



**FIRST AMENDMENT TO AGREEMENT FOR HOLIDAY LIGHTING LEASE AND
INSTALLATION SERVICES**

THIS FIRST AMENDMENT TO AGREEMENT FOR HOLIDAY LIGHTING LEASE AND INSTALLATION SERVICES ("First Amendment") is entered into by and between the **CITY OF OCALA**, a Florida municipal corporation ("City"), and **RILEIGHS OUTDOOR, LLC D/B/A CLARK SALES DISPLAY**, a limited liability company duly organized in Delaware and authorized to do business in the state of Florida (EIN# 83-3166513) ("Vendor").

WHEREAS, on October 5, 2021, City and Vendor entered into an Agreement for Holiday Lighting Lease and Installation Services (the "Original Agreement"), City of Ocala Contract No.: REC/210577; and

WHEREAS, City and Vendor now desire modify the lighting installations as described in Exhibit B – Price Proposal attached to the Original Agreement.

NOW THEREFORE, in consideration of each of the foregoing recitals and the following mutual covenants, conditions and other good and valuable consideration, the receipt and sufficiency of which is hereby mutually acknowledged, City and Vendor agree as follows:

1. **RECITALS.** City and Vendor hereby represent and warrant that the Recitals set forth above are true and correct.
2. **INCORPORATION OF ORIGINAL AGREEMENT.** The Original Agreement between City and Vendor, as amended, is hereby incorporated by reference as if set forth herein in its entirety and remains in full force and effect, except for those terms and conditions expressly amended by this First Amendment.
4. **AMENDMENT TO EXHIBIT B – PRICE PROPOSAL.** The document attached to the Original Agreement **Exhibit B – Price Proposal** is hereby deleted and replaced, in its entirety, with the document attached to this First Amendment as **Exhibit B – Amended Price Proposal**.
5. **NOTICES.** All notices, certifications or communications required by this First Amendment shall be given in writing and shall be deemed delivered when personally served, or when received if by facsimile transmission with a confirming copy mailed by registered or certified mail, postage prepaid, return receipt requested. Notices can be concurrently delivered by email. All notices shall be addressed to the respective parties as follows:

If to Vendor: Clerk Sales Display, LLC
Attention: Michael Lee
P.O BOX 1007
Tavares, Florida 32778
E-mail: sales@clarkschristmas.com
PH: 352-343-5889

If to City: Daphne Robinson, Esq., Contracting Officer
City of Ocala
110 SE Watula Avenue, Third Floor
Ocala, FL 34471
E-Mail: notices@ocalafl.gov
PH: 352-629-8343



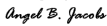
with copy to: William E. Sexton, Esq., City Attorney
City of Ocala
110 SE Watula Avenue, Third Floor
Ocala, FL 34471
E-Mail: cityattorney@ocalafl.gov

- 5. **COUNTERPARTS.** This First Amendment may be executed in counterparts, each of which shall be an original and all of which shall constitute the same instrument.
- 6. **ELECTRONIC SIGNATURE(S).** Vendor, if and by offering an electronic signature in any form whatsoever, will accept and agree to be bound by said electronic signature to all terms and conditions of this First Amendment. Further, a duplicate or copy of the First Amendment that contains a duplicated or non-original signature will be treated the same as an original, signed copy of this original First Amendment for all purposes.
- 7. **LEGAL AUTHORITY.** Each person signing this First Amendment on behalf of either party individually warrants that he or she has full legal power to execute this First 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 First Amendment.

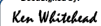
IN WITNESS WHEREOF, the parties have executed this First Amendment on _____.

ATTEST:

CITY OF OCALA

DocuSigned by:

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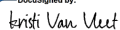
 Angel B. Jacobs
 City Clerk

DocuSigned by:

5977E71E38874E4

 Ken Whitehead
 Assistant City Manager

Approved as to form and legality:

CLERK SALES DISPLAY, LLC

DocuSigned by:

078856497880440

 William E. Sexton, Esq.
 City Attorney

DocuSigned by:

4032713528A18449

 (Authorized Signatory)

By: Michael Lee
 (Printed Name of Signatory)

Title: General Mnager
 (Title of Authorized Signatory)

