

FIRST AMENDMENT OF THE AGREEMENT FOR PURCHASE  
AND DELIVERY OF BOTTLED WATER

THIS FIRST AMENDMENT OF THE AGREEMENT FOR PURCHASE AND  
DELIVERY OF BOTTLED WATER, made and entered into on this 13<sup>th</sup> day of  
April, 2018 by and between the Lee County Board of County Commissioners, a  
political subdivision of the State of Florida ("County") and DS Services of America, Inc.  
("Vendor"), collectively, the "Parties."

WHEREAS, the County entered into an Agreement for services to purchase and deliver  
bottled water through Solicitation No. B170245TJM with Vendor on the 5<sup>th</sup> day of January, 2018  
("Agreement");

WHEREAS, it has become commercially impracticable for the Vendor to supply 9 ounce  
cups and the County approves of the substitution of 7 ounce cups;

WHEREAS, Article 4 of the Exhibit A Scope of Services of the Agreement states:  
"Deliveries to Boca Grande will not be requested under this Agreement" and the Parties desire to  
modify Article 4 of the Exhibit A Scope of Services to allow delivery requests to Boca Grande  
under this Agreement; and,

WHEREAS, the Parties desire to modify the aforementioned terms of the Agreement  
pursuant to Article XV. Miscellaneous of the Agreement.

NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING AND THE MUTUAL  
COVENANTS CONTAINED HEREIN, IT IS AGREED AS FOLLOWS:

1. The clause in Article 2.3 of the Exhibit A Scope of Services and Item 6 of the Exhibit B  
Fee Schedule stipulating to "9 oz. flat bottom cups" shall both be superseded by: "7 oz. flat  
bottom cups."

2. The clause in Article 4 of the Exhibit A Scope of Services stating: "Deliveries to Boca Grande will not be requested under this Agreement." is hereby removed from the Agreement.

[The remainder of this page intentionally left blank.]

IN WITNESS WHEREOF, this First Amendment of the Agreement has been signed and sealed,  
in duplicate, by the respective parties hereto.

DATED this 18 day of April, 2018 by the Lee County Board of County  
Commissioners.

COUNTY: LEE COUNTY, FLORIDA

BY: 

Mary G. Tucker

Director of Procurement Management, on  
behalf of the Board of County  
Commissioners

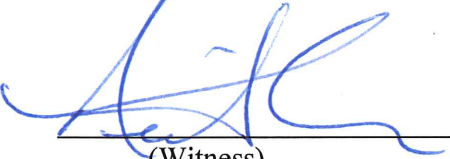
APPROVED as to Form for the Reliance of  
Lee County Only

BY: 

County Attorney's Office

DATED this 13<sup>th</sup> day of April, 2018 by DS Services of America, Inc.

ATTEST:

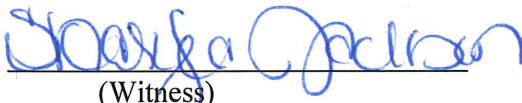
  
(Witness)

BY: 

Authorized Signature

Mark A. Campbell

Authorized Signature Printed Name

  
(Witness)

SVP Revenue Officer

Authorized Signature Title

CORPORATE SEAL:

