

**AMENDMENT NO. 1 TO
MAINTENANCE SERVICES AGREEMENT
WITH ENVIRONMENTAL PROJECT SERVICES, INC.**

This Amendment No. 1 to the Agreement for concrete maintenance services is made and entered into as of November 6, 2024 ("Effective Date"), by and between the City of San Bernardino, a charter city and municipal corporation ("City") and Environmental Project Services, Inc. a California Corporation ("Vendor"). City and Vendor are sometimes referred to herein individually as a "Party" and collectively as "Parties."

RECITALS

A. WHEREAS, the City and the Vendor have entered into an agreement, dated March 16, 2022, for the purpose of providing concrete maintenance services (the "Master Agreement").

B. WHEREAS, the City and the Vendor have entered into Amendment No. 1 to the Master Agreement, dated November 6, 2024, for the purpose of amending the compensation of the Master Agreement.

C. WHEREAS, the Parties now desire to amend the Master Agreement in order to include additional funds for the continued performance of the services in accordance with the compensation provisions of the Master Agreement.

NOW, THEREFORE, in consideration of the above recitals and the mutual covenants, conditions, and promises contained in this Amendment No. 1 and the Master Agreement, the Parties mutually agree as follows:

AGREEMENT

1. Incorporation of Recitals. The recitals listed above are true and correct and are hereby incorporated herein by this reference.

2. Term. There is no change to the term of the Master Agreement.

3. Compensation. The compensation for services performed pursuant to this Amendment No. 1 shall not exceed One Million Dollars (\$1,000,000), thereby increasing the total not to exceed compensation of the Master Agreement to the amount not to exceed Two Million Dollars (\$2,000,000). Work shall be performed at the rates set forth in the Master Agreement.

4. Full Force. Except as amended by this Amendment No. 1, all provisions of the Master Agreement, including without limitation the indemnity and insurance provisions, shall remain in full force and effect and shall govern the actions of the Parties under this Amendment No. 1.

5. Electronic Transmission. A manually signed copy of this Amendment No. 1 which is transmitted by facsimile, email or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original executed copy of this Amendment No. 1 for all purposes. This Amendment No. 1 may be signed using an electronic signature.

6. Counterparts. This Amendment No. 1 may be signed in counterparts, each of which shall constitute an original.

[SIGNATURES ON FOLLOWING PAGE]

**SIGNATURE PAGE FOR
AMENDMENT NO. 1 TO MAINTENANCE SERVICES AGREEMENT WITH
ENVIRONMENTAL PROJECT SERVICES, INC.**

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment No. 1 on the Effective Date first herein above written.

CITY OF SAN BERNARDINO

**ENVIRONMENTAL PROJECT
SERVICES, INC.**

APPROVED BY:

Rochell Clayton,
Acting City Manager

Signature

Name

ATTESTED BY:

Title

Genoveva Rocha, CMC
City Clerk

APPROVED AS TO FORM:

Best Best & Krieger LLP
City Attorney