

SECOND AMENDMENT TO AGREEMENT

THIS SECOND AMENDMENT TO AGREEMENT is made and entered into as of this ____ day of _____, 2018, 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

KJH III, INC.
(hereinafter referred to as "VENDOR"),
having its principal place of business at
622 Banyan Trail, Suite 300
Boca Raton, Florida 33431

WHEREAS, SBBC issued a Request for Proposal identified as RFP 14-036N – Adult Workforce Education Advertising Agency Services and Addendum No. 1 and Addendum No. 2 (hereinafter referred to as "RFP") and dated August 6, 2013 for the purpose of receiving proposals for Adult Workforce Education Advertising Agency Services; and

WHEREAS, VENDOR offered a proposal dated July 10, 2013 (hereinafter referred to as "Proposal" which is incorporated by reference herein, in response to the RFP; and

WHEREAS, VENDOR admits and agrees that on August 6, 2013, it was awarded an Agreement under the RFP through June 30, 2016, which permits two (2) one-year renewals and an additional extension for up to 180 days beyond the expiration date of the final renewal period (hereinafter referred to as "Agreement"); and

WHEREAS, on June 28, 2016, SBBC and VENDOR exercised its first of two (2) options to renew the Agreement for a period of one (1) additional year; and

WHEREAS, on April 18, 2017, SBBC and VENDOR exercised its second of two (2) options to renew the Agreement for a period of one (1) additional year, and

WHEREAS, SBBC wishes to exercise its last and final option to extend the Agreement for 180 days; 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:

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

1.02 **Term of Agreement.** Pursuant to Article 2.01 of the Agreement, the term of the Agreement is hereby extended from **July 1, 2018** through **December 31, 2018**, unless terminated earlier pursuant to Article 3.05 of the Agreement.

1.03 **Order of Precedence among Agreement Documents.** In the event of conflict between the provisions of the Agreement and the provisions contained herein, the provisions of the following documents shall take precedence in this order:

- First: Second Amendment to Agreement, then
- Second: First Amendment to Agreement, then
- Third: Agreement, then
- Fourth: Addendum No. 1, then
- Fifth: RFP 14-036N – Adult Workforce Education Advertising Agency Services
- Sixth: Proposal submitted in repose to the RFP by VENDOR

1.04 **Other Provisions Remain in Force.** Except as expressly provided herein, all other portions of the Agreement remain in full force and effect.

1.05 **Authority.** Each person signing this Second Amendment to Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Second Amendment to Agreement 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 Second Amendment to Agreement.

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

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGES TO FOLLOW]

FOR SBBC:

(Corporate Seal)

THE SCHOOL BOARD OF BROWARD
COUNTY, FLORIDA

ATTEST:

By _____
Nora Rupert, Chair

Robert W. Runcie, Superintendent of Schools

Approved as to Form and Legal Content:

**Janette M.
Smith**

Digitally signed by Janette M.
Smith
Date: 2018.05.01 12:18:37
-04'00'

Office of the General Counsel

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE TO FOLLOW]

FOR VENDOR:

(Corporate Seal)

KJH III, INC.

ATTEST:

By Gail Yaciuk
Signature

_____, Secretary

Printed Name: Gail Yaciuk

Title: General Manager

-or-

[Signature]
Witness

[Signature]
Witness

STATE OF Florida

COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me this 25 day of April, 2018 by GAIL YACIUK of

Name of Person

KJH III on behalf of the corporation/agency. He/She is personally known to me or produced _____ as identification and did/did not first take an oath. _____ Type of Identification

My Commission Expires:

Minda B Katz
Signature – Notary Public

Minda B Katz
Printed Name of Notary

(SEAL)

Notary's Commission No. MINDA B. KATZ
FF 926785
Expires November 9, 2019
Bonded Thru Troy Falm Insurance 800-385-7019