Exhibit B – Amended Price Proposal

Item #	Description	Qty	Unit of Measure	Unit Cost	Extended Cost
1	Small Palm Trees - Two (2) palms on SE 1st Avenue in front on hotel entrance	2	EA	\$253.00	\$506.00
2	<p>Medium Palm Trees -Tight spiral wrap trunks (4"-6" spacing) and bottom frond spine with white LED mini lights</p> <p>Five (5) on the west side of Magnolia across from the square</p> <p>Seven (7) palms located on State Road 40 adjacent to the Square</p> <p>Six (6) palms located on NE 1st Avenue between SR40 and NE 1st Street (two [2] on the east side of road and four [4] on the west side of road)</p> <p>Three (3) palms located on N Magnolia between SR40 and NE 1st Street</p> <p>Eleven (11) palms located in North Parking Lot outer perimeter located on NE 1st Street</p> <p>Three (3) palms located in center of the North Parking lot located on NE 1st Street</p> <p>Four (4) palms located in Tusawilla park behind the American Legion building along water's edge (these palms are green LED mini lights on trunks)</p>	9	EA	\$395.00	\$3,555.00

3	<p>Large Palm Trees - Tight spiral wrap trunks (4"-6" spacing) and bottom frond spine with white LED mini lights</p> <p>Three (3) palms in MCA Courtyard on SW Broadway.</p> <p>Six (6) palms located in Tuscawilla Park at Palm Point (including the entire palm that hangs over the pond-(these palms are green LED mini lights on trunks))</p>	9	EA	\$690.00	\$6,210.00
4	<p>Palm Tree Medium - Citizens Circle Palm Island</p> <p>Tight spiral wrap trunks (4"-6" spacing) and bottom frond spine with white led mini lights</p>	8	EA	\$391.00	\$3,128.00
5	<p>Palm Tree Medium - S Curve Median located at SE 10th Street and SE 1st Avenue - Tight spiral wrap trunks (4"-6" spacing) and with led mini lights</p> <p>Three (3) trees to be wrapped in red lights. Three (3) trees to be wrapped in green lights- alternating the two (2) colors</p>	6	EA	\$391.00	\$2,346.00
6	<p>Palm Tree Small - North Magnolia Median Split</p> <p>Tight spiral wrap trunks (4"-6" spacing) with LED mini lights Six (6) trees are to be wrapped in red lights. Six (6) trees to be wrapped in green lights alternating the two (2) colors</p>	12	EA	\$253.00	\$3,036.00

7	<p>Pole Trim - Unlighted Natural Opaque Garland - 25'- 6" natural opaque (non-branch) garland pole trim to be spiral wrapped on lamp post with two (2) 24" red glitter bows affixed to the top of the pole just below light.</p> <p>Five (5) - On SE 3rd Street (From Watula Avenue to Osceola Avenue)</p> <p>Six (6) - On SE 4th Street (From Osceola to SE 4th Avenue)</p> <p>Eight (8) - On SE 3rd Avenue (From SE 3rd Street to SE 5th Street)</p> <p>Twelve (12) - On Magnolia (Between SR40 and Fort King Street)</p> <p>Seventeen (17) - On W Fort King Street (SW 1st Ave to 441)</p> <p>Twelve (12) - On SW Broadway (From Osceola to SW 1st Avenue)</p> <p>Twenty-seven (27) - On SW Broadway (West of 441 to SR40 Merge - 1632 SW Broadway Street)</p> <p>Twenty-three (23) - On SR40 (From SW 3rd Avenue to NE Watula Avenue - both sides of the street)</p> <p>Twenty-two (22) - In the Train Station 501 NE 1st Avenue</p> <p>Five (5) - In the City Hall parking lot</p>	137	EA	\$98.50	\$13,494.50
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8	<p>Pole Trim - White Lighted Natural Opaque Garland - 25'- 6" lighted natural opaque (non-branch) garland pole trim to be spiral wrapped on lamp post with two (2) 24" red glitter bows affixed to the top of the pole just below light.</p> <p>Seven (7) - On SW 1st Avenue (From SR40 to Fort King Street)</p> <p>Twenty-eight (28) - On Fort King Street (From SE Watula Avenue to SW 1st Avenue)</p> <p>Seventeen (17) - On SW Broadway (From SW 1st Street to 441)</p> <p>Eleven (11) - On SE Broadway (From Osceola Avenue to NA Watula Avenue)</p> <p>Fifty-Four (54) - On Osceola Avenue (North & South) (From SE 3rd Street to Tusawilla Art Park *including 4 in old drive thru by Citizens Circle)</p> <p>Seven (7) - On NE 1st Street (From Magnolia to Osceola)</p> <p>Three (3) - On NE 1st Avenue (From SR40 to NE 1st Street)</p> <p>Fifteen (15) - In the Tusawilla Art Park</p> <p>Nine (9) - On NE Watula Avenue (From SR40 to NE 4th Street) *West side of road ONLY</p>	151	EA	\$140.00	\$21,140.00
9	<p>Pole Trim - Natural Branch Garland</p> <p>25' natural branch garland pole trim with two (2) 24" red glitter bows to be spiral wrapped around the lamppost located in the square area.</p> <p>Nine (9) - Within Citizens Circle</p> <p>Nineteen (19) - Within the Square</p>	28	EA	\$140.00	\$3,920.00

