

**Amendment No. 1 to the Maintenance Services Agreement
Between the City of Coachella
and
Conserve Landcare LLC Project No. 032921**

1. Parties And Date.

This Amendment No. 1 to the Maintenance Services Agreement ("Amendment No.1 ") is made and entered into this 26th day of April, 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 1-38 Project 032921 ("Agreement"), entered into on May 26, 2021.

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 3.1.3 and 3.3.1, of the Agreement are hereby deleted in their entirety and replaced with the following:

3.1.3 Term. The term of this Agreement shall be from June 1, 2021 to May 31, 2024 unless earlier terminated as provided herein. Contractor shall complete the Services within the term of this Agreement, and shall meet any other established schedules and deadlines.

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 **One Million Eight Hundred Twenty Three Thousand Five Hundred Eighteen Dollars and Twenty Cents (\$1,823,518.20) 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 Exhibit B & C. Exhibit B & C are hereby deleted and replaced with a revised Exhibit B& C attached hereto.

3.3 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.

3.4 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.

3.5 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

EXHIBIT “B”

Initial Term: June 1, 2021 – May 31, 2023

EXTENDED TERM: JUNE 1, 2023 – MAY 31, 2024

EXHIBIT "C"

COMPENSATION

- **Per Amendment 1**

- Total Per Month = \$46,139
- Total Annually(1 term 2023/2024) = $\$553,668 + 15\%(\$83,050.20) = \$636,718.20$
- Total Agreement Compensation Original Term and Amendment 1 = $\$1,186,800 + \$636,718.20 = \$1,823,518.20$

- **Per Original Agreement**

- Total Per Month = \$43,000
- Total Annually Not To Exceed - $\$516,000 + 15\%$ if approved (\$77,400) = \$593,400
- Total Term Not to Exceed – $\$1,032,000 + 15\%$ if approved (\$154,800) = \$1,186,800