

**AMENDMENT NO. 2
TO SERVICES AGREEMENT
BETWEEN ARMSTRONG PRODUCTION INC. AND
COUNTY OF MONTEREY, THROUGH ITS INFORMATION TECHNOLOGY
DEPARTMENT AND ADMINISTRATIVE OFFICE
FOR
BROADCAST OPERATION SERVICES**

This Amendment No. 2 to the Services Agreement (“Agreement”) which was effective on November 7, 2017 is entered into by and between the County of Monterey, on behalf of its Information Technology Department and Administrative Office (hereinafter “COUNTY”), and Armstrong Productions, Inc. (hereinafter “CONTRACTOR”); (collectively, the COUNTY and CONTRACTOR are referred to as the “Parties”), with respect to the following:

RECITALS

WHEREAS, the Agreement was executed for CONTRACTOR to provide broadcast operation services pertaining to the Monterey County Government Channel and other associated broadcasting services, with a term of November 7, 2017 through June 30, 2020, and a total Agreement amount not to exceed \$294,880; and

WHEREAS, COUNTY and CONTRACTOR agreed in Amendment No. 1 to extend the term of the agreement for an additional one (1) year period, for a revised term through June 30, 2021, and adding an additional \$105,000; and

WHEREAS, in Amendment No. 1, the original agreement amount was transposed, specifically, Amendment No. 1 included \$249,880 instead of \$294,880 as the original not-to-exceed amount; and

WHEREAS, the transposed numbers resulted in a new and incorrect not-to-exceed amount of \$354,880, rather than \$399,880; and

WHEREAS, these errors resulted in insufficient funds to be encumbered for the execution of the contract by \$45,000; and

WHEREAS, COUNTY and CONTRACTOR wish to correct the clerical error.

AGREEMENT

NOW, THEREFORE, the Parties agree to amend the Agreement as follows:

The Agreement is hereby amended on the terms and conditions as set forth in the Agreement, except as specifically set forth below.

1. Paragraph titled “PAYMENT PROVISIONS” in the Agreement shall be amended, again, to the following:

“County shall pay the CONTRACTOR in accordance with the payment provisions set forth in Exhibit A, subject to the limitations set forth in this Agreement. The total amount payable by County to CONTRACTOR under this Agreement shall not exceed the sum of \$399,880.”

2. Any references to \$354,880 as included in Amendment 1 shall be disregarded, as clerical errors.

3. Except as provided herein, all remaining terms, conditions and provisions of the Agreement are unchanged and unaffected by this Amendment No. 2 and shall continue in full force and effect, including the revised term of the Agreement, which through June 30, 2021.

4. A copy of this Amendment No. 2 shall be attached to the Original Agreement.
5. This Amendment No. 2 shall be effective upon execution by both parties.

~ Signature page to follow ~

IN WITNESS WHEREOF, the Parties hereto are in agreement with this Amendment No. 1 on the basis set forth in this document and have executed this Amendment No. 1 on the day and year set forth herein.

COUNTY OF MONTEREY

DocuSigned by:
By: Debra Wilson, Contracts/Purchasing Supervisor
7B741937AA0D41B...
Contracts Purchasing Officer

Date: 12/21/2020 | 9:30 AM PST

APPROVED AS TO LEGAL PROVISIONS

DocuSigned by:
By: Katherine Hansen
96A7342C7B2A487
Monterey County Deputy County Counsel

Date: 12/21/2020 | 10:33 AM PST

APPROVED AS TO FISCAL PROVISIONS

DocuSigned by:
By: Gary Giboney
D3834BFEC1D8449
Monterey County Deputy Auditor/Controller

Date: 12/21/2020 | 8:54 AM PST

CONTRACTOR

Armstrong Productions Inc.
CONTRACTOR's Business Name
See instructions below

By: Ellen Wrona
(Signature of: Chair, President, or Vice-President)

Ellen Wrona, President
Name and Title

Date: 12/15/2020

By: Ellen Wrona
(Signature of: Secretary, Asst. Secretary, CFO, Treasurer, or Asst. Treasurer)

Ellen Wrona, Secretary
Name and Title

Date: 12/15/2020

*****Instructions*****

If **CONTRACTOR** is a corporation; including limited liability and non-profit corporations, the full legal name of the corporation shall be set forth above together with the signatures of two specified officers (two signatures required).

If **CONTRACTOR** is a partnership; the name of the partnership shall be set forth above together with the signature of a partner who has authority to execute this Agreement on behalf of the partnership (two signatures required).

If **CONTRACTOR** is contracting in an individual capacity, the individual shall set forth the name of the business, if any and shall personally sign the Agreement (one signature required).

16.0 SIGNATURE PAGE.

IN WITNESS WHEREOF, County and CONTRACTOR have executed this Agreement as of the day and year written below.

| COUNTY OF MONTEREY | CONTRACTOR |
|--|--|
| By: <u>Debra Wilson, Contracts/Purchasing Supervisor</u> 787441997AA0D41B | <u>Armstrong Productions, Inc.</u> Contractor's Business Name* |
| Date: <u>12/21/2020 9:30 AM PST</u> DocuSigned by: | |
| By: <u>McK Chinos</u> 91011286CAB92A8 | By: <u>Ellen Wrona</u> |
| Date: <u>12/21/2020 10:05 AM PST</u> Department Head (if applicable) | (Signature of Chair, President, or Vice-President) * |
| By: _____ | <u>Ellen Wrona, President</u> Name and Title |
| Date: _____ Board of Supervisors (if applicable) | Date: <u>12/15/2020</u> |
| Approved as to Form | |
| By: <u>Katherine Hansen</u> 96A1342C7B2A487 | By: <u>Ellen Wrona</u> |
| Date: <u>12/21/2020 10:33 AM PST</u> County Counsel | (Signature of Secretary, Asst. Secretary, CFO, Treasurer or Asst. Treasurer) * |
| Approved as to Fiscal Provisions ² | <u>Ellen Wrona, Secretary</u> Name and Title |
| By: <u>Gary Giboney</u> D9834BFEC4D8449 | Date: <u>12/15/2020</u> |
| Date: <u>12/21/2020 8:54 AM PST</u> Auditor/Controller | |
| Approved as to Liability Provisions ³ | |
| By: <u>Katherine Hansen</u> 96A1342C7B2A487 | |
| Date: <u>12/21/2020 10:35 AM PST</u> Risk Management | |

County Board of Supervisors' Agreement Number: _____, approved on (date): _____

*INSTRUCTIONS: If CONTRACTOR is a corporation, including non-profit corporations, the full legal name of the corporation shall be set forth above together with the signatures of two (2) specified officers per California Corporations Code Section 313. If CONTRACTOR is a Limited Liability Corporation (LLC), the full legal name of the LLC shall be set forth above together with the signatures of two (2) managers. If CONTRACTOR is a partnership, the full legal name of the partnership shall be set forth above together with the signature of a partner who has authority to execute this Agreement on behalf of the partnership. If CONTRACTOR is contracting in an individual capacity, the individual shall set forth the name of the business, if any, and shall personally sign the Agreement or Amendment to said Agreement.

¹Approval by County Counsel is required

²Approval by Auditor-Controller is required

³Approval by Risk Management is necessary only if changes are made in paragraphs 8 or 9