

**AMENDMENT NO. 1 TO
AGREEMENT FOR NIGHT VISION GOGGLES AND ACCESSORIES
WITH NIGHT OPS TACTICAL INC.**

This Amendment No. 1 to the Agreement for **NIGHT VISION GOGGLES AND ACCESSORIES** is made and entered into as of **April 20, 2023** ("Effective Date") by and between the City of San Bernardino, a charter city and municipal corporation ("City") and **NIGHT OPS TACTICAL INC**, a **CORPORATION** ("Consultant"). City and Consultant are sometimes referred to herein individually as a "Party" and collectively as "Parties."

RECITALS

A. WHEREAS, the City and the Consultant have entered into an agreement, dated **January 18, 2023**, for the purpose of providing **NIGHT VISION GOGGLES AND ACCESSORIES** (the "Master Agreement")

B. WHEREAS, the City and the Consultant have entered into an Amendment No. 1 to the Master Agreement, dated **March 22, 2023**, for the purpose of amending the **COMPENSATION AMOUNT TO ADD SALES TAX**.

C. WHEREAS, the Parties now desire to amend the Master Agreement in order to extend the term of the Master Agreement for an additional term of one year, and 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 expiration date of the Master Agreement.

3. Compensation. The compensation for services performed pursuant to this Amendment No. 1 shall not exceed **Twenty-nine thousand, five hundred twenty-nine dollars (\$29,528.89)**, thereby increasing the total not to exceed compensation of the Master Agreement to the amount of **Three hundred sixty-seven thousand, one hundred fifty-two dollars (\$367,152)**. 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
NIGHT VISION GOGGLES AND ACCESSORIES
WITH NIGHT OPS TACTICAL INC.**

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

CITY OF SAN BERNARDINO

NIGHT OPS TACTICAL INC.

APPROVED BY:

Charles E. McNeely
Interim City Manager

Signature

Name

APPROVED AS TO FORM:

Best Best & Krieger LLP
City Attorney

Title