

FIRST AMENDMENT TO AGREEMENT

THIS FIRST AMENDMENT TO AGREEMENT (the "Amendment"), dated as of May 31, 2023, (the "Effective Date"), by and between **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, an urban county government created pursuant to KRS Chapter 67A (the "GOVERNMENT"), located at 200 East Main Street, Lexington, Kentucky 40507, on behalf of its Department of Public Safety (the "SPONSOR"), and **LEXINGTON-FAYETTE ANIMAL CARE AND CONTROL, LLC**, a Kentucky limited liability company (the "ORGANIZATION") whose address is 1600 Old Frankfort Pike, Lexington, Kentucky 40504, (collectively known as the "Parties").

RECITALS

WHEREAS, the Parties entered into a Purchase of Service Agreement dated August 31, 2022, (the "Agreement"), for ORGANIZATION to provide certain animal care and control services as described therein; and

WHEREAS, the total amount to be paid by the GOVERNMENT under the Agreement was not to exceed \$1,671,880.00, but the amount of actual services provided by ORGANIZATION under the Agreement will exceed that amount; and

WHEREAS, the Parties desire to amend the Agreement to increase the sum by \$65,000.00 in order for the GOVERNMENT to properly compensate ORGANIZATION for its services performed; and

WHEREAS, the Parties hereby agree to amend the total payment amount as described above in accordance with the terms and conditions of the Agreement; and

WHEREAS, GOVERNMENT further commits to assist SPONSOR by paying for the cost of obtaining CAD programming for the purpose of transferring record-keeping systems to Kentucky Open Portal Solution ("KYOPS"), a Kentucky State Police driven program, by June 30, 2023, which is estimated at a cost not to exceed \$109,000; and

WHEREAS, GOVERNMENT shall provide SPONSOR with additional funds estimated not to exceed \$109,000 for the acquisition of CAD programming for the purpose of transferring record keeping systems to the Kentucky Open Portal Solution within 30 days of SPONSOR providing an invoice for such services.

STATEMENT OF AGREEMENT

NOW, THEREFORE, for and in consideration of the mutual covenants contained herein, the Parties agree to modify the original Agreement as follows:

1. Incorporation of Recitals. The above recitals are incorporated herein as a part of this Amendment.

2. Section 2. The Parties agree to modify Section 2 of the Agreement to increase the sum by \$65,000.00 as follows:

“Government shall pay Organization the sum of One Million Seven Hundred Thirty Six Thousand Eight Hundred Eighty Dollars (\$1,736,880) for the services required by this Agreement, said services being more particularly described in the Addendum attached hereto and incorporated herein by reference, one-twelfth (1/12) of which shall be payable on or before the fifteenth day of each month, July-June, inclusive.”

3. Effect. All other provisions of the Agreement, which are attached hereto as “Exhibit A” and incorporated herein as if fully stated, not inconsistent with the provisions of this Amendment shall remain in full force and effect.

[Signature page follows]

IN WITNESS WHEREOF, the parties certify that they have been duly authorized to execute, deliver, and perform this Amendment, and have executed the same as of the Effective Date written above.

**LEXINGTON-FAYETTE
URBAN COUNTY GOVERNMENT**



By: Linda Gorton, Mayor

ATTEST:

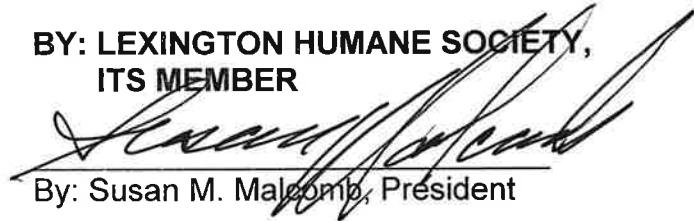


Clerk of the Urban County Council

Deputy

**LEXINGTON-FAYETTE COUNTY
ANIMAL CARE AND CONTROL, LLC**

**BY: LEXINGTON HUMANE SOCIETY,
ITS MEMBER**



By: Susan M. Malcomb, President



By: Rebecca Sherman, Chairperson
Board of Directors

EXHIBIT A

Copy of original Agreement with Addendum