FIRST AMENDMENT TO
AGREEMENT FOR SERVICES
#2022-038
HOLIDAY DECORATING SERVICES

This *First Amendment to Agreement for Services #2022-038* (the "Agreement") is made and entered into this _____ day of _____ , 2024 (the "Effective Date"), by and between the **CITY OF FULSHEAR, TEXAS** (the "City"), a Texas municipality, and **K AND E GROUP, INC. (D/B/A BRIGHT LIGHTS OF HOUSTON)** (the "Service Provider"). Collectively, the City and the Service Provider may be referred to as the "Parties."

WHEREAS, the City and Service Provider entered into an *Agreement for Services* (#2022-038) for Holiday Decorating Services dated June 13, 2022 (the "Agreement for Services"); and

WHEREAS, the City and the Service Provider would like to amend the Agreement for Services as set forth herein.

NOW, THEREFORE, for and in consideration of the sum of $10 and other valuable consideration, the Parties mutually agree as follows (any capitalized word not otherwise defined in this Agreement has the definition given to it in the Agreement for Services):

1. **Section 4. a** of the Agreement for Services is deleted in its entirety, and the following language is substituted in its place:

   "**a. *Contract Sum.*** The City shall compensate the Service Provider for the performance of the Services per the design proposal in ***Exhibit A*** and in accordance with the Standard Rate Schedule contained in the attached and incorporated ***Exhibit B*****. The total fees paid under this Agreement shall not exceed $492,972.00, with fees not to exceed $98,595.00 per each respective Term or Renewal Term, as defined below."**

2. **Section 5. b** of the Agreement for Services is deleted in its entirety, and the following language is substituted in its place:

   "***Term.*** This Agreement will commence on the Effective Date of the notice to proceed and shall terminate on the day preceding the first anniversary of the Effect Date (the "Term"), unless terminated earlier as provided herein. At the option of the City, this Agreement may be renewed for four (4) additional one-year terms (each, a "Renewal Term"), with each Renewal Term proceeding and becoming effective upon the termination of the Term or Renewal Term immediately preceding it. These renewal terms shall not extend further than June 12, 2027."

3. The document attached as *Exhibit B* to the Agreement for Services is deleted in its entirety and is replaced with the document attached to this Agreement as *Exhibit B*, which is incorporated by reference to this Agreement and into the Agreement for Services.

EFFECTIVE as of _____ , 2024.

SERVICE PROVIDER:

K AND E GROUP, INC.

By: Daniel Kubacak

Name: Daniel Kubacak

Title: President of Operations

CITY:

CITY OF FULSHEAR, TEXAS

By: _____
City Manager

Bright Lights of Houston
12407 Sowden Road
Houston, TX 77080
(281) 377-1055
www.brightlightshouston.com

Exhibit B

12338
DATE 05/07/2024
DUE DATE 06/06/2024
TERMS Net 30

BILL TO
Jesus Escobar
City of Fulshear
PO Box 279
29255 FM 1093 #12-A
Fulshear, TX 77441

SHIP TO
Jesus Escobar
City of Fulshear
PO Box 279
29255 FM 1093 #12-A
Fulshear, TX 77441

PLEASE DETACH TOP PORTION AND RETURN WITH YOUR PAYMENT.

DEPOSIT DUE NOW
$57,645.00

DATE	ACTIVITY	DESCRIPTION	QTY	AMOUNT
		LOCATION: Welcome Sign on FM 1093		
	Commercial Christmas Lighting Leased:Custom Christmas Lighting	Custom Christmas Lighting: Decorate two City of Fulshear “Welcome” signs - Leased sign decor with lights	1	0.00T
	Commercial Christmas Lighting Leased:Custom Christmas Lighting	Custom Christmas Lighting - -7’ Lit Candy Cane and 6’ 2D Lit Gift -Placement needs to be confirmed by city before install	1	0.00T
		LOCATION: Downtown Area		
	Commercial Christmas Lighting Leased:Commercial Christmas Tree Leased	Commercial grade pre-lit Christmas tree with ornaments and decor to match theme of project. Install new 20’ tower tree -Placement needs to be confirmed by city before install	1	0.00T
	Commercial Christmas Lighting Leased:Labor Commercial Christmas	Install 40 wreaths back to back on 20 poles throughout city -Placement needs to be confirmed by city before install	40	0.00T
		LOCATION - Pictorial Destination near Wallis Bank		
	Commercial Christmas Lighting Leased:Custom Christmas Lighting	Custom Christmas Lighting - Walkthrough Light Tunnel	1	0.00T
	Commercial Christmas Lighting Leased:Custom Christmas Lighting	Custom Christmas Lighting - Leased 16’ Red Walk Thru Ornament Lighted -Placement needs to be confirmed by city before install	1	0.00T
	Commercial Christmas Lighting Leased:Custom Christmas Lighting	Custom Christmas Lighting Leased 7’ 2D Candy Cane Lighted -Placement needs to be confirmed by city before install	1	0.00T

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DATE	ACTIVITY	DESCRIPTION	QTY	AMOUNT
	Commercial Christmas Lighting Leased:Custom Christmas Lighting	Custom Christmas Lighting Leased 36” inch lighted ornament -Placement needs to be confirmed by city before install LOCATION - Downtown Facade	1	0.00T
	Commercial Christmas Lighting Leased:C9 Lighting - Leased- Warm White - copy	Leased C9 LED lighting - Warm White -Install (30) 125’ fascia -Placement needs to be confirmed by city before install	3,750	0.00
	Commercial Christmas Decor Leased:Garland - Leased - Red and Gold	Leased Douglas fir 9’x14" pre-lit garland with red and gold ornament and decor package. -Install on 20 light poles in downtown -Wrap 2 units per light pole -Placement needs to be confirmed by city before install	40	0.00
	Commercial Christmas Lighting Leased:Custom Christmas Lighting	Custom Christmas Lighting Leased 36” Ornament Ball (non-lighted) -Placement needs to be confirmed by city before install	5	0.00T
	Commercial Christmas Lighting Leased:Custom Christmas Lighting	Custom Christmas Lighting Leased 42” Ornament Ball (non-lighted) -Placement needs to be confirmed by city before install	5	0.00T
	Commercial Christmas Lighting Leased:Custom Christmas Lighting	Custom Christmas Lighting Leased 36” Lighted Ornaments and gold ornaments -Placement needs to be confirmed by city before install	4	0.00T
	Commercial Christmas Lighting Leased:Custom Christmas Lighting	Custom Christmas Lighting Leased 7’ 2D Candy Cane Lighted -Placement needs to be confirmed by city before install LOCATION - Intersection of 1093	4	0.00T
	Commercial Christmas Lighting Leased:Custom Christmas Lighting	Custom made "Welcome To Fulshear" Sign	1	0.00T
	Commercial Christmas Lighting Leased:Custom Christmas Lighting	Custom Christmas Lighting Leased 15’ 2D Lighted Deer -Placement needs to be confirmed by city before install	1	0.00T
	Commercial Christmas Renewal:Commercial renewal exterior	Installation, Maintenance , Take down and Storage etc. 2022	1	79,800.00

*Deposit-Bright Lights requires a payment of 75% before install date can be scheduled. The remaining balance is due after completion of install.
**Refunds-After a deposit is processed, any refund request will be assessed a 25% restocking and processing fee of the total project cost. The refund will be issued within 30 days of formal request.
***Warranty- Bright Lights will provide a seasonal warranty for any item supplied or purchased for the holiday season.
****Service Calls-All reported calls are registered by dispatch each morning and will be serviced within 48 hours until December 24th
**** Note#1- Bright Lights complies with all electrical codes and has full commercial Liability, auto and worker’s compensation insurance.
******Note#2- Bright Lights is not held responsible for inadequate, faulty or overloaded electrical sources. We recommend a dedicated electrical circuit

SUBTOTAL	79,800.00
TAX	0.00
TOTAL	79,800.00
BALANCE DUE	**$79,800.00**

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for the average lighting installation.

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Bright Lights of Houston
12407 Sowden Road
Houston, TX 77080
(281) 377-1055
www.brightlightshouston.com

12339
DATE 05/07/2024
DUE DATE 06/06/2024
TERMS Net 30

BILL TO
Jesus Escobar
City of Fulshear
PO Box 279
29255 FM 1093 #12-A
Fulshear, TX 77441

SHIP TO
City of Fulshear
6611 West Cross Creek
Bend
Building A
Fulshear, TX 77441

PLEASE DETACH TOP PORTION AND RETURN WITH YOUR PAYMENT.

DEPOSIT DUE NOW
$16301.25

DATE	ACTIVITY	DESCRIPTION	QTY	AMOUNT
		LOCATION: City Hall – 6611 West Cross Creek Bend Fulshear, TX 77441, Building A		0.00
	Commercial Christmas Lighting Leased:C9 Lighting - Leased- Warm White - copy	Leased C9 LED lighting - Warm White - Install on fascia of building and canopy	750	0.00
	Commercial Interior Christmas Leased:9ft Decorated Pre-lit Tree - Red and Silver - Leased - copy	Leased Douglas fir pre-lit warm white tree with red and silver ornament and decor package.	2	0.00
	Commercial Christmas Decor Leased:Garland - Leased - Red and Silver	Leased Douglas fir 9'x14" pre-lit garland with red and silver ornament and decor package. -Install on canopy poles	4	0.00
	Commercial Christmas Lighting Leased:Commercial Christmas Tree Leased	20' Commercial grade pre-lit Christmas tree with ornaments and decor to match theme of project.	1	0.00
		LOCATION: City Hall – 6611 West Cross Creek Bend Fulshear, TX 77441, Building B		0.00
	Commercial Christmas Lighting Leased:C9 Lighting - Leased- Warm White - copy	Leased C9 LED lighting - Warm White -Install on fascia of building	175	0.00
	Commercial Christmas Lighting Leased:Custom Christmas Lighting	Custom Christmas Lighting -Leased 9ft WHITE Christmas Tree – decorated with blue, silver, and black decorations	1	0.00
	Commercial Christmas Renewal:Commercial renewal exterior	Installation, Maintenance , Take down and Storage etc. 2023	1	15,500.00
	Commercial Christmas Lighting Leased:C9 Lighting - Leased- Warm White - copy	LOCATION: Irene Stern Community Center - 6920 Katy Fulshear Rd, Fulshear, TX 77441 Leased C9 LED lighting - Warm White	145	942.50

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***Warranty- Bright Lights will provide a seasonal warranty for any item supplied or purchased for the holiday season.

****Service Calls-All reported calls are registered by dispatch each morning and will be serviced within 48 hours until December 24th

**** Note#1- Bright Lights complies with all electrical codes and has full commercial Liability, auto and worker's compensation insurance.

******Note#2- Bright Lights is not held responsible for inadequate, faulty or overloaded electrical sources. We recommend a dedicated electrical circuit for the average lighting installation.

SUBTOTAL	16,442.50
TAX	0.00
TOTAL	16,442.50
BALANCE DUE	**$16,442.50**

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