

## AMENDMENT TO CONTRACT

CE-1000256

by and between

**CUYAHOGA COUNTY, OHIO**

and

**SERVICE EXPRESS, INC.**

THIS AGREEMENT (the "Contract") is made and entered into this 23<sup>rd</sup> day of January, 2013 by and between Cuyahoga County, Ohio ("the County"), on behalf of the Department of Information Technology and Service Express, Inc., ("Service Express"), with offices located at an Michigan corporation, having principal place of business at 3854 Broadmoor Ave., SE, Grand Rapids, MI 49512.

WHEREAS, The undersigned parties have previously entered into an agreement known as Contract No. CE 1000256, for the time period of 2/1/10 – 1/31/13, to provide Countywide maintenance of Sun Microsystems Servers, under the State of Ohio MMA #7292; and

WHEREAS, the County has amended the original contract to include maintenance of Sun Servers, at the Department of Children and Family Services, effective 11/1/11, in the amount of Nine Thousand Eight Hundred Forty Dollars and Zero Cents (\$9,840.00). The current "not to exceed price shall be, Two Hundred Forty Seven Thousand, Eighty Dollars and Zero Cents. (\$247,080.00)

WHEREAS, the County again has the need to amend the original contract to extend the expiration of CE 100256, to 2/28/13; and

WHEREAS, this Amendment will cause an increase in the "not to exceed price" of the original Contract, in the amount of Six Thousand Six Hundred Sixty One Dollars and Zero Cents (\$6,661.00). The current "not to exceed price shall be, Two Hundred Fifty Three Thousand, Seven Hundred Forty One Dollars and Zero Cents. (\$253,741.00)

NOW, THEREFORE, in consideration of mutual promises contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Service Express and the County agree as follows:

### ARTICLE I – AGREEMENT AND TERM

**1.1 Scope of Agreement.** During the term of this Contract, Service Express shall continue to provide the County with maintenance service and system support of Sun Microsystems Server Products Countywide, extending services for one month 2/1/10 – 1/31/13 to 2/28/13, as outlined in the attached Service Express quote attached hereto as Schedule A which increases the

County's obligation under the current contract in the amount of Six Thousand Six Hundred Sixty One Dollars and Zero Cents (\$6,661.00).

**ARTICLE II – ADDITIONAL MAINTENANCE SERVICE**

2.1 At the request of the County, and with the consent of Service Express may also provide technical, operational or other assistance on consulting to the County in excess of the scope of service included as Additional Maintenance Services would require an amendment to this contract.

**ALL OTHER TERMS AND CONDITIONS OF THE CONTRACT, WHICH ARE NOT EXPRESSLY MODIFIED HERIN, SHALL REMAIN IN FULL FORCE AND EFFECT INCLUDING ALL OTHER TERMS AND CONDITIONS OF THE ORIGINAL CONTRACT ARE REFERENCED HEREIN AS EXHIBITS OF THE AFOREMENTIONED CONTRACT AND REMAIN AS IF ORIGINALLY REWRITTEN HEREIN.**

This Contract Amendment shall be subject to interpretation under the laws of the State of Ohio, and is subject to the review of the County Prosecutor's Office as to legal form and correctness.

IN WITNESS WHEREOF, the County and Service Express have each caused this Contract Amendment to be signed and delivered by its duly authorized representative as of the date first written.

**Service Express, Inc.**

BY: \_\_\_\_\_

1/23/13

**Cuyahoga County, Ohio**

Edward FitzGerald, County Executive

BY: \_\_\_\_\_

Edward FitzGerald, County Executive

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