

STATE OF TEXAS §
COUNTY OF TRAVIS §

Division Number: 210	Program Name: FitnessGram® Program
Org. Code: 711P	Legal/Funding Authority: 84 th Texas Legislature 2015, GAA Article III, Rider 67, TGC Title 10, Subtitle D, Section 2155.067
Speed Chart:	Contract #: 3493
Payee Name: Varsity Brands Holding	PO #: 35975
Payee ID: 14724602728	

Amendment # 1

**AMENDMENT TO
STANDARD CONTRACT
BETWEEN
TEXAS EDUCATION AGENCY
AND**

Varsity Brands Holding Co. Inc. dba BSN Sports LLC
NAME OF CONTRACTOR

It is mutually understood and agreed by and between the undersigned contracting parties of the above numbered contract to amend said Contract effective November 1, 2016 as follows:

ARTICLE III. PURPOSE OF CONTRACT

The purpose of this Amendment is for The Cooper Institute to provide an additional 45.5 hours of FitnessGram® Advanced Support Services as defined in Appendix One, Description of Services Item I for a total of 210.50 hours. The additional hours result in a total of 81 hours available for the period of November 1, 2016 through the end of the contract period. If the remaining hours should expire before the end of the contract period, The Cooper Institute will cover approved agency or district technical assistance needs.

The Cooper Institute will provide one State Partner account for William "Barney" Fudge (WBF), TEA Statewide Coordinator for Health Education. All parties agree only WBF at TEA will have access to the one account and WBF will not share, provide access information (user ID, password, etc.) with any other parties. The solo account is to provide access to run reports on various districts and schools assigned to the state implementation. The Cooper Institute will continue to provide a table of all FitnessGram® enhancements and bug fixes and the issues that each resolve.

FitnessGram® Hosting Services Terms of Use, Exhibit A, Section 7.2 Indemnification, is not applicable to the contract as agreed by TEA, Varsity Brands Holding Co Inc and The Cooper Institute. It is agreed and accepted by a person authorized to bind Contractor that all Terms and Conditions of this Amendment are effective commencing on the above date.

Terrence M. Babilla
President, Chief Operating Officer
BSN Sports, LLC


DocuSigned by:
TM Babilla

Authorized Signature

Dr. Laura DeFina
President and Chief Executive Officer
The Cooper Institute

DocuSigned by:
Laura DeFina

Authorized Signature

This section reserved for Agency use.	
I, an authorized official of Agency, hereby certify that this contract is in compliance with the authorizing program statute and applicable regulations and authorize the services to be performed as written above.	
AGREED and accepted on behalf of Agency this <u>3</u> day of <u>January</u> <u>2017</u> (month/year) by a person authorized to bind Agency.	
Return an electronic copy to: TEAContracts@tea.texas.gov Norma Barrera Purchasing, Contracts and Agency Services Texas Education Agency 1701 North Congress Avenue, Room 2-125 Austin, Texas 78701-1494	 _____ Mike Morath Commissioner of Education