

AMENDMENT TO CITY OF HOLLYWOOD ("BUYER")  
PURCHASE ORDER TERMS AND CONDITIONS ("PURCHASE ORDER")  
ISSUED TO SCHWING BIOSET, INC. ("SELLER")

The Purchase Order is hereby amended as set forth below and except as modified herein the Purchase Order between Seller and Buyer shall remain in full force and effect as originally written. In the event of a conflict between the terms of this Amendment and the Purchase Order the terms of this Amendment shall take precedence. In consideration of the mutual promises and covenants below and in the Purchase Order and other good and valuable consideration the sufficiency of which is hereby acknowledged by the parties, Buyer and Seller agree as follows:

1. **Installation Schedule:** The Seller agrees to deliver the purchased equipment by June 7, 2021 and installation of the equipment shall be in accordance with the Schedule attached as Exhibit "A". In the event that Seller fails to install the equipment in accordance with the Schedule, Buyer shall have the right to terminate the Purchase Order and Seller shall reimburse Buyer for any costs associated with the equipment not installed. Further, Buyer has the right to assess liquidated damages against Seller for its failure to install the equipment in accordance with Paragraph 2 below.

2. **Liquidated Damages:** In the event that Seller fails to complete the required delivery and installation of the equipment in accordance with the schedule attached to this Amendment as Exhibit "A", Seller shall pay Buyer liquidated damages in the amount of \$500.00 per day for such delays in the installation and completion of the work.

3. **Maintenance of Equipment:** The Buyer and Seller acknowledge and agree that they will execute a maintenance agreement to be incorporated into this Purchase Order as Exhibit "B" that will govern the Seller's obligations to maintain the equipment upon completion of the installation of the purchased equipment.

ACKNOWLEDGED AND ACCEPTED BY:

BUYER:

By: \_\_\_\_\_

Name: Josh Levy

Title: Mayor

Date: \_\_\_\_\_

By: \_\_\_\_\_

Name: Patricia A. Cerny, MMC

Title: City Clerk

Date: \_\_\_\_\_

ACKNOWLEDGED AND ACCEPTED BY:

SELLER:

By: 

Name: Thomas Anderson

Title: Pres.

Date: 8-19-20

APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
for the use and reliance of the City of Hollywood,  
Florida, only.

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Douglas R. Gonzales, City Attorney