

**Amendment No. 1 to the Maintenance Services Agreement  
Between the City of Coachella  
and  
Conserve Landcare LLC Project No. 042623**

**1. Parties And Date.**

This Amendment No. 1 to the Maintenance Services Agreement ("Amendment No.1 ") is made and entered into this 8<sup>th</sup> day of November, 2023 by and between the City of Coachella ("City") and Conserve Landcare LLC, ("Contractor"). City and Contractor are sometimes individually referred to as "Party" and collectively as "Parties" in this Amendment No.1.

**2. Recitals.**

2.1 Agreement. City and Contractor entered into that certain Agreement for Landscape Maintenance Service for the Landscape Maintenance Services for Landscape Lighting and Maintenance Districts 1-40 Project 042623 ("Agreement"), entered into on June 28, 2023.

2.2 Amendment. City and Contractor desire to amend the Agreement for the first time to amend the term of the Agreement as set forth in this Amendment No. 1.

**3. Amendments.**

3.1. Compensation. Section 3.3.1, of the Agreement are hereby deleted in their entirety and replaced with the following:

3.3.1 Compensation. Contractor shall receive compensation, including authorized reimbursements, for all Services rendered under this Agreement at the rates set forth in Exhibit "C" attached hereto and incorporated herein by reference. The total compensation shall not exceed **Two Million Two Hundred Seventy One Thousand Seventy-Five Dollars and Zero Cents (\$2,271,075.00) without written approval of City's City Council.** Extra Work may be authorized, as described below, and if authorized, will be compensated at the rates and manner set forth in this Agreement.

3.2 Continuing Effect of Agreement. Except as amended by this Amendment No.1, all provisions of the Agreement shall remain unchanged and in full force and effect. From and after the date of this Amendment No.1, whenever the term "Agreement" appears in the Agreement, it shall mean the Agreement as amended by this Amendment No.1.

3.3 Adequate Consideration. The Parties hereto irrevocably stipulate and agree that they have each received adequate and independent consideration for the performance of the obligations they have undertaken pursuant to this Amendment No.1.

3.4 Counterparts. This Amendment No.1 may be executed in duplicate originals, each of which is deemed to be an original, but when taken together shall constitute but one and the same instrument.

IN WITNESS WHEREOF, the parties have executed this Amendment.No.1 as of the date first written above.

THE CITY OF COACHELLA

CONSERVE LANDSCAPE LLC

By: \_\_\_\_\_  
Dr. Gabriel D. Martin  
City Manager

By: \_\_\_\_\_

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
Carlos Campos, City Attorney