



CITY OF DELRAY BEACH
100 NW 1st AVENUE, DELRAY BEACH, FL 33444

AMENDMENT NO. 1 TO
MASTER CONTRACTOR/SERVICES AGREEMENT
FOR
ELEVATOR MAINTENANCE, INSPECTION, AND MODERNIZATION

KONE, INC.

CITY OF DELRAY BEACH
AMENDMENT NO. 1 TO
MASTER CONTRACTOR/SERVICES AGREEMENT
FOR
ELEVATOR MAINTENANCE, INSPECTION, AND MODERNIZATION

THIS AMENDMENT NO. 1 to the Master Contractor/Services Agreement for Elevator Maintenance, Inspection, and Modernization Services dated February 12, 2019, by and between City of Delray Beach, a municipal corporation of the State of Florida (hereinafter referred to as "City"), and Kone, Inc. (hereinafter referred to as "Contractor"), a Florida corporation, is entered into this ____ day of ____, 2019.

WITNESSETH:

WHEREAS, on February 12, 2019, the City entered into an agreement with Contractor for elevator maintenance, inspection, and modernization services (hereinafter referred to as the "Agreement") pursuant to Resolution No. 49-19, utilizing the same terms, conditions, and pricing of solicitation number EV2516 procured by U.S. Communities Government Purchasing Alliance; and

WHEREAS, the City desires to add elevator maintenance services from Contractor in accordance with and pursuant to the same terms, conditions, and pricing of solicitation number EV2516 procured by U.S. Communities Government Purchasing Alliance; and

WHEREAS, Contractor agrees to add elevator maintenance services to City in accordance with and pursuant to the same terms, conditions, and pricing of solicitation number EV2516 procured by U.S. Communities Government Purchasing Alliance.

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, the parties do agree that the Agreement is amended as follows:

1. The above recitals are true and correct and are incorporated herein.
2. This Amendment No. 1 adds elevator maintenance services, under the same terms and conditions, of the original contract term.
3. Except as provided herein, all other terms and conditions of the Agreement remain in full force and effect and are hereby confirmed. The Agreement and this Amendment No. 1 represent the entire understanding between the parties on the issues contained herein, either written or oral, and may only be amended by written instrument signed by both parties.

[Remainder of page intentionally left blank]

IN WITNESS WHEREOF, the City and Contractor hereto have set their hands and corporate seals on this 17 day of September, 2019.

ATTEST:

CITY OF DELRAY BEACH

Katerri Johnson
Katerri Johnson, City Clerk

BY: Neal de Jesus
Neal de Jesus, Interim City Manager

Approved as to form for legal sufficiency:

Lynn Gelin
Lynn Gelin, City Attorney

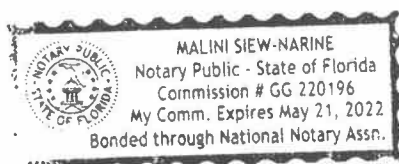
CONTRACTOR

By: Andy Mimbres
Printed Name
Sales Manager
Title

(SEAL)

STATE OF Florida
COUNTY OF Broward

The foregoing instrument was acknowledged before me this 13 day of September, 2019, by Andy Mimbres, as Sales Manager (name of officer or agent, title of officer or agent), of KONE Inc. (name of corporation acknowledging), a Delaware (state or place of incorporation) corporation, on behalf of the corporation. He/She is personally known to me or has produced N/A (type of identification) as identification.



Malini Siew-Narine
Notary Public – State of Florida

CITY ATTORNEY OFFICE - LEGAL REVIEW CHECKLIST

Name of Agreement: Amendment No.1 to Master Services Agreement--Kone

Department: Purchasing/PW

Contact person: N. Tucker

City Manager approval ☐

City Commission approval ☒

Agenda item #:

Agenda meeting date:

Resolution #:

Agreement Action:

New ☐

Renewal* ☐

Amendment* ☒

*Renewal: Only change is the agreement term

*Amendment: For changes other than/in addition to term

Does the Contractor require the City to sign first?: No

For City Attorney Use only:

Agreement Terms:

Comments/Specific Provision in Agreement

Term (Duration of Agreement)	through 11/30/2024
Termination Clause	p.5 w/or w/o cause
Renewal Clause	add'l 5 years
Insurance	City standard
Indemnification	City standard
Assignment	p.8
Fiscal Funding Requirement	p.12
FL. Public Records Provision (2016)	p.10
Inspector General Provision	p.11
Governing Law	Florida
Venue	Palm Beach County
Attorney's fees	

Business Principles:

Comments

Fees: Total Value	\$427,186 (formerly \$338,266.00)
Fees: Per Fiscal Year	

Other Issues:

Comments

Non-Negotiable Issues/ Miscellaneous Issues/ Special Considerations	Amendment No. 1 includes additional services (elevator maintenance) and increased the overall value of the contract by \$88,920.
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Consistent with applicable policies including, but not limited to, Procurement policies. Yes ☒

Attorney: William Bennett, Esq.

Reviewed and approved as to form and legal sufficiency only