



**FIRST AMENDMENT TO AGREEMENT FOR FIBER SERVICES TO METROPOLITAN AREA NETWORK SCHOOLS**

THIS FIRST AMENDMENT TO AGREEMENT FOR FIBER SERVICES TO METROPOLITAN AREA NETWORK SCHOOLS ("First Amendment") is entered into by and between the CITY OF Ocala, a Florida municipal corporation ("Contractor"), and THE SCHOOL BOARD OF MARION COUNTY, FLORIDA, ("School Board").

**WHEREAS**, on April 25, 2017, Contractor and School Board entered into an Agreement for Fiber Services to Metropolitan Area Network Schools (the "Original Agreement"), City of Ocala contract No. TEL/17-141, for a term of three (3) years, from July 1, 2018 to June 30, 2021; and

**WHEREAS**, on February 23, 2021, Contractor and School Board entered into the first Renewal Agreement to extend the Original Agreement for the first of four (4) one-year renewal periods available under the Original Agreement; and

**WHEREAS**, on May 24, 2022, Contractor and School Board entered into the second Renewal Agreement to extend the Original Agreement for the second of four (4) one-year renewal periods available under the Original Agreement; and

**WHEREAS**, Contractor and School Board wish to amend the Original Agreement to remove the connection at Marion Youth Academy and to change the legal name of Evergreen Elementary School to Fordham Early Learning Academy; and

**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, Contractor and School Board agree as follows:

1. **RECITALS.** Contractor and School Board hereby represent and warrant that the Recitals set forth above are true and correct.
2. **INCORPORATION OF ORIGINAL AGREEMENT.** The Original Agreement between Contractor and School Board 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.
3. **AMENDMENT TO ORIGINAL AGREEMENT.** After the execution of the Original Agreement, Evergreen Elementary School legally changed its name to Fordham Early Learning Academy. All references in the Original Agreement to "Evergreen Elementary School" shall be deleted and replaced with "Fordham Early Learning Academy".





as expressly set forth herein, the Original Agreement shall remain in full force and effect and is not amended or modified.

- 7. **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.
- 8. **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.
- 9. **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 9-8-2022

ATTEST:

CITY OF OCALA

*Angel B. Jacobs*

*Ken Whitehead*

Angel B. Jacobs  
City Clerk

Ken Whitehead  
Assistant City Manager

Approved as to form and legality:

THE SCHOOL BOARD OF MARION  
COUNTY, FLORIDA

*Robert W. Batsel, Jr.*

By: *[Signature]*

Robert W. Batsel, Jr.  
City Attorney

Eric Cummings, Board Chair

By: *Diane V. Gullett*  
Diane V. Gullett, Ed.D., Superintendent

Date: 9/7/2022

<b>TITLE</b>	FOR SIGNATURES - First Amendment to Agreement for Fiber.....
<b>FILE NAME</b>	FOR SIGNATURES - ...etwork School.pdf
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## Document History



**08 / 04 / 2022**  
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Sent for signature to Robert W. Batsel, Jr. (rbatsel@lawyersocala.com), Ken Whitehead (kwhitehead@ocalafl.org) and Angel Jacobs (ajacobs@ocalafl.org) from biverson@ocalafl.org  
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**08 / 15 / 2022**  
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**08 / 15 / 2022**  
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**08 / 15 / 2022**  
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### Document History



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The document has been completed.