

FIRST AMENDMENT TO AGREEMENT

THIS FIRST AMENDMENT TO AGREEMENT is made and entered into as of this _____ day of _____, 2020, 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

BANK OF AMERICA, N. A.
(hereinafter referred to as "BANK"),
having its principal place of business at
222 Lakeview Avenue, Suite 600
West Palm Beach, FL 33401

WHEREAS, SBBC and BANK entered into an Agreement dated April 18, 2017 (hereafter "Agreement"); and

WHEREAS, BANK offered a proposal dated March 12, 2015 (hereinafter referred to as "Proposal") which is incorporated by reference herein, in response to RFP 16-001H – Banking Services; and

WHEREAS, section 2.01 of the Agreement permits one hundred and eighty (180) day extension beyond the expiration date of the Agreement; and

WHEREAS, SBBC wishes to exercise the one hundred and eighty (180) day extension of the Agreement; and

WHEREAS, the parties mutually desire to amend certain provisions of the Agreement through this First Amendment to Agreement (hereafter "First 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 2.01 of the Agreement, the term of the Agreement is hereby extended for 180 days from **July 1, 2020** through **December 31, 2020**, unless terminated earlier pursuant to Section 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: This First Amendment to Agreement; then
- Second: Agreement; then
- Third: Addendum No. 1; then
- Fourth: RFP 16-001H – Banking Services
- Fifth: Proposal submitted in response to the RFP by BANK

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

1.08 **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.

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGES FOLLOW]

FOR SBBC:

(Corporate Seal)

THE SCHOOL BOARD OF BROWARD
COUNTY, FLORIDA

ATTEST:

By _____
Donna P. Korn, Chair

Robert W. Runcie, Superintendent of Schools

Approved as to Form and Legal Content:

Eric Abend

Digitally signed by Eric Abend
Reason: BoA 1st Amend 2020
Date: 2020.03.17 08:43:47 -04'00'

Office of the General Counsel

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS]

FOR BANK:

(Corporate Seal)

ATTEST:

BANK OF AMERICA, N. A.

By *Sean Silverbush*
Signature

_____, Secretary

Printed Name: Sean Silverbush

-or-

Title: Vice President

Richard Golden
Witness

Lucy Marquez
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 Florida

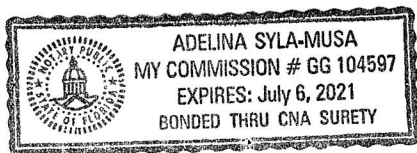
COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 13th March 2020 (date) by Sean Silverbush (name of officer or agent, title of officer or agent) of Bank of America (name of corporation acknowledging), a Florida (state or place of incorporation) corporation, on behalf of the corporation. He/she is personally known to me (underline) or has produced Florida driver license (type of identification) as identification and who did / did not first take an oath this 13th day of March, 2020.

My Commission Expires:

Adelina Syla-Musa
Signature - Notary Public

(SEAL)



Adelina Syla-Musa
Notary's Printed Name

GG 104597
Notary's Commission No.