

**THIRD AMENDMENT TO
AGREEMENT**

THIS THIRD AMENDMENT TO AGREEMENT is made and entered into as of this ____ day of _____, 2016, by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
(hereinafter referred to as "SBBC"),
a body corporate and political subdivision of the State of Florida,
whose principal place of business is
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

TEXAS LIFE INSURANCE COMPANY
(hereinafter referred to as "Texas"),
whose principal place of business is
900 Washington Avenue
Post Office Box 830
Waco, Texas 76703-0830

WHEREAS, SBBC issued a Request for Proposals, identified as RFP 13-010V Voluntary Supplemental Insurance Plans/Programs, dated April 11, 2012, and amended by Addendum Number 1, dated May 4, 2012, and Addendum Number 2, dated May 7, 2012, (hereafter referred to as "RFP") which is incorporated by reference herein, for the purpose of receiving proposals for Voluntary Supplemental Insurance Plans/Programs for SBBC employees;
and

WHEREAS, Texas offered a proposal dated May 24, 2012, (hereafter referred to as "Proposal") which is incorporated by reference herein, in response to RFP.

WHEREAS, SBBC and Texas entered into an Agreement dated October 16, 2012 (hereinafter "Agreement") for Voluntary Supplemental Insurance Plans/Programs for School Board Employees under RFP 13-010V; and

WHEREAS, SBBC and Texas entered into a First Amendment to Agreement dated February 21, 2014 (hereinafter "First Amendment"); and

WHEREAS, SBBC and Texas entered into a Second Amendment to Agreement dated July 28, 2015 (hereinafter "Second Amendment"); and

WHEREAS, SBBC and Texas mutually agree to extend the Term of the Agreement for an additional one-year period through December 31, 2017; and

NOW, THEREFORE, in consideration of the premises and of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

ARTICLE 1 - RECITALS

- 1.01 **Recitals.** The parties agree that the foregoing recitals are true and correct and that such recitals are incorporated herein by reference.

ARTICLE 2 – SPECIAL CONDITIONS

- 2.01 **Priority of Documents.** In the event of a conflict between documents, the order or priority of the documents shall be as follows:

- First: Third Amendment to Agreement;
- Second: Second Amendment to Agreement;
- Third: First Amendment to Agreement;
- Fourth: The Agreement;
- Fifth: Addendum Number Two [dated May 7, 2012];
- Sixth: Addendum Number One [dated May 4, 2012];
- Seventh: RFP 13-010V “Voluntary Supplement Insurance Plans/Programs”; and
- Eighth: The Proposal submitted in response to the RFP by Texas Life Insurance Company.

In case of any other doubt or difference of opinion, the decision of SBBC shall be final and binding on both parties.

- 3.01 **Terms of Agreement.** Except as expressly provided herein, all terms and conditions set forth in the Agreement and Amendment shall remain in force and effect for the contract term specified within this Addendum.
- 4.01 **Authority.** Each person signing this Third Amendment to Agreement on behalf of either party individually warrants that he or she has the full legal power to execute this Amendment on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Third Amendment.

IN WITNESS WHEREOF, the Parties hereto have made and executed this Amendment to the Agreement on the date first above written.

FOR SBBC

(Corporate Seal)

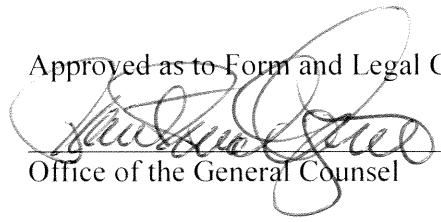
THE SCHOOL BOARD OF BROWARD
COUNTY, FLORIDA

ATTEST:

By: _____
Dr. Rosalind Osgood, Chair

Robert W. Runcie
Superintendent of Schools

Approved as to Form and Legal Content:

 05/12/16
Office of the General Counsel

FOR TEXAS

(Corporate Seal)

Texas Life Insurance Company

ATTEST:

By Carroll Fadal
Carroll Fadal, Distribution Officer
Texas Life Insurance Company

Secretary

-or-

Melanie Cook
Witness

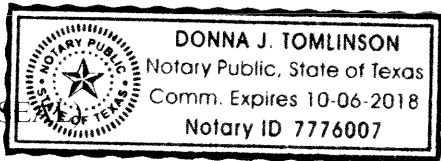
Suzanne Gorbely
Witness

The Following Notarization is Required for Every Agreement Without Regard to Whether the Party Chose to Use a Secretary's Attestation or Two (2) Witnesses.

STATE OF Texas
COUNTY OF McLennan

The foregoing instrument was acknowledged before me this 3rd day of May, 2016 by Carroll Fadal, of Texas Life Insurance Company, on behalf of the corporation/agency. He is personally known to me or produced _____ as identification and did/did not first take an oath.

