

AMENDMENT TO PURCHASE OF SERVICES AGREEMENT

This **AMENDMENT TO PURCHASE OF SERVICES AGREEMENT** made and entered into as of the ____ day of _____, 2021, by and between the **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT (“LFUCG”) AND COMMUNITY ACTION COUNCIL FOR LEXINGTON-FAYETTE, BOURBON, HARRISON, AND NICHOLAS COUNTIES, INC.** (“Organization”) for services hereinafter described for the Lexington-Fayette Urban County Government.

WHEREAS, a Purchase of Services Agreement, dated April 27, 2020, was entered into between the LFUCG and Organization pursuant to Resolution No. 270-2020 (“the Agreement” or “Purchase of Services Agreement”), describing the scope of services to be provided by Organization and the compensation for such services; and

WHEREAS, due to the COVID-19 pandemic, the Organization has been unable to meet the number of individuals required to be trained by the Organization and to receive a license, namely twenty-five (25), under the Agreement, by June 30, 2021; and

WHEREAS, the Purchase of Services Agreement requires these twenty-five (25) individuals receive training by the Organization and obtain a CDL or CDA license in Year One before the Organization can receive the full amount of funds for Year One of the Agreement and renew the Agreement for Year Two; and

WHEREAS, once the Agreement is renewed for Year Two and the Organization provides evidence that it has commenced training at least one (1) individual in Year Two, the Organization can receive partial funding for Year Two; and

WHEREAS, the LFUCG seeks to provide the Organization more time to complete its requirements under the Agreement for Year One, and allow the Organization to simultaneously begin working toward its goals for Year Two, including the ability to receive funds for Year Two after providing evidence that it is training one (1) individual for that period.

NOW, THEREFORE, that for and in consideration of the mutual promises and covenants herein expressed, which is acknowledged and agreed to be sufficient consideration, the Government and Organization agree to the following:

1. The above recitals are incorporated herein as part of this Amendment.
2. That the terms in this Amendment shall have the same definitions as those found in the Purchase of Services Agreement, except as provided in Section 4 of this Amendment.
3. That “Year One” as defined in Section 2 of the Agreement shall be amended to include the extension period provided in Section 4 of this Amendment.
4. Extension and Renewal
 - a. That the Organization shall have an additional three months, through September 30, 2021, to fulfill its requirements under the Agreement and its Scope of Work for Year One.
 - b. Notwithstanding Section 4(a) of this Amendment, the Agreement shall be renewed for another one year period through Year Two, pursuant to Section 12 of the Purchase of Services Agreement.
 - c. That no other extensions have been provided to perform any of the requirements provided in the Purchase of Services Agreement.
5. That, apart from the time extension for Year One, nothing in this Amendment changes or amends the Agreement’s Scope of Work.
6. That individuals counted for the purposes of fulfilling the requirements for Year One, including the extension period, cannot be counted for the purposes of fulfilling the requirements for Year Two.
7. The Organization understands that should it fail to fulfill its requirements for Year One by September 30, 2021, the Organization shall be subject to partial

payment or repayment of grant funds as provided in the Agreement, as applicable.

8. All other provisions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment at Lexington, Kentucky, the day and year first above written.

LEXINGTON-FAYETTE URBAN
COUNTY GOVERNMENT

BY: _____
LINDA GORTON, MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

COMMUNITY ACTION COUNCIL

BY: _____
Denise Beatty, BOARD CHAIR

ATTEST:

WITNESS