10	<p>Pole Trim and Wreaths - Citizens Circle</p> <p>5' split lamppost wreath decorated with metallic ornaments and warm white mini lights and two (2) 24" red glitter bows to be installed on small lamp poles. 25' natural branch garland with warm white mini lights to be spiral wrapped on lamp post. Wreaths mount up and over light pole. Two (2) pole on front side of City Hall on each side of entrance stairs, Two (2) on Citizen Circle side on each side of the stage.</p>	4	EA	\$320.00	\$1,280.00
11	<p>Panel Tree - Panel tree to be located on the downtown square or other area designated by the City: New (unused) 50' animated panel tree including 3D star topper, complete with ornamentation</p>	1	EA	\$29,150.00	\$29,150.00
12	<p>Gazebo - Fully decorated with the following products: Eight (8) 11' sections of 14-4-2 branch garland with random c7 cool white LED lights to be swag on bottom rails with one (1) peak in the middle of each railing (Eight [8] sections total, each to have end to end plugs for easy connection of the front two [2] railings that will be removed during special events). Sixty-five (65) Polycarbonate icicle with internal cool white animated LED snowfall lighting (Size 5", 7", 12" and 18" tubes to be randomly hung under eve of gazebo). 110+ feet of c7 cool white LED lights to be affixed to the eight (8) peaks around the gazebo.</p>	1	EA	\$2,195.00	\$2,195.00

	Clear acrylic clips will be attached to the peaks for a straight and uniform perimeter lighting effect.				
13	Holly Bush - Citizens Circle Light five (5) holly bushes with approximately three (3) sets each of warm white led mini lights (total of 15 sets)	5	EA	\$84.00	\$420.00
14	Magnolias - Citizens Circle Light magnolia tree with approximately twenty (20) sets of warm white led mini lights	2	EA	\$715.00	\$1,430.00
15	Small Oaks - NE 1st Ave. - Five small oaks with warm white trunk lighting. Wide Angle mini lights, LED, 70 light, 6"Spacing - Warm White. 44 sets of lights per tree.	44	EA	\$276.00	\$12,144.00
16	Decorative Garland - 179 S Magnolia Avenue Decorate horizontal decorative sign holder with branch garland, complete with ornamentation and 2-24" Red Glitter Bows mounted at the end (one on each side).	6	EA	\$105.00	\$630.00
17	Ice Drop - Citizens Circle Mix of 12", 20", 32" & 40" LED ice drop tubes installed in the six (6) oak trees in the Citizens Circle area. Trees will average 70 tubes per tree.	6	Tree	\$2,170.00	\$13,020.00
18	Ice Drop - E Fort King Street Mix of 12", 20", 32" & 40" LED ice drop tubes installed in the three (3) oak trees along E Fort King Street in	3	EA	\$2,170.00	\$6,510.00

