

## ***FIRST AMENDMENT***

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**THIS IS A FIRST AMENDMENT TO THE SERVICE CONTRACT dated the \_\_\_\_\_ day of \_\_\_\_\_, 2017.**

**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

**ODYSSEY MANUFACTURING CO.**, a Delaware corporation, authorized to do business in the State of Florida, having its office and place of business at 1484 Massaro Boulevard, Tampa, FL 33619, hereinafter referred to as "CONTRACTOR."

**WHEREAS**, the parties entered into a Service Contract on July 1<sup>st</sup>, 2016, ("Original Agreement"), and approved by City Resolution No. 2016-232; and

**WHEREAS**, the CITY and CONTRACTOR have mutually agreed to provide maintenance, replacement, new installations and repair work for its chemical systems at the City of Pompano Beach's Water Treatment and/or Reuse Treatment Plant, to extend the Original Agreement for one (1) additional one-year period; and amend the price formula.

### **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 Original Agreement executed on July 1, 2016 attached as Exhibit A, a copy of which is attached her to and made a part hereof, shall remain in full force and effect except as specifically amended herein below.
3. The parties hereto agree to renew the Original Agreement for one (1) additional one- year period, ending June 30, 2018.
4. Paragraph 7 Price Formula is hereby deleted in its entirety and a new Paragraph 7 Price Formula is hereby substituted as follows:  
  
7. Price Formula. City agrees to pay Contractor for performance of the services set forth in this Agreement as indicated in Exhibit "C". The not-to-

exceed contract amount shall be \$800,000.00 (eight hundred thousand) dollars annually to be used as needed by the City between the Reuse Treatment Plant and Water Treatment Plan. Any single work authorization in excess of \$150,000.00 (one hundred and fifty thousand) dollars shall require City Commission approval in advance and prior to Contractor starting work.

5. This Agreement shall bind the parties and their respective executors, administrators, successors and assign and shall be fully effective as though the amendment had been originally included in the Original Agreement.

THE REMAINDER OF THE PAGE IS INTENTIONALLY LEFT BLANK

IN WITNESS OF THE FOREGOING, the parties have set their hands and seals the day and year first above written.

**"CITY":**

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

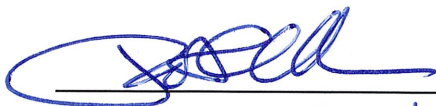
\_\_\_\_\_  
(Name of Acknowledger Typed, Printed or Stamped)

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

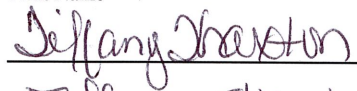
**"CONTRACTOR":**

Witnesses:

ODYSSEY MANUFACTURING CO.,

  
\_\_\_\_\_  
Patrick H. Allman

Print Name

  
\_\_\_\_\_  
Tiffany Thaxton

Print Name

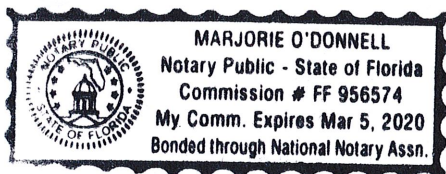
By:

  
\_\_\_\_\_  
Marvin T. Rakes, President

STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of June, 2017 by Marvin T. Rakes as President of ODYSSEY MANUFACTURING CO., a Delaware corporation, on behalf of the corporation. He/She is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification.

NOTARY'S SEAL:



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

Marjorie O'Donnell  
\_\_\_\_\_  
(Name of Acknowledger Typed, Printed or Stamped)

FF 956574  
\_\_\_\_\_  
Commission Number