

## **FIRST AMENDMENT TO AGREEMENT**

THIS FIRST AMENDMENT TO AGREEMENT (Amendment) made and entered into as of this 13<sup>th</sup> day of April, 2019, amends the Agreement entered into between the CITY OF FRESNO, a municipal corporation (City), and SDI PRESENCE LLC, a Delaware limited liability company (Consultant). The City and the Consultant are collectively referred as the Parties in this Amendment.

### **RECITALS**

WHEREAS, City and Consultant entered into an Agreement dated May 18, 2018, for professional consulting services for assistance in preparation of a Request for Proposal for the selection of an Enterprise Resource Planning System (Agreement); and

WHEREAS, City and Consultant desire to extend the termination date of the Agreement to November 1, 2019 due to Consultant's inability to start the project until October 2018.

### **AMENDMENT**

NOW, THEREFORE, the Parties hereby agree that the aforesaid Agreement is amended as follows:

1. The term of the Agreement shall be amended to continue in full force and effect through November 1, 2019.

2. This Amendment shall become part of and subject to the terms and conditions of the Agreement, which except as modified herein, remains unchanged and in full force and effect. However, to the extent that the terms and conditions expressly set forth in this Amendment conflict with the terms and conditions of the Agreement and the Amendments, the terms and conditions expressly set forth in this Amendment will prevail. Unless otherwise defined in this Amendment, capitalized terms used herein shall have the meanings assigned to such terms in the Agreement.

By signing below, the undersigned certify that they have read and understand, and agree to be legally bound by this Amendment.

[Signatures follow on the next page.]

IN WITNESS WHEREOF, the Parties have executed this First Amendment to Agreement at Fresno, California, on the day and year first above written.

CITY OF FRESNO,  
a California municipal corporation

By: Bryon Horn  
Bryon Horn  
Chief Information Officer

APPROVED AS TO FORM:  
DOUGLAS T. SLOAN  
City Attorney

By: Brandon M. Collet 4/4/19  
Brandon M. Collet  
Senior Deputy City Attorney

ATTEST:  
YVONNE SPENCE, MMC, CRM  
City Clerk

By: Buana Pina 4.5.19  
Deputy

Addresses:

CITY:  
City of Fresno  
Attention: Bryon Horn  
CIO  
2600 Fresno Street, Room 1059  
Fresno, CA 93721  
Phone: (559) 621-7119  
FAX: (559) 457-1045

SDI PRESENCE LLC  
a Delaware limited liability company

By: David Gupta  
Name: David Gupta

Title: CEO  
(If corporation or LLC., Board Chair, Pres.  
or Vice Pres.)

By: Sharee L. Wolff  
Name: Sharee L. Wolff

Title: CFO  
(If corporation or LLC., CFO, Treasurer,  
Secretary or Assistant Secretary)

CONSULTANT:  
SDI Presence LLC  
Attention: David Gupta  
Chief Executive Officer  
200 East Randolph Street, Suite 3550  
Chicago, IL 60601  
Phone: (312) 580-7510  
FAX: (312) 580-7600