	the City Hall parking lot. Trees will average 70 tubes per tree.				
19	<p>Ice Drop Tusawilla Park Oak Grove Trees</p> <p>Mix of 12", 20", 32" & 40" LED ice drop tubes installed in the three (3) oak trees in the area of the outdoor stage. Trees will average eight-five (85) tubes per tree.</p>	3	EA	\$2,635.00	\$7,905.00
20	<p>Tusawilla Group Pavilion Perimeter</p> <p>-Tusawilla Park Group Pavilion: (perimeter lighting) Outline lower perimeter canopy of train station with c7 led lights on 12" center. Lights will be evenly outlined as illustrated pictures. Lighting approx 230'+</p>	1	EA	\$759.00	\$759.00
21	<p>Bow Installation-5th Street bow lease and installation. Install, remove and store 24" red vinyl bows on select poles on 5th street (Two bows per pole, 57 poles total)</p>	114	EA	\$60.00	\$6,840.00
22	<p>Train Station Perimeter - Train station canopy (perimeter lighting). Outline lower perimeter canopy of train station with c9 led lights on 12" center. Lights will be evenly outlined as illustrated pictures. Lighting approx. 400'+.</p>	6	EA	\$400.00	\$2,400.00
23	Option - Male quick connect slide on plugs	20	EA	\$0.95	\$19.00
24	Option - Female quick connect slide on plugs	20	EA	\$0.95	\$19.00
25	Option - 24" red glitter bow (lease option) Contractor Installed	1	EA	\$50.00	\$50.00
26	Option - 24" red glitter bow (purchase option) Owner Installed	1	EA	\$110.00	\$110.00

REC/210577

27	Option - 25' natural branch garland pole trim with two (2) 24" red glitter bow (lease option) Contractor Installed	1	EA	\$140.00	\$140.00
28	Option - 25' natural branch garland pole trim with two (2) 24" red glitter bow (purchase option) Owner Installed	1	EA	\$415.00	\$415.00
29	Option - All other outdoor holiday decorations sold by vendor to be at what percent off current year catalog prices.	1	EA	\$22.00	\$22.00

Certificate Of Completion

Envelope Id: 37F872F1BDF1467AAA4BE3DFA42C46B4	Status: Completed
Subject: FOR SIGNATURE - REC/210577 FIRST AMENDMENT TO AGREEMENT FOR HOLIDAY LIGHTING LEASE AND INSTALLATION	
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Certificate Pages: 5	Initials: 0
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Envelopeld Stamping: Enabled	Jamil Ramirez
Time Zone: (UTC-05:00) Eastern Time (US & Canada)	110 SE Watula Avenue
	City Hall, Third Floor
	Ocala, FL 34471
	jramirez@ocalafl.org
	IP Address: 216.255.240.104

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Signer Events

Kristi Van Vleet
kvanvleet@ocalafl.gov
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Ken Whitehead
kwhitehead@ocalafl.org
Assistant City Manager
City of Ocala
Security Level: Email, Account Authentication (None)

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Ken Whitehead
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Electronic Record and Signature Disclosure:

Not Offered via DocuSign

Michael Lee
mlee@holidayoutdoordecor.com
General Mnager
Security Level: Email, Account Authentication (None)

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Michael Lee
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Signature Adoption: Pre-selected Style
Using IP Address: 173.12.214.185

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ID: 3876f46f-cd99-41fe-9178-09090ec32974

Angel B. Jacobs
ajacobs@ocalafl.org
Security Level: Email, Account Authentication (None)

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Angel B. Jacobs
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Signature Adoption: Pre-selected Style
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Electronic Record and Signature Disclosure:

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Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
William Sexton wsexton@ocalafl.org City Attorney City of Ocala Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered via DocuSign	COPIED	Sent: 10/26/2023 3:04:30 PM
Alyssa Winston awinston@ocalafl.org City Attorney - Assistant City of Ocala Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered via DocuSign	COPIED	Sent: 10/26/2023 3:04:30 PM
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Notary Events	Signature	Timestamp
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Certified Delivered	Security Checked	10/31/2023 11:04:18 AM
Signing Complete	Security Checked	10/31/2023 11:13:01 AM
Completed	Security Checked	10/31/2023 11:13:01 AM
Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, City of Ocala - Procurement & Contracting (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact City of Ocala - Procurement & Contracting:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: contracts@ocalafl.org

To advise City of Ocala - Procurement & Contracting of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at contracts@ocalafl.org and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from City of Ocala - Procurement & Contracting

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to contracts@ocalafl.org and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with City of Ocala - Procurement & Contracting

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to contracts@ocalafl.org and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to ‘I agree to use electronic records and signatures’ before clicking ‘CONTINUE’ within the DocuSign system.

By selecting the check-box next to ‘I agree to use electronic records and signatures’, you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify City of Ocala - Procurement & Contracting as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by City of Ocala - Procurement & Contracting during the course of your relationship with City of Ocala - Procurement & Contracting.