City of Emeryville

C A L I F O R N I A

PROFESSIONAL SERVICES CONTRACT

FIRST AMENDMENT

THIS FIRST AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT ("Amendment") is effective as of _____ (the "Effective Date"),, by and between **THE CITY OF EMERYVILLE**, a municipal corporation, ("City") and **WEST COAST CODE CONSULTANTS, INC.