HAMMOND, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
MARK E. BERMAN, CITY ATTORNEY

STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by **LAMAR FISHER** as Mayor, **GREGORY P. HARRISON** as City Manager, and **ASCELETA HAMMOND** as City Clerk of the City of Pompano Beach, Florida, a municipal corporation, on behalf of the municipal corporation, who is personally known to me.

NOTARY'S SEAL:

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF FLORIDA

\_\_\_\_\_  
(Name of Acknowledger Typed, Printed or Stamped)

\_\_\_\_\_  
Commission Number

**"CONTRACTOR":**

Witnesses:

BK  
\_\_\_\_\_  
Bryan Kay

Print Name  
Julia Mattox  
\_\_\_\_\_  
Julia Mattox  
\_\_\_\_\_  
Print Name

Dude Solutions, Inc.

By: [Signature]  
\_\_\_\_\_  
Brian Carter SVP of Sales

STATE OF North Carolina  
COUNTY OF Wake

The foregoing instrument was acknowledged before me this 5 day of January, 20 18 by Brian Carter as Senior Vice President of Dude Solutions, Inc., a North Carolina corporation, on behalf of the corporation. He is personally known to me or who has produced Drivers License (type of identification) as identification.

NOTARY'S SEAL:



[Signature]  
\_\_\_\_\_  
NOTARY PUBLIC, STATE OF ~~FLORIDA~~ North Carolina  
Shari L. Moy  
\_\_\_\_\_  
(Name of Acknowledger Typed, Printed or Stamped)  
8/13/2022  
\_\_\_\_\_  
Commission Number Exp date