

PB230433MWB

Vac Con - Replacement Parts Repairs and Service
SSES, Inc. d/b/a Southern Sewer Equipment Sales



AGREEMENT FOR PIGGYBACK PURCHASE

THIS AGREEMENT FOR PIGGYBACK PURCHASE is made and entered into by and between the Lee County Board of County Commissioners, a political subdivision of the State of Florida ("County") and SSES, Inc. d/b/a Southern Sewer Equipment Sales, a Florida corporation, hereinafter referred to as the "Vendor".

WHEREAS the Vendor entered into an Agreement for HEAVY EQUIPMENT PARTS AND LABOR with Orange County, Florida, Contract Number Y20-1058-MV, through their Solicitation No. Y20-1058-MV on the 1st, day of January 2021 for the purchase of heavy equipment parts and labor, including the Vac-Con parts ("Agreement"); and

WHEREAS the Agreement is eligible for piggyback purchases; and

WHEREAS the County desires to make purchases from the Vendor under the same terms and conditions of the Agreement.

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

The County and the Vendor agree to be bound by the terms and conditions of the Agreement with respect to the County's purchases of vac-con, replacement parts, repairs and service from the Vendor during the term of the Agreement from the effective date and any renewals or extensions thereof with the exception of the provision addressed below. The effective date shall be the date the Lee County Board of County Commissioners awarded the Solicitation to the Vendor.

The provision stating “Any and all legal actions associated with this contract will be governed by the laws of the State of Florida. Venue for any litigation involving this contract shall be in the Ninth Circuit Court in and for Orange County, Florida. Should any federal claims arise for which the courts of the State of Florida lack jurisdiction, venue for those actions will be in the Orlando Division of the U.S. Middle District of Florida.” in Article 11, GOVERNING LAW AND VENUE of the Agreement shall be superseded by:

“The substantive and procedural laws of the State of Florida law will govern this Contract. Any dispute, action or proceeding arising out of or related to this Agreement will be exclusively commenced in the state courts of Lee County, Florida, or where proper subject matter jurisdiction exists, in the United States District Court for the Middle District of Florida. Each party irrevocably submits and waives any objections to the exclusive personal jurisdiction and venue of such courts, including any objection based on forum non conveniens.”

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IN WITNESS WHEREOF, the parties have executed this Agreement as of the date last below written.

WITNESS:

SSES, Inc. d/b/a Southern Sewer Equipment Sales

Signed By: Jenny Mitchem

Signed By: [Signature]

Print Name: Jenny Mitchem

Print Name: David Denmon

Title: President

Date: 7-28-23

LEE COUNTY

BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA

BY: [Signature]
DocuSigned by: C95488F9BF0F428...
CHAIR

DATE: 8/17/2023 | 12:06 PM EDT

ATTEST:
CLERK OF THE CIRCUIT COURT

BY: [Signature]
DocuSigned by: DEEAG59F178B449...
DEPUTY CLERK



APPROVED AS TO FORM FOR THE RELIANCE OF LEE COUNTY ONLY:

BY: [Signature]
DocuSigned by: EC9B5A5564DD473...
OFFICE OF THE COUNTY ATTORNEY