

## AMENDMENT TO TERMS OF SERVICE

This Amendment to Terms of Services, entered into this 25th day of September, 2018, is by and between Elavon, Inc., f/k/a NOVA Information Systems, Inc., a Georgia corporation authorized to transact business in the State of Florida, ("Contractor"), and the City of Fort Lauderdale, a Florida municipality, ("City").

WHEREAS, the Contractor and the City entered into Terms of Service for credit card services, ("Agreement"); and

WHEREAS, although a tripartite agreement, the Agreement provides that the "Member [Wachovia Bank, National Association] may be changed by NOVA at any time."; and

WHEREAS, the Agreement has been extended through September 30, 2018,

NOW, THEREFORE, the City and the Contractor agree, as an amendment to the Agreement, as follows:

1. The Agreement is extended through November 30, 2018.
2. Subject to *Odebrecht Construction, Inc., v. Prasad*, 876 F.Supp.2d 1305 (S.D. Fla. 2012), *affirmed*, *Odebrecht Construction, Inc., v. Secretary, Florida Department of Transportation*, 715 F.3d 1268 (11th Cir. 2013), with regard to the "Cuba Amendment," the Contractor certifies that it is not on the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List or the Scrutinized Companies that Boycott Israel List created pursuant to Section 215.4725, Florida Statutes (2018), that it is not engaged in a boycott of Israel, and that it does not have business operations in Cuba or Syria, as provided in section 287.135, Florida Statutes (2018), as may be amended or revised. The City may terminate this Agreement at the City's option if the Contractor is found to have submitted a false certification as provided under subsection (5) of section 287.135, Florida Statutes (2018), as may be amended or revised, or been placed on the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List or the Scrutinized Companies that Boycott Israel List created pursuant to Section 215.4725, Florida Statutes (2018), as may be amended or revised, or is engaged in a boycott of Israel or has been engaged in business operations in Cuba or Syria, as defined in Section 287.135, Florida Statutes (2018), as may be amended or revised.

**3. IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT [PRRCONTRACT@FORTLAUDERDALE.GOV](mailto:PRRCONTRACT@FORTLAUDERDALE.GOV), 954-828-5002, CITY**

CAM 18-0979

Exhibit 1

Page 1 of 3


**CLERK'S OFFICE, 100 N. ANDREWS AVENUE, FORT LAUDERDALE,  
FLORIDA 33301.**

Contractor shall:

- a. Keep and maintain public records required by the City to perform the service.
- b. Upon request from the City's custodian of public records, provide the City with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes (2018), as may be amended or revised, or as otherwise provided by law.
- c. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the contract if the Contractor does not transfer the records to the City.
- d. Upon completion of the Contract, transfer, at no cost, to the City all public records in possession of the Contractor or keep and maintain public records required by the City to perform the service. If the Contractor transfers all public records to the City upon completion of the contract, the Contractor shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the Contractor keeps and maintains public records upon completion of the contract, the Contractor shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the City, upon request from the City's custodian of public records, in a format that is compatible with the information technology systems of the City.

WHEREFORE, the City and the Contractor execute this Amendment to Terms of Service as follows:

ATTEST:

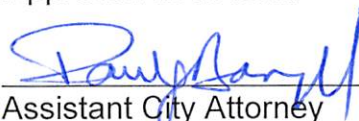
  
Jeffrey A. Modarelli, City Clerk

City of Fort Lauderdale

By:   
Dean J. Trantalis, Mayor

By:   
Lee R. Feldman, City Manager

Approved as to form:

  
Sr. Assistant City Attorney

DECLARATION OF THE CITY OF LOS ANGELES  
IN THE MATTER OF THE  
CITY OF LOS ANGELES

WHEREAS

the City of Los Angeles is a city of the State of California

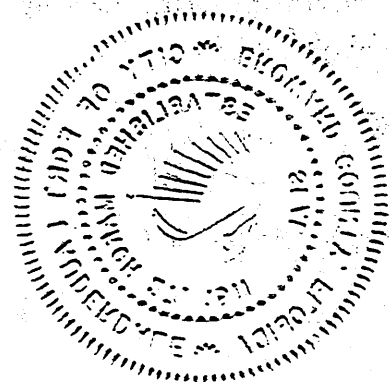
and the City of Los Angeles is a city of the State of California  
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and the City of Los Angeles is a city of the State of California

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ATTEST:

Elavon, Inc.

Melinda M. Doster  
Melinda M. Doster  
General Counsel

By: James Stewart Walker  
James Stewart Walker, CEO

(Seal)

STATE OF GEORGIA :  
COUNTY OF DEKALB :

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of OCTOBER, 2018, by James Stewart Walker as CEO for Elavon, Inc., a Georgia corporation authorized to transact business in the State of Florida.

(SEAL)

Ricardo Brice  
Notary Public, State of GEORGIA  
(Signature of Notary Public)

RICARDO BRICE  
(Print, Type, or Stamp Commissioned  
Name of Notary Public)

Personally Known ☒ OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_







COMMISSION AGENDA ITEM  
DOCUMENT ROUTING FORM

1006  
10/17/18

Today's Date: 10/15/2018

DOCUMENT TITLE: ELAVON, INC. F/K/A NOVA INFORMATION SYSTEMS, INC. – AMENDMENT TO TERMS OF SERVICE

COMM. MTG. DATE: 9/25/2018 CAM #: 18-0979 ITEM #: PUR-6 CAM attached: ☒ YES ☐ NO

Routing Origin: CAO Router Name/Ext: J. Larregui/5106 Action Summary attached: ☒ YES ☐ NO

CIP FUNDED: ☐ YES ☒ NO

Capital Investment / Community Improvement Projects defined as having a life of at least 10 years and a cost of at least \$50,000 and shall mean improvements to real property (land, buildings, or fixtures) that add value and/or extend useful life, including major repairs such as roof replacement, etc. Term "Real Property" include: land, real estate, realty, or real.

1) Dept: Procurement Router Name/Ext: L. Blanco/5141 # of originals routed: 1 Date to CAO: 10/15/18

2) City Attorney's Office: Documents to be signed/routed? ☒ YES ☐ NO # of originals attached: 1

Is attached Granicus document Final? ☒ YES ☐ NO

Approved as to Form: ☒ YES ☐ NO

Date to CCO: 10/16/18

Paul G. Bangel  
Attorney's Name

PGB/JL  
Initials

3) City Clerk's Office: # of originals: 1 Routed to: K. Arthurs/CMO/X5013 Date: 10/16/18

4) City Manager's Office: CMO LOG #: 06-58 Document received from: 10/16/18

Assigned to: L. FELDMAN ☒ S. HAWTHORNE ☐ C. LAGERBLOOM ☐  
L. FELDMAN as CRA Executive Director ☐

☐ APPROVED FOR LEE FELDMAN'S SIGNATURE ☐ N/A FOR L. FELDMAN TO SIGN

PER ACM: S. HAWTHORNE (Initial/Date) C. LAGERBLOOM  
(Initial/Date) ☐ PENDING APPROVAL (See comments below)

Comments/Questions: \_\_\_\_\_

Forward 1 originals to ☒ Mayor ☐ CCO Date: 10/17/18

5) Mayor/CRA Chairman: Please sign as indicated. Forward \_\_\_\_\_ originals to CCO for attestation/City seal (as applicable) Date: \_\_\_\_\_

6) City Clerk's Office: Retains 1 Copy and forwards 1 Original to: Linda Blanco/Procurement/Ext. 5141

Attach \_\_\_\_\_ certified Reso # \_\_\_\_\_ ☒ YES ☐ NO

Original Route form to CAO/J. Larregui

Rev. 12/22/16