My Commission Expires:



Donna J. Tomlinson
Signature - Notary Public

Donna J Tomlinson
Printed Name of Notary

7776007
Notary's Commission No.

**THIRD AMENDMENT TO
AGREEMENT**

THIS THIRD AMENDMENT TO AGREEMENT is made and entered into as of this _____ day of _____, 2016, by and between

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
(hereinafter referred to as "SBBC"),
a body corporate and political subdivision of the State of Florida,
whose principal place of business is
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

WASHINGTON NATIONAL INSURANCE COMPANY
(hereinafter referred to as "Washington"),
whose principal place of business is
11825 N. Pennsylvania Street
Carmel, Indiana 46032

WHEREAS, SBBC issued a Request for Proposals, identified as RFP 13-010V Voluntary Supplemental Insurance Plans/Programs, dated April 11, 2012, and amended by Addendum Number 1, dated May 4, 2012, and Addendum Number 2, dated May 7, 2012, (hereafter referred to as "RFP") which is incorporated by reference herein, for the purpose of receiving proposals for Voluntary Supplemental Insurance Plans/Programs for SBBC employees; and

WHEREAS, Washington offered a proposal dated May 21, 2012, (hereafter referred to as Proposal") which is incorporated by reference herein, in response to RFP.

WHEREAS, SBBC and Washington entered into an Agreement dated October 16, 2012 (hereinafter "Agreement") for Voluntary Supplemental Insurance Plans/Programs for School Board Employees under RFP 13-010V; and

WHEREAS, SBBC and Washington entered into a Second Amendment to Agreement dated July 28, 2015 (hereinafter "Second Amendment") and

WHEREAS, SBBC and Washington mutually agree to extend the Term of the Agreement for an additional one-year period through December 31, 2017; and

NOW, THEREFORE, in consideration of the premises and of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

ARTICLE 1 - RECITALS

1.01 **Recitals.** The parties agree that the foregoing recitals are true and correct and that such recitals are incorporated herein by reference.

ARTICLE 2 – SPECIAL CONDITIONS

2.01 **Priority of Documents.** In the event of a conflict between documents, the order or priority of the documents shall be as follows:

- First: Third Amendment to Agreement;
- Second: Second Amendment to Agreement;
- Third: First Amendment to Agreement;
- Fourth: The Agreement;
- Fifth: Addendum Number Two [dated May 7, 2012];
- Sixth: Addendum Number One [dated May 4, 2012]
- Seventh: RFP 13-010V “Voluntary Supplement Insurance Plans/Programs”; and
- Eight: The Proposal submitted in response to the RFP by Washington National Insurance Company.

In case of any other doubt or difference of opinion, the decision of SBBC shall be final and binding on both parties.

3.01 **Terms of Agreement.** Except as expressly provided herein, all terms and conditions set forth in the Agreement and Amendment shall remain in force and effect for the contract term specified within this Addendum.

4.01 **Authority.** Each person signing this Third Amendment to Agreement on behalf of either party individually warrants that he or she has the full legal power to execute this Amendment on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Third Amendment.

IN WITNESS WHEREOF, the Parties hereto have made and executed this Amendment to the Agreement on the date first above written.

FOR SBBC

(Corporate Seal)

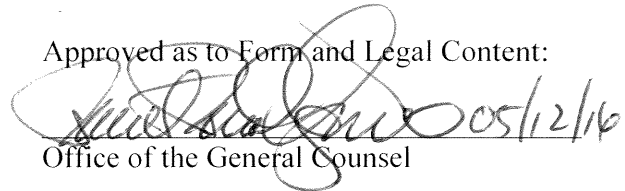
THE SCHOOL BOARD OF BROWARD
COUNTY, FLORIDA

ATTEST:

By: _____
Dr. Rosalind Osgood, Chair

Robert W. Runcie
Superintendent of Schools

Approved as to Form and Legal Content:

 05/12/16
Office of the General Counsel

FOR WASHINGTON

(Corporate Seal)

Washington National Insurance Company

ATTEST:

By *Barbara Stewart*
Barbara Stewart, President
Washington National Insurance

Secretary

-or-

Shawn Audyone
Witness

Connie Burgess
Witness

The Following Notarization is Required for Every Agreement Without Regard to Whether the Party Chose to Use a Secretary's Attestation or Two (2) Witnesses.

STATE OF IN

COUNTY OF Howard

The foregoing instrument was acknowledged before me this 10 day of May, 2016 by **Barbara Stewart** of Washington National Insurance Company, on behalf of the corporation/agency. She is personally known to me or produced _____ as identification and did/did not first take an oath.

My Commission Expires:

Tammy R. Craig
Signature – Notary Public

TAMMY R. CRAIG
Printed Name of Notary

11-29-18
Notary's Commission No.

(SEAL)

