

**AMENDMENT NO. 3 TO
DESIGN SERVICES AGREEMENT
WITH RHA LANDSCAPE ARCHITECTS-PLANNERS, INC.**

This Amendment No. 3 to the Design Services Agreement is made and entered into as of November 20, 2024 ("Effective Date"), by and between the City of San Bernardino, a charter city and municipal corporation ("City") and RHA Landscape Architects-Planners, Inc., a California corporation ("Designer"). City and Designer are sometimes referred to herein individually as a "Party" and collectively as "Parties."

RECITALS

A. WHEREAS, the City and the Designer have entered into an agreement, dated, March 3, 2021, for the professional design of the Nicholson Neighborhood Park Project (the "Master Agreement").

B. WHEREAS, the City and Designer entered into Amendment No. 1 to the Original Agreement, dated August 3, 2022,

C. WHEREAS, the City and Designer entered into the Amendment No. 2 to the Original Agreement, dated August 2, 2023 which extended the term of the Original Agreement, added additional services, and increased the not-to-exceed amount to provide compensation for those additional services.

D. WHEREAS, the Parties now desire to amend the Original Agreement in order to include additional services, extend the term of the Original Agreement, and to provide compensation for the additional services.

NOW, THEREFORE, in consideration of the above recitals and the mutual covenants, conditions, and promises contained in this Amendment No. 3 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. Services. The Services, as that term is defined in the Original Agreement, are hereby amended to include additional services related to the Nicholson Neighborhood Park Improvements Project. The additional services are more fully described in Exhibit "A-3", attached hereto to this Amendment No. 3 and incorporated herein by this reference.

3. Amendment to Section 3.1.2 of the Master Agreement. Section 3.1.2 of the Master Agreement shall be amended to read as follows:

"3.1.2 Term. The term of this Agreement shall be from March 03, 2021 to December 30, 2025, unless earlier terminated as provided herein. Designer shall

complete the Services within the term of this Agreement, and shall meet any other established schedules and deadlines.”

4. Compensation. The total not to exceed compensation amount shall be increased by Twenty-Five Thousand Dollars and Zero Cents **(\$25,000.00)** increasing the total not to exceed compensation amount from Four Hundred Fifty-Nine Thousand Eight Hundred Forty-Five Dollars and Zero Cents **(\$459,845.00)** to Four Hundred Eighty-Four Thousand Eight Hundred Forty-Five Dollars and Zero Cents **(\$484,845.00)**.

5. Full Force. Except as amended by this Amendment No. 3, all provisions of the Original Agreement, as previously amended, 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. 3.

6. Electronic Transmission. A manually signed copy of this Amendment No. 3 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. 3 for all purposes. This Amendment No. 3 may be signed using an electronic signature.

7. Counterparts. This Amendment No. 3 may be signed in counterparts, each of which shall constitute an original.

[SIGNATURES ON FOLLOWING PAGE]

**SIGNATURE PAGE TO
AMENDMENT NO. 3 TO
DESIGN SERVICES AGREEMENT
WITH RHA LANDSCAPE ARCHITECTS-PLANNERS, INC.**

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment No. 3 on the Effective Date first herein above written.

CITY OF SAN BERNARDINO

DESIGNER

APPROVED BY:

**RHA LANDSCAPE ARCHITECTS-
PLANNERS, INC.**

Rochelle Clayton,
City Manager

Signature

APPROVED AS TO FORM:

Name

Best Best & Krieger LLP
City Attorney

Title

EXHIBIT A-3

SCOPE OF ADDITIONAL SERVICES

[ATTACHED]



AUTHORIZATION FOR ADDITIONAL WORK

TO: Ramon "Eddie" Mendez, PE
Principal Engineer
City of San Bernardino
Public Works Engineering Division
201 North E Street 2nd Floor
San Bernardino, CA 92401

Date: 11.8.2024
Project: Nicholson Neighborhood
Park Improvements
RHA Project No. 21112
Authorization No. Project 8754

Dear Eddie,

RHA Landscape Architects-Planners, Inc. has developed the following scope of services and fee schedule for landscape architectural services required on the Nicholson Park project. These services are being provided to you in addition to the original contract at your request.

Scope of Services

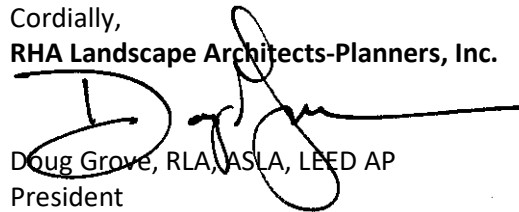
- | | |
|----|--|
| 1) | Additional Construction Support Services for park |
| 2) | Construction Support Services for community center |

Fee

- | | |
|----|----------|
| 1) | \$10,000 |
| 2) | \$10,000 |

This additional work authorization is an addendum to the existing contract. The terms and conditions of the original contract are applicable to this addendum. Subsequent to your review of the above referenced scope of services, please sign and return this form to RHA Landscape Architects-Planners, Inc. A PDF version via email is sufficient.

Cordially,
RHA Landscape Architects-Planners, Inc.


Doug Grove, RLA, ASLA, LEED AP
President

Authorized by:
City of San Bernardino

By: _____

Date: _____