



Office of  
General Services

KATHY HOCHUL  
Governor

JEANETTE M. MOY  
Commissioner

# Amendment #1 to Contract OGS01-X003015-1140000 Provide Cooling Water to Albany County

**THIS FIRST AMENDMENT**, ("Amendment") is made between the People of the State of New York, acting by and through the Commissioner of the Office of General Services (hereinafter "State" or "OGS") whose principal place of business is the Corning Tower Building, The Governor Nelson A. Rockefeller Empire State Plaza, Albany, New York 12242, pursuant to authority granted under New York State Finance Law §163, and the County of Albany (hereinafter "County"), with its principal place of business at the County Office Building, 112 State Street, Albany, New York 12207. The foregoing are collectively referred to as the "Parties".

## WITNESSETH:

**WHEREAS**, the Parties entered into Contract #**OGS01-X003015-1140000** for the agreement for OGS to provide cooling water to the County for use at Albany County Civic Center (currently known as the "MVP Arena") ("Agreement"); *and*

**WHEREAS**, the contract term allows the parties to renew the Agreement upon written agreement of the Parties approved by the State Comptroller, for up to two additional ten year periods; *and*

**WHEREAS**, the term of the Agreement commenced on August 1, 2009, and ended on July 31, 2019; *and*

**WHEREAS**, the parties have continued to honor their obligations under the Agreement. Although the term of the Agreement has ended, OGS has continued to provide cooling water to the MVP Arena and Albany County has made payment to OGS in accordance with the terms of Agreement; *and*

**WHEREAS**, all payments to date have been paid in a timely manner and no outstanding balance is due; *and*

**WHEREAS**, OGS has reviewed the operating, administrative, capital, and other costs of the State for furnishing the water to the County and has determined the rate of compensation does not currently need adjustment; *and*

**WHEREAS**, the Parties wish to extend the Agreement;

**NOW THEREFORE**, in consideration of the mutual covenants herein contained, the Parties do hereby agree as follows:

1. In accordance with paragraph "6. Term" of the Agreement, the parties agree to extend the term of the Agreement for one additional ten (10) year period, commencing August 1, 2019, and ending on July 31, 2029.
2. All references to the "Times Union Center" (the former name of the Albany County Civic Center), in the Agreement shall be deemed to read as referencing the "MVP Arena" (the current name of the Albany County Civic Center), as if the same were fully set out therein.
3. Appendix A dated August 2001 is replaced with current Appendix A dated October 2019.

4. Certification Under Executive Order No. 16 – Prohibiting State Agencies and Authorities from Contracting with Businesses Conducting Business in Russia is included in this amendment.
5. Except as herein modified in this first Amendment, all other terms of Contract #OGS01-X003015-1140000 shall remain in full force and effect and binding upon the parties hereto.

**IN WITNESS WHEREOF**, the Parties have executed this first Amendment as of the date last written below. The Parties further hereby certify that original copies of this executed and approved signature page will be affixed, upon final approval, to exact copies of this first Amendment being executed simultaneously herewith. The acknowledgment must be fully and properly executed by an authorized person. By signing you certify your express authority to sign on behalf of yourself, your company, or other entity and full knowledge and acceptance of this agreement, Appendix A (Standard Clauses For New York State Contracts), and State Finance Law §139-j and §139-k (Procurement Lobbying), and that all information provided is complete, true and accurate. By signing, Contractor affirms that it understands and agrees to comply with the OGS procedures relative to permissible contacts as required by State Finance Law §139-j (3) and §139-j (6) (b).

**COUNTY OF ALBANY**

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Company Name: \_\_\_\_\_ County of Albany

Federal ID: \_\_\_\_\_

NYS Vendor ID: \_\_\_\_\_

**THE PEOPLE OF THE STATE OF NEW YORK**

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

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

**APPROVED AS TO FORM****APPROVED**

Attorney General

State Comptroller

**STATE OF****SS.:****COUNTY OF**

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me personally came

\_\_\_\_\_, to me known and known to me to be the person described in and who executed the foregoing instrument and he acknowledged to me that he executed the same.

**Notary Public****Registration No.** \_\_\_\_\_**State of:** \_\_\_\_\_