

FIRST AMENDMENT TO AGREEMENT

This FIRST AMENDMENT TO AGREEMENT FOR SERVICES is dated for identification this 6th day of June 2023 and amends that certain AGREEMENT FOR SERVICES dated July 1, 2018, made by and between the Town of Los Gatos, ("Town,") and the Pacific Water Art ("Service Provider") identified as an S Corporation and whose address is 330 Matthew Street, Santa Clara, CA 95050.

RECITALS

- A. Town and Service Provider entered into an Agreement for Services on July 1, 2018 ("Agreement"), copies of which is attached hereto and incorporated by reference as Exhibit A to this Amendment.
- B. Town desires to amend the Agreement for Services to extend the term, add to the compensation and add to the minimum scope of insurance of the agreement.

AMENDMENT

1. Section 2.2 Term and Time of Performance is amended to read:

This contract will remain in effect from July 1, 2018 to June 30, 2024.

2. Section 2.6 Compensation is amended to read as follows:

Compensation for July 1, 2023 through June 30, 2024:

- Routine maintenance and repair services shall not exceed \$19,870.
- Unforeseen repairs to interactive fountain components shall not exceed \$26,625, for a total amount of \$46,495.
- Payment shall be based upon Town approval of each task.

The total agreement amount for years 1-6 **shall not exceed \$253,505**, inclusive of all costs.

3. Section 3.1 Minimum Scope of Insurance is amended to read as follows:

Service Provider agrees to have and maintain, for the duration of the contract, General Liability insurance policies insuring him/her and his/her firm to an amount not less than: two million dollars (\$2,000,000) combined single limit per occurrence for bodily injury, personal injury and property damage.

4. All other terms and conditions of the Agreement remain in full force and effect.

ATTACHMENT 1

IN WITNESS WHEREOF, the Town and Service Provider have executed this Amendment.

Town of Los Gatos

Approved as to Consent:

By: _____
Laurel Prevetti, Town Manager

By: _____
Name and Title

Department Approval:

Nicolle Burnham
Parks and Public Works Director

Approved as to Form:

Attest:

Gabrielle Whelan, Town Attorney

Wendy Wood, CMC, Town Clerk