

# 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

**FOX-MAR PHOTOGRAPHY, INC.,**  
(hereinafter referred to as "PHOTOGRAPHER"),  
whose principal place of business is  
10535 SW 109<sup>th</sup> Court, Miami, Florida 33176.

**WHEREAS**, SBBC and PHOTOGRAPHER entered into an Agreement dated August 8, 2017 (hereafter "Agreement") for Request for Proposal 17-048N Senior Portraits hereafter "RFP", with an initial contract term from August 8, 2017, and continuing through April 30, 2020; and

**WHEREAS**, PHOTOGRAPHER is included in a pool of qualified vendors from which school-allied groups might select a vendor to provide such services to students enrolled at a specific district school; 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 2.01 of the Agreement, the term of the Agreement is hereby extended from May 1, 2020 through April 30, 2021, 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:

- a) First: This First Amendment to Agreement; then

- b) Second: The Agreement; then
- c) Third: Addendum Number One dated February 17, 2017; then
- d) Fourth: RFP 17-048N – “Senior Portraits” dated January 24, 2017; then
- e) Fifth: the Proposal submitted by PHOTOGRAPHER in response to RFP.

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.

**[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:

\_\_\_\_\_  
Office of the General Counsel

**[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE FOLLOWS]**

**FOR PHOTOGRAPHER:**

(Corporate Seal)

ATTEST:

\_\_\_\_\_  
, Secretary

-or-  
\_\_\_\_\_  
Witness  
\_\_\_\_\_  
Witness

**FOX-MAR PHOTOGRAPHY, INC.**

By [Signature]  
Signature

Printed Name: Mario Abril

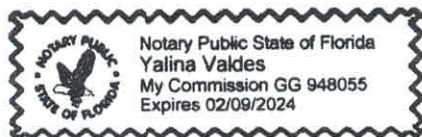
Title: Dir of BUSINESS DEV.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 02/12/2020 (date) by MARIO ABRIL (name of officer or agent, title of officer or agent) of FOX-MAR PHOTOGRAPHY, INC. (name of corporation acknowledging), a FLORIDA (state or place of incorporation) corporation, on behalf of the corporation. He/she is personally known to me or has produced FL DRIVER LICENSE (type of identification) as identification and who  did/ did not first take an oath this 12<sup>TH</sup> day of FEBRUARY, 2020.

My Commission Expires: 02/09/2024



(SEAL)

[Signature]  
Signature - Notary Public

YALINA VALDES  
Notary's Printed Name

GG948055  
Notary's Commission No.