

## **FIRST AMENDMENT TO AGREEMENT**

### **FOR**

### **PAY BY PHONE PARKING PAYMENT SYSTEM**

This First Amendment to the Pay By Phone Payment System Service Agreement, (hereinafter "Agreement") by and between the City of Fort Lauderdale, a Florida municipality existing under the laws of the State of Florida, ("City"), whose address is 100 North Andrews Avenue, Fort Lauderdale, FL 33301, and PayByPhone Technologies Inc., a foreign corporation authorized to transact business in the State of Florida, ("Contractor" or "Corporation"), whose address is #403-1168 Hamilton Street, Vancouver, British Columbia V6B2S2 CA, is entered into this 3rd day of March, 2020.

WHEREAS, an Agreement for pay by phone parking services was awarded by the City Commission on September 3, 2014; and

WHEREAS, pursuant to Section III. of the Agreement, the initial contract period commenced on September 15, 2014 for a period of three years, with two one-year renewal options; and

WHEREAS, pursuant to Section 2-178 (c)(14) of the City of Fort Lauderdale Procurement Ordinance, the City and Contractor agreed upon and executed a 180-day extension, that extended the term of the Agreement until March 14, 2020; and

WHEREAS, the City desires additional time to complete a competitive solicitation process and to negotiate a new Pay by Phone Parking Payment System Service Agreement; and

WHEREAS, the parties desire to enter into a First Amendment to the Pay by Phone Parking Payment System Service Agreement to extend the term of the agreement for an additional year commencing March 15, 2020 through March 14, 2021, or until a new agreement is executed for pay by phone parking services, whichever comes first.

NOW, THEREFORE, in consideration of the mutual terms and covenants set forth herein and other good and valuable consideration, the City and the Contractor agree to amend the Pay by Phone Parking Payment System Service Agreement as follows:

1. The above recitals and representations are true and correct and are incorporated herein.
2. Section III. of the Agreement is hereby amended to add the following: The City reserves the right to extend the Agreement for an additional one-year

term commencing March 15, 2020 through March 14, 2021, or until a new Pay by Phone Parking Payment System Service Agreement is executed for pay by phone parking services, whichever comes first.

3. In the event of any conflict or ambiguity by and between the terms and provisions of the Pay by Phone Parking Payment System Services Agreement, the terms and provisions of this First Amendment to the Pay by Phone Parking Services Agreement shall control to the extent of any such conflict or ambiguity.
4. The terms and conditions of the Pay by Phone Parking Payment System Services Agreement shall remain in full force and effect, except as specifically amended by this First Amendment, to the Pay by Phone Parking Payment System Service Agreement.

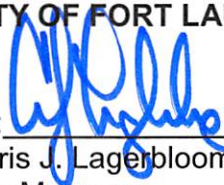
**{REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK}**

IN WITNESS WHEREOF, the City and the Contractor execute this First Amendment to the Pay by Phone Parking Payment System Service Agreement as follows:

ATTEST

By:   
Jeffrey A. Modarelli, City Clerk

CITY OF FORT LAUDERDALE

By:   
Chris J. Lagerbloom, ICMA-CM  
City Manager

Approved as to form  
Alain E. Boileau, City Attorney

By:   
Kimberly Cunningham Mosley

PAYBYPHONE TECHNOLOGIES INC.

By:   
Margaret Clay, Director



(CLERK SEAL)

PROVINCE OF BRITISH COLUMBIA  
STATE OF FLORIDA )  
CITY ) SS:  
COUNTY OF Vancouver )

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this 5<sup>th</sup> day of March, 2020, by Margaret Clay, Director, PayByPhone Technologies Inc., a Foreign Profit Corporation.

  
Signature of Notary Public - ~~State of Florida~~

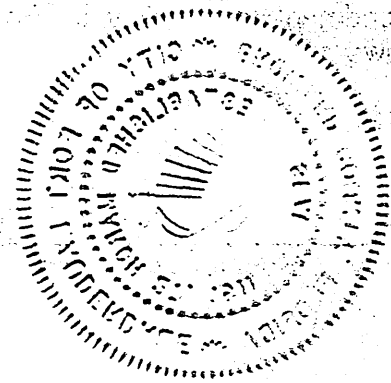
Province of British Columbia

REBECCA DHINDSA  
Print, Type, or Stamp Commissioned Name  
Of Notary Public

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

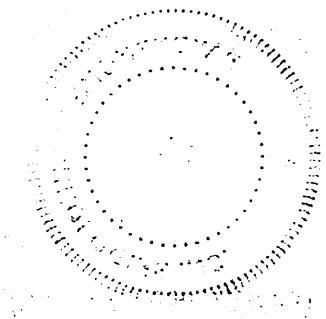
IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF COLUMBIA

IN RE: [illegible]  
[illegible]



[illegible signature]

[illegible signature]



Attest: [illegible]

[illegible text]

[illegible text]



[illegible text]



COMMISSION AGENDA ITEM  
DOCUMENT ROUTING FORM

100  
3/10/2020

Today's Date: 3/9/2020

DOCUMENT TITLE: FIRST AMENDMENT TO AGREEMENT FOR PAY BY PHONE PARKING  
PAYMENT SYSTEM

COMM. MTG. DATE: 3/3/2020 CAM #: 20-0200 ITEM #: CP-5 CAM attached: ☒ YES ☐ NO

Routing Origin: CAO Router Name/Ext: K.Nembhard5001 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.: TAM Router Name/Ext: L.Blanco/5141 # of originals routed: 1 Date to CAO: 3/9/2020

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: 3/9/2020 Kimberly Cunningham Mosley  
Attorney's Name

13/20  
Initials

3) City Clerk's Office: # of originals: 1 Routed to: MJ Matthews/CMO/x5364 Date: 3/9/2020

4) City Manager's Office: CMO LOG #: Mar-39 Document received from: CCO

Assigned to: CHRIS LAGERBLOOM ☒ ROBERT HERNANDEZ ☐ ASHLEY BOXER ☐ TARLESHA SMITH ☐  
CHRIS LAGERBLOOM as CRA Executive Director ☐

☐ APPROVED FOR C. LAGERBLOOM'S SIGNATURE ☐ N/A FOR C. LAGERBLOOM TO SIGN

PER DCM: R. HERNANDEZ (Initial/Date) PER ACM: A. Boxer (Initial/Date)  
PER ACM: T. Smith (Initial/Date)

☐ PENDING APPROVAL (See comments below)

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

Forward 1 originals to ☐ Mayor ☒ CCO Date: 3/9/2020

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

6) City Clerk: Forward \_\_\_\_\_ originals to CAO for FINAL APPROVAL Date: \_\_\_\_\_

7) CAO forwards \_\_\_\_\_ originals to CCO Date: \_\_\_\_\_

8) City Clerk: Scan original and forwards \_\_\_\_\_ originals to: L.Blanco/5141

Attach \_\_\_\_\_ certified Reso # \_\_\_\_\_ ☐ YES ☒ NO Original Route form to K.Nembhard