

STATE OF TEXAS)
COUNTY OF EL PASO)

AMENDMENT

To County Contract No. 2020-0653 to include E-Plan Soft Subscription Terms and Conditions Master Licensing Agreement and Software as a Service Agreement

This agreement is entered into between the County of El Paso, a political subdivision of the State of Texas ("County") and e-Plan, Inc. ("Vendor"). The following provisions are added by agreement of the parties. To the extent that any provisions in the Vendor's Master Licensing Agreement or Software as a Service Agreement conflict with the provisions of this Amendment, this Amendment shall control. Vendor's Master Licensing Agreement, Software as a Service Agreement, and this Amendment, comprise the entire agreement between the parties (hereafter "Agreement"). This Agreement is effective as of the date executed by both parties.

1. Parties agree that none of the following shall have any effect or be enforceable against the County or any of its elected officials, agents, or employees:
 - a. Requiring the application of the law of any state other than the State of Texas in interpreting or enforcing the Agreement or requiring or permitting that any dispute under the Agreement be resolved in any court other than in El Paso County, Texas;
 - b. Obligating the County to pay costs of collection, litigation, or attorney's fees;
 - c. Requiring the County to indemnify Vendor for any act or omission;
2. The parties further agree as follows:
 - a. County is subject to the Open Meetings Act and Public Information Act, Texas Government Code Chapters 551 and 552, respectively, which may require the disclosure of information despite any confidentiality provisions or other provisions to the contrary;
 - b. Nothing referenced herein modifies or waives any sovereign immunity, lien or indemnity prohibition, defense, or limitation of liability enjoyed by County, its elected officials, or employees at common law or under other Texas law.

COUNTY OF EL PASO, TX

By: _____
County Judge
Ricardo Samaniego

Date: _____

E-PLAN, INC.

By: Paula Montoya

Name: Paula Montoya

Authorized Signatory

Title: COO

Date: 11/7/2022