

FIRST AMENDMENT TO AGREEMENT FOR SERVICES OF INDEPENDENT CONTRACTOR FOR ANNUAL MAINTENANCE OF THE INTERACTIVE VOICE RESPONSE SYSTEM FOR FUSION (TFB)

Santa Barbara County
Department of Social Services

First Amendment

This is a *First Amendment* (*First Amendment to the Agreement*) to the Agreement for Services of Independent Contractor, by and between the **County of Santa Barbara (COUNTY)** and **NEC Corporation of America (NEC) dba NEC(NEW) Corporation of America (NEC) (CONTRACTOR)**.

WHEREAS, on August 28, 2018, COUNTY approved the Agreement for Services of Independent Contractor, number BC#19-095, (Agreement) for annual maintenance of the Interactive Voice Response (IVR) System for Fusion (TFB);

WHEREAS, the initial term of the Agreement commenced on July 1, 2018 and expired on June 30, 2019;

WHEREAS, on May 27, 2019, COUNTY exercised the option to extend the Agreement for the period of July 1, 2019 through June 30, 2020;

WHEREAS, the parties now desire to amend the Agreement to increase yearly amounts for years Y3 (7/1/20-6/30/21), Y4 (7/1/21-6/30/22) and Y5 (7/1/22-6/30/23); and

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, COUNTY and CONTRACTOR agree as follows.

The Agreement is amended as follows:

1. Section 40, **DRUG-FREE WORKPLACE**, of the Agreement is amended to state in its entirety:

CONTRACTOR must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 CFR part 382, which adopts the Governmentwide implementation (2 CFR part 182) of sec. 5152-5158 of the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, Title V, Subtitle D; 41 U.S.C. 701-707).

2. Add Section 41, **PROCUREMENT OF RECOVERED MATERIALS**, to the Agreement:

CONTRACTOR must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

3. **EXHIBIT B, PAYMENT ARRANGEMENTS**, A.1. pricing table is replaced in its entirety with:

Year	Coverage Dates	Amount <i>Fusion Phase 1</i>	Year	Amount <i>Fusion Phase 2</i>	Revised total
Y1	7/1/2018-6/30/2019	\$50,010.00		0.	\$50,010.00
Y2	7/1/2019-6/30/2020	\$51,510.30		0.	\$51,510.30
Y3	7/1/2020-6/30/2021	\$53,055.61	Y2	\$23,977.46	\$77,033.07
Y4	7/1/2021-6/30/2022	\$54,647.28	Y3	\$24,697.18	\$79,344.46
Y5	7/1/2022-6/30/2023	\$56,286.70	Y4	\$25,438.03	\$81,724.73

In all other respects, the Agreement remains unchanged and shall remain in full effect.

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First Amendment to the Agreement between the **County of Santa Barbara** and **NEC Corporation of America dba NEC(NEW) Corporation of America**.

IN WITNESS WHEREOF, the parties have executed this First Amendment to the Agreement to be effective on the date executed by COUNTY.

ATTEST:

Mona Miyasato
County Executive Officer
Clerk of the Board

By: _____
Deputy Clerk

RECOMMENDED FOR APPROVAL:

Department of Social Services

By: _____
Daniel Nielson

APPROVED AS TO FORM:

Michael C. Ghizzoni
County Counsel

By: _____
Deputy County Counsel

APPROVED AS TO FORM:

Risk Management

By: _____
Risk Management

COUNTY OF SANTA BARBARA:

By: _____
Gregg Hart, Chair
Board Of Supervisors

Date: _____

CONTRACTOR:

NEC Corporation of America dba NEC(NEW)
Corporation of America

By: _____
Authorized Representative

Name: _____

Title: _____

APPROVED AS TO ACCOUNTING FORM:

Betsy M. Schaffer, CPA
Auditor-Controller

By: _____
Deputy