

**Amendment No. ~~5-6~~ to Agreement MA #074-13010138  
With Wells Fargo Bank Payment Gateway User Agreement**

This Amendment No. ~~5-6~~ to Agreement No. MA 074-13010138 is entered into by the County of Orange, a political subdivision of the State of California, with a place of business as 625 N. Ross St., Building 11, G-11, Santa Ana, CA 92701 (hereinafter referred to as "County") and Wells Fargo Bank, NA, a California corporation, having its principal place of business at 707 Wilshire Blvd., 11<sup>th</sup> Floor, Los Angeles, CA 90017 (hereinafter referred to as "Wells Fargo").

WHEREAS, the parties entered into Agreement No. MA 074-13010138 to provide internet payment gateway services required for accepting and processing credit and debit cards and eChecks via the internet ("ORIGINAL AGREEMENT") effective August 14, 2012 through August 13, 2013 renewable for an additional one-year term with the written consent of both parties; and

WHEREAS, the parties amended the ORIGINAL AGREEMENT with Amendment No. 1 to renew the Agreement for an additional one-year term, effective August 14, 2013 through August 13, 2014 in the amount not to exceed \$2,300.00.

WHEREAS, the parties amended the ORIGINAL AGREEMENT with Amendment No. 2 to add Tokenization Subscription services; and

WHEREAS, the parties amended the ORIGINAL AGREEMENT with Amendment No. 3 to renew the Agreement effective August 14, 2014 through August 13, 2015; and

WHEREAS, the parties amended the ORIGINAL AGREEMENT with Amendment No. 4 to renew the Agreement effective August 14, 2015 through August 13, 2016; and

*WHEREAS, the parties amended the ORIGINAL AGREEMENT with Amendment No. 5 to renew the Agreement effective August 14, 2016 through August 13, 2017; and*

WHEREAS, ~~the parties have agreed~~ *the County desires* to renew the ORIGINAL Agreement for an additional one year term, effective August 14, ~~2016~~ 2017 through August 13, ~~2017~~ 2018.

NOW, THEREFORE, the parties mutually agree:

1. **Term of Agreement.** The term of the ORIGINAL Agreement is hereby extended for an additional one-year term effective August 14, ~~2016~~ 2017 through August 13, ~~2017~~ 2018.

2. The remaining provisions of the ORIGINAL AGREEMENT with Amendments shall remain the same and in full effect and force.

**\*\*Signature Page follows\*\*\***

**CONTRACT SIGNATURE PAGE**

The Parties hereto have executed this Contract on the dates shown opposite their respective signatures below.

**Contractor\***

\_\_\_\_\_  
*Print Name* \_\_\_\_\_ *Title*

\_\_\_\_\_  
*Signature* \_\_\_\_\_ *Date*

\_\_\_\_\_  
*Print Name* \_\_\_\_\_ *Title*

\_\_\_\_\_  
*Signature* \_\_\_\_\_ *Date*

**\* If the Contractor is a corporation, signatures of two specific corporate officers are required as further set forth.**

**The first corporate officer signature must be one of the following: 1) the Chairman of the Board; 2) the President; 3) any Vice President.**

**The second corporate officer signature must be one of the following: 1) Secretary; 2) Assistant Secretary; 3) Chief Financial Officer; 4) Assistant Treasurer.**

**In the alternative, a single corporate signature is acceptable when accompanied by a corporate resolution demonstrating the legal authority of the signature to bind the company.**

\*\*\*\*\*

\_\_\_\_\_  
*County of Orange, a political subdivision of the State of California*  
*Office of Treasurer-Tax Collector*

\_\_\_\_\_  
*Colleen Avila*  
*Deputy Purchasing Agent (Print Name)*

\_\_\_\_\_  
*Signature* \_\_\_\_\_ *Date*

*Approved As To Form:*  
*Office of the County Counsel*  
*Orange County, CA*

*By:* \_\_\_\_\_  
*Ronald T. Magsaysay, Deputy*

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

**Signature Page**

In WITNESS WHEREOF, the parties hereto have executed this Agreement on the dates shown opposite their respective signatures below:

County of Orange, A Political Subdivision of the State of California  
Rob Richardson, Purchasing Agent

Date: \_\_\_\_\_ By: \_\_\_\_\_  
Colleen Avila  
Title: Deputy Purchasing Agent

Wells Fargo Bank, NA

Date: \_\_\_\_\_ By: \_\_\_\_\_  
Title: \_\_\_\_\_  
"Contractor" – Chairman of the Board, President or Vice-President

Date: \_\_\_\_\_ By: \_\_\_\_\_  
Title: \_\_\_\_\_  
"Contractor" –Secretary, Assistant Secretary, CFO or Assistant Treasurer

APPROVED AS TO FORM:  
Office of County Counsel  
County of Orange, California

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
Angelica C. Daftary, Deputy

\* If the contracting party is a corporation, (2) two signatures are required: one (1) signature by the Chairman of the Board, the President or any Vice President; and one (1) signature by the Secretary, any Assistant Secretary, the Chief Financial Officer or any Assistant Treasurer. The signature of one person alone is sufficient to bind a corporation, as long as he or she holds corporate offices in each of the two categories described above. For County purposes, proof of such dual office holding will be satisfied by having the individual sign the instrument twice, each time indicating his or her office that qualifies under the above described provision. In the alternative, a single corporate signature is acceptable when accompanied by a corporate resolution demonstrating the legal authority of the signatory to bind the corporation.