

**ADDENDUM NO. 2**

**TO THE  
CITY OF ALVIN  
HVAC PREVENTATIVE  
MAINTENANCE AND REPAIR SERVICES AGREEMENT**

THIS Addendum No. 2 to the City of Alvin HVAC Preventative Maintenance and Repair Services Agreement (the "Addendum No. 2") is made on this the 4 day of May, 2017 by and between the City of Alvin, Texas, a home-rule city of the State of Texas (the "City") and Comfort Systems USA (South Central) (the "Contractor").

**WHEREAS**, on September 17, 2015, the City approved and entered into a HVAC Preventative Maintenance and Repair Services Agreement for HVAC preventative maintenance and repairs to the City of Alvin facilities (the "Agreement"); and

**WHEREAS**, the Agreement provided for a term ending on September 30, 2016; and

**WHEREAS**, the City and Comfort Systems USA entered into Addendum No. 1 on or about August 4, 2016 agreeing to extend the term of the Agreement for an additional year ending September 30, 2017; and

**WHEREAS**, Section III of the Agreement states that renewal shall be the sole option of the City if agreed to by Contractor. (See Comfort Systems USA letter attached as Exhibit "A"). The initial Agreement shall be for one year, with three additional one year renewable options; and

**WHEREAS**, Comfort Systems USA has now provided one (1) one-year renewal term, and now requests the second of three (3) one (1) year term to provide HVAC preventative maintenance and repair services for City facilities; and

**WHEREAS**, the City and Comfort Systems USA desire to extend the term of the Agreement for an additional year ending September 30, 2018.

**WITNESSETH:**

**NOW, THEREFORE**, for and in consideration of the mutual covenants and promises contained herein, the City and Comfort Systems USA hereby agree as follows:

**I.**

This renewal term is subject to all the provisions contained within the original Agreement, except as amended by the February 2016 Addendum, in which the Alvin Animal Adoption Center HVAC equipment was added.


II.

Except as amended herein, all other terms and conditions of the Agreement, as amended, shall remain in full force and effect. To the extent of a conflict or inconsistency between or among the provisions of the Agreement, the 2016 Letter Addendum and Addendum No. 2, the provisions of Addendum No. 2 shall control. Addendum No. 2 may only be amended, modified or supplemented by written agreement and signed by all parties.

**IN WITNESS WHEREOF**, the parties have made and executed Addendum No. 2 to the HVAC Preventative Maintenance and Repair Services Agreement in multiple copies, each of which shall be an original, as of the date set forth in the preamble hereof.

**COMFORT SYSTEMS USA**

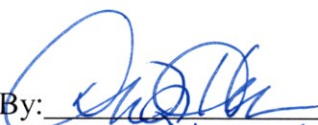
**CITY OF ALVIN, TEXAS**

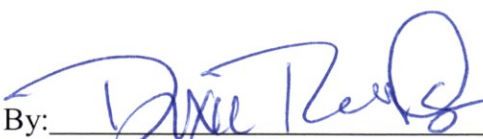
By:   
Name: GREG McKeen  
Title: VP SVC

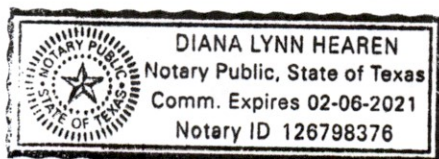
By:   
Sereniah Breland, City Manager

ATTEST/SEAL


ATTEST/SEAL

By:   
Name: Diana L Hearen  
Title: Office Manager

By:   
Dixie Roberts, City Clerk



APPROVED AS TO FORM:

By:   
Suzanne L. Hanneman  
Deputy City Attorney