

**Amendment No. 3 to the Maintenance Services Agreement 030619C
Between the City of Coachella
And
Vintage Landscape**

1. Parties And Date.

This Amendment No. 3 to the Maintenance Services Agreement ("Amendment No.3") is made and entered into this 9th day of June, 2021 by and between the City of Coachella ("City") and Vintage Landscape, ("Contractor"). City and Contractor are sometimes, individually referred to as "Party" and collectively as "Parties" in this Amendment No.3.

2. Recitals.

2.1 Agreement. City and Contractor entered into that certain Agreement for Landscape Maintenance Services for: City Parks and Office Facilities Project No. 030619C ("Agreement"), entered into on March 27, 2019.

2.2 Amendment. City and Contractor desire to amend the Agreement for the third time to amend the term and compensation of the Agreement as set forth in this Amendment No. 3.

3. Amendments.

3.1 Term of Agreement. Section 3.1.3 of the Agreement is hereby deleted in its entirety and replaced with the following:

3.1.3 Term. The term of this Agreement shall be from May 15, 2019 to June 30, 2022, 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.

3.2 Compensation. Section 3.3.1 of the Agreement is hereby deleted in its 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 annual compensation shall not exceed **four hundred twenty thousand one hundred forty seven dollars and no cents (\$420,147.00)** 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.

3.3 Continuing Effect of Agreement. Except as amended by this Amendment No.3, all provisions of the Agreement shall remain unchanged and in full force and effect from and after the date of this Amendment No.3, whenever the term "Agreement" appears in the Agreement, it shall mean the Agreement as amended by this Amendment No.3.

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.3.

3.5 Counterparts. This Amendment No.3 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.3 as of the date first written above.

THE CITY OF COACHELLA

VINTAGE LANDSCAPE

By: Dr. Gabriel Martin, City Manager

Attest:

City Clerk

Approved as to Form:

Carlos Campos, City Attorney

EXHIBIT "C"
COMPENSATION

Initial Term (May 15, 2019 – June 30, 2021)

- Total Per Month - \$8,775.00
- Total Annual- \$105,300.00
- Original Award - \$242,190.00
- Total Original NTE Amount - \$242,190.00 + \$56,862 (Permit Center) = \$299,052.00

Extended Term (July 1, 2021 – June 30, 2022)

- Total Per Month - \$8,775.00
- Total Annual- \$105,300.00
- Extended Term Annual plus 15 % Contingency - \$15,795 + \$105,300 = \$121,095
- New Total NTE - \$420,147.00
- Any additional work requested will be as provided by the Contractor in the response to the proposal.