

FIRST AMENDMENT TO AGREEMENT

THIS FIRST AMENDMENT TO AGREEMENT is made and entered into as of this _____ day of _____, 2019, 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

NEWSELA, INC.

(Hereinafter referred to as "VENDOR"),

whose principal place of business is

475 10TH Avenue, 4th Floor

New York, NY 10018

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WHEREAS, SBBC and VENDOR entered into an Agreement dated August 8, 2017 (hereafter "Agreement"); and

WHEREAS, VENDOR shall provide access to their online platform Newsela PRO, a cloud-based platform that can be accessed from any industry-standard web browser. Platform shall support and enhance each students' reading ability by providing individualized non-fiction content catered to their reading level. SBBC shall have access to this platform via any of their supported connections, in addition to access via apps, which are available for iOS, Google Android and Google Chromebook systems; and

WHEREAS, the parties mutually desire to amend certain provisions of the Agreement through this First Amendment to Agreement (hereafter "Amendment").

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 Section 2.0 of the Agreement, the term of the Agreement is hereby extended from August 1, 2019 through July 31, 2020, unless terminated earlier pursuant to Section 3.06.

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:

- a) This First Amendment to Agreement; then
- b) the Agreement.

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 First Amendment to Agreement on behalf of either party individually warrants that he or she has full legal power to execute this First 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 First Amendment to Agreement.

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

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FOR SBBC:

(Corporate Seal)
(Corporate Seal)
ATTEST

THE SCHOOL BOARD OF BROWARD
COUNTY, FLORIDA

ATTEST:

By _____
Principal Heather P. Brinkworth, Chair

Robert W. Runcie, Superintendent of Schools

Approved as to Form and Legal Content:

Office of the General Counsel

STATE OF NEW YORK
COUNTY OF NEW YORK

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WILIAM LITMAN
(SEAL) NOTARY PUBLIC - STATE OF NEW YORK
No. 01950978212
Qualified in Queens Co. N.Y.
My Commission Expires 01-29-2022

Brian Berman
Brian Berman
Printed Name of Notary
018E6340312
Notary's Commission No.

FOR VENDOR

(Corporate Seal)

ATTEST:

NEWSELA, INC.

By _____



Signature

Printed Name: _____

Chris Mezzatesta

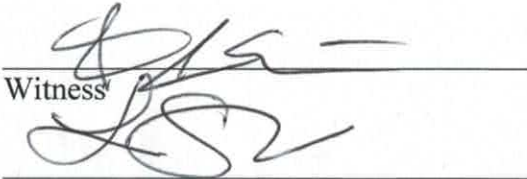
Title: _____

CRO

_____, Secretary

-or-

Witness



Witness

STATE OF

New York

COUNTY OF

New York

The foregoing instrument was acknowledged before me this 12th day of June, 2019 by Chris Mezzatesta of _____
Name of Person

Newsela, Inc. on behalf of the corporation/agency. He/She is personally known to me or produced Driver's License as identification and did/did not first take an oath. _____
Type of Identification

My Commission Expires:

Signature - Notary Public

Brian Berman

Printed Name of Notary

(SEAL)

BRIAN BERMAN
NOTARY PUBLIC-STATE OF NEW YORK
No. 01BE6370332
Qualified in Queens County
My Commission Expires 01-29-2022

01BE6370332

Notary's Commission No.