

**AMENDMENT TO AGREEMENT
BETWEEN THE COUNTY OF SAN MATEO AND
ELAVON INC**

THIS AMENDMENT TO THE AGREEMENT, entered into this 1st day of December 2023 by and between the COUNTY OF SAN MATEO, hereinafter called "County," and Elavon Inc, hereinafter called "Contractor";

W I T N E S S E T H:

WHEREAS, pursuant to Government Code, Section 31000, County may contract with independent contractors for the furnishing of such services to or for County or any Department thereof;

WHEREAS, on December 1, 2017, pursuant to Resolution No. 075597 of the San Mateo County Board of Supervisors, the parties entered into an Agreement for merchant card services for the County departments on December 1, 2017, with an initial term through November 30, 2020, in an amount not to exceed \$600,000 ("Agreement"); and

WHEREAS, on December 1, 2019, pursuant to Resolution No. 076690 of the San Mateo County Board of Supervisors, the parties amended the Agreement to increase the amount payable by \$300,000, to an amount not to exceed \$900,000; and

WHEREAS, the parties entered into a Second Amendment to the agreement, dated as of July 1, 2020, which further revised the scope of services under the Agreement and further increased the total amount payable under the Agreement by \$25,000, to the amount not to exceed \$925,000; and

WHEREAS, on December 1, 2020, pursuant to Resolution No. 077874 of the San Mateo County Board of Supervisors, the parties amended the Agreement to increase the amount payable by \$600,000, to an amount not to exceed \$1,525,000; and

WHEREAS, on December 1, 2022, pursuant to Resolution No. 079149 of the San Mateo County Board of Supervisors, the parties amended the Agreement to increase the amount payable by \$900,000, to an amount not to exceed \$2,425,000; and

WHEREAS, the parties wish to amend the Agreement to increase the amount of payable under the Agreement by \$200,000 to amount not to exceed \$2,625,000 for the provision of the additional scope of services (MedEpay) which will be incorporated with San Mateo County Health's overall patient payment options; while maintaining the current term through November 30, 2025;

NOW, THEREFORE, IT IS HEREBY AGREED BY THE PARTIES HERETO AS FOLLOWS:

1. Payments of the agreement are amended to read as follows:

In consideration of the services provided by Contractor in accordance with all terms, conditions, and specifications set forth in this Agreement and in Schedule A, County shall make payment to Contractor based on the rates and in the manner specified in Schedule B. County reserves the right to withhold payment if County determines that the quantity or quality of work performed is unacceptable. In no event shall County's total fiscal obligation under the extended term of this Agreement exceed (\$2,625,000) two million six hundred twenty-five thousand dollars. In the event that the County makes any advance payments, Contractor agrees to refund any amounts in excess of the amount owed by the County at the time of contract termination or expiration.

2. All other terms and conditions of the agreement dated December 1, 2017, as amended by the amendments dated as of December 1, 2019, July 1, 2020, December 1, 2020, and December 1, 2022 between the County and Contractor shall, remain in full force and effect.

In witness of and in agreement with this Agreement's terms, the parties, by their duly authorized representatives, affix their respective signatures:

For Contractor: Elavon, INC.



Contractor Signature

1/16/24

Date

Timothy I. Miller
Senior Vice President
Global Credit and Risk

Contractor Name (please print)

For County:

COUNTY OF SAN MATEO

By:
President, Board of Supervisors, San Mateo County

Date:

ATTEST:

By:
Clerk of Said Board