

AMENDMENT TO PURCHASE OF SERVICE AGREEMENT

THIS AMENDMENT TO PURCHASE OF SERVICE AGREEMENT, made and entered into on the _____ day of January 2021, by and between the **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, an urban county government of the COMMONWEALTH OF KENTUCKY created pursuant to KRS Chapter 67A (“Government”), 200 East Main Street, Lexington, Kentucky 40507, on behalf of the Chief Development Officer (“CDO”) and **COMMERCE LEXINGTON, INC.**, a Kentucky corporation (“Organization”), with offices located at 330 East Main Street, Lexington, with a mailing address of Post Office Box 1968, Lexington, Kentucky 40588.

WITNESSETH

WHEREAS, the parties previously entered into a Purchase of Service Agreement in July 2020; and

WHEREAS, the parties wish to enter into an agreement for additional services.

Now, therefore, for and in consideration of the mutual promises and covenants herein expressed, the Government and the Organization agree as follows:

1. The Agreement between the parties entered into on or about July 7, 2020 (the “Agreement”), is hereby amended as provided herein.

2. The Government hereby commits to providing the Organization an additional maximum amount not to exceed One Hundred Thousand, Seven Hundred Sixteen Dollars and zero cents (\$100,716.00) for the period beginning on January 1, 2021, and continuing for a period of twelve (12) months from that date, which shall only be used for services required by this Amendment, said services being more particularly described in Exhibit A attached hereto and incorporated herein by reference. The first installment, in the amount of Fifty Thousand Three Hundred Fifty-Eight Dollars and zero cents (\$50,358.00) shall be made upon final execution of this Amendment. The second installment in the amount of Fifty Thousand Three

Hundred Fifty-Eight Dollars and zero cents (\$50,358.00) shall be made upon receipt and review by the Chief Development Officer, and acceptance by the Lexington Economic Development Investment Board ("Board"), of all reports required by the Amended Agreement to the satisfaction of the Board and the Chief Development Officer. The total sum of each payment shall be payable within thirty (30) days after receipt of required invoice.

3. All other provisions of the Agreement shall remain in full force and effect, with the understanding that Monthly Progress Report and Year-End Report requirements will extend through December 31, 2021.

4. This agreement requires a dollar-for-dollar cash match between Government and Organization funding. Organization shall demonstrate compliance with this in agreement as part of the reporting requirements in Paragraph 3.

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

LEXINGTON-FAYETTE URBAN
COUNTY GOVERNMENT

BY: _____
LINDA GORTON, MAYOR

ATTEST:

Abigail Allan, Clerk of the Urban County Council

COMMERCE LEXINGTON, INC.

BY: _____ -
RAY DANIELS, CHAIRPERSON

ATTEST:

WITNESS: _____
DATE: _____

EXHIBIT "A"

Lexington/Fayette Urban County Government
Addendum for Services
Commerce Lexington, Inc.

SCOPE OF WORK – ASSISTANCE TO SMALL, MINORITY, AND WOMAN-OWNED BUSINESSES

Local Contribution:

During the time period from January 1, 2021 through December 31, 2021, Commerce Lexington, Inc. will use these funds from Lexington-Fayette Urban County Government to:

- Expanding the Minority Business Accelerator program for existing Minority Business Enterprises (MBE's), which provides mentoring, coaching, business development resources, access to capital, connections to procurement opportunities, and networking with majority owned companies. Program funding will be utilized for:
 - Expanding access, recruiting and supporting up to two (2) additional sizeable/scalable MBE's, with a program growth target of up to seven (7) MBEs by December 31, 2021.
 - Increasing capacity to help address a shortage of qualified minority businesses for procurement opportunities.
 - Growing talent by adding more qualified companies to the Minority Business Accelerator annually.

- Implement the Prime Contractor Needs Assessment and Alignment Project, which will create a strategy to increase minority business capacity in the trade fields and increase MBE attainment of contracting opportunities through the following tasks:
 - Conduct a needs assessment of Prime Contracting businesses across sectors in Lexington, gathering data about the contracting needs for major projects; how companies currently approach the contracting process; capacity of MBEs to meet contracting needs; and potential opportunities to increase MBE contracting through greater utilization of DBE businesses, expanded partnerships and market options, and mentoring opportunities.
 - Provide business, community, and education leaders with data to help guide workforce training programs that connect young adults and prospective small business owners with career paths in the areas of construction and other trade fields.

EXHIBIT “B”

Lexington/Fayette Urban County Government
Addendum for Services
Commerce Lexington, Inc.

MONTHLY REPORT QUESTIONNAIRE

Minority Business Accelerator program

1. Provide a list of companies (specify existing and new to the program) utilizing the program.
2. Number of additional sizeable/scalable MBEs as a result of this funding.
3. Companies that Commerce Lexington’s Minority Business Accelerator program has helped address shortage in qualified minority businesses for procurement opportunities.
4. Number of programs held to assist growth of local minority enterprises and the number of companies and a list of business sectors represented by these programs.
5. Demonstrate compliance with the dollar-for-dollar match requirement.
6. The June 2021 monthly report shall provide aggregated gross sales data (calendar year to date) for companies utilizing the program. Data supporting this report is subject to review by the LFUCG, including individual company gross sales data.

Prime Contractor Needs Assessment and Alignment Project

1. Barriers identified for growth of minority owned businesses related to this assessment and alignment project in the trade fields allowing for an increase in MBE attainment and contracting opportunities.

2. Prime contracting business sectors identified as a result of the needs assessment in the most need?
3. Current capacity of the identified prime contracting business sectors and the MBE's to meet those needs?
4. Opportunities identified for partnerships, market options and mentoring opportunities through a greater utilization of DBE business through MBE contracting?
5. Demonstrate compliance with the dollar-for-dollar match requirement.

EXHIBIT “C”

Lexington/Fayette Urban County Government
Addendum for Services
Euphrates International Investment Company

YEAR-END REPORT QUESTIONNAIRE

Provide calendar year-end metrics summarizing:

Minority Business Accelerator program

1. Provide a summary of monthly report questionnaires for year-end metrics.
2. Provide additional program performance metrics collected by Commerce Lexington (not otherwise included in Exhibit “B”) to demonstrate program effectiveness.
3. Demonstrate compliance with the dollar-for-dollar match requirement.
4. Provide aggregated gross sales data for the calendar year for companies utilizing the program. Data supporting this report is subject to review by the LFUCG, including individual company gross sales data.

Prime Contractor Needs Assessment and Alignment Project

1. Provide a summary of monthly report questionnaires for year-end metrics.
2. Provide additional program performance metrics collected by Commerce Lexington (not otherwise included in Exhibit “B”) to demonstrate program effectiveness.
3. Demonstrate compliance with the dollar-for-dollar match requirement.