

Amendment No. 1 to [Performance Contract Agreement]

THIS AMENDMENT No. 1 ("Amendment") is made this 12th day of July, 2017, by and between Siemens Industry, Inc., through its Building Technologies Division ("SIEMENS"), and the party identified below as CLIENT, and effective upon execution, amends and modifies the Performance Contract Agreement dated October 7, 2016 between SIEMENS and CLIENT, and all prior amendments thereto, if any (collectively the "Agreement").

PROJECT:
Energy Performance Project for Haverstraw Stony Point Central School District. This Amendment is to: (1) reduce the termination fee identified in Exhibit G of the Performance Contract Agreement, for adjustments in scope in Phase 2a, and (2) to modify the reference to Exhibit I in the Performance Contract Agreement.

CLIENT: Haverstraw Stony Point Central School District
65 Chapel Street
Garnerville, NY 10923

SIEMENS: Siemens Industry, Inc.
1000 Deerfield Parkway
Buffalo Grove IL 60089

Local office at:
8 Fernwood Road
Florham Park, NJ 07932

DESIGNATED REPRESENTATIVE:
Michael J. Senno, Assistant Superintendent for Business
Phone: 845-942-3006, Fax:

DESIGNATED REPRESENTATIVE:
Bill Tangney, Account Executive
Phone: 973-396-4145, Fax:

- The Agreement and any amendments thereto are incorporated by reference herein and made a part hereof.
- The Parties agree to modify the Agreement as follows:

Exhibit G, Part 2. Design and Documentation is modified as follows:

"...The total amount of the termination fee will be ~~\$1,227,509.00~~ \$804,092.00, in the event the CLIENT terminates this agreement at the end of Part 2...."

- The Parties agree to modify the Agreement as follows:

On Page 3 of 26, the reference to Exhibit I under the heading "Articles and Attachments" shall be modified to read as follows:

"Exhibit I- Detailed Energy Audit, dated May 11, 2017, Amendment No. 1 to Detailed Energy Audit, dated July 11, 2017, and all attachments thereto."

WHEREFORE, this Amendment amends and modifies the Agreement. In all other respects, the terms and conditions of the Agreement remain in full force and effect. The Parties have caused this Amendment to be signed by their duly authorized representatives on the date first above written, and this Amendment may be executed in counterparts, each of which shall be deemed an original and together shall constitute one and the same instrument.

CLIENT: Haverstraw Stony Point Central School District

SIEMENS: Siemens Industry, Inc.

Signature: 


Signature: 

Printed Name: Mary Kenna

Printed Name: DAVID GALIA

Title: President Board of Education

Title: SSP FBA 7/17


Name: Dana Soukup
Sr. Vice President
TITLE: Field Operations, BT Americas
DATE: _____