

**FIRST AMENDMENT TO THE AGREEMENT FOR
ELEVATOR MAINTENANCE SERVICES FOR CITYWIDE LOCATIONS
BETWEEN THE CITY OF SAN JOSE
AND
SCHINDLER ELEVATOR CORPORATION**

This First Amendment to the Agreement for Elevator Maintenance Services for Citywide Locations between the City of San José (hereinafter “City”), a municipal corporation, and Schindler Elevator Corporation (hereinafter “Contractor”), a Delaware corporation authorized to do business in California, is entered into on the date of execution by City (“Effective Date”). Each of City and Contractor are sometimes hereinafter referred to as a “Party” and collectively as the “Parties.”

RECITALS

WHEREAS, on September 6, 2019, City and Contractor entered into an agreement entitled “Agreement for Elevator Maintenance Services for Citywide Locations” (“Agreement”); and

WHEREAS, City and Contractor now desire to amend the Agreement to add eight (8) one-year options to extend the term through August 31, 2028;

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

SECTION 1. Section 3.2 of the Agreement, entitled “Option Term,” is amended to read as set forth below:

3.2 Options to Extend

After the Initial Term, the City reserves the right, at its sole discretion, to extend the term of this Agreement for up to eight (8) additional one-year periods (“Option Periods”) through August 31, 2028 for ongoing maintenance services. City shall provide Contractor prior written notice in the form of Exhibit F of its intention to exercise its option prior to the end of the then current term.

SECTION 2. Section 29.5, entitled “Use of Electronic Signatures” is hereby added to the Agreement as set forth below:

29.5 Use of Electronic Signatures

Unless otherwise prohibited by law or City policy, the Parties agree that an electronic copy of a signed contract, or an electronically signed contract, has the same force and legal effect as a contract executed with an original ink signature. The term “electronic copy of a signed contract” refers to a writing as set forth in Evidence Code Section 1550. The term “electronically signed contract” means a contract that is executed by applying an electronic signature using technology approved by the City.

SECTION 3. All terms and conditions of the original Agreement not specifically modified by this First Amendment shall remain in full force and effect.

WITNESS THE EXECUTION HEREOF on the day and year set forth beneath the respective name below.

City of San José (“City”)
a municipal corporation

Schindler Elevator Corporation
(“Contractor”) a Delaware corporation
authorized to do business in California

By _____

By _____

Jennifer Cheng

Bradley Lay

Deputy Director, Finance

General Manager

Date: _____

Date: _____

APPROVED AS TO FORM:

Rosa Tsongtaatarii

Senior Deputy City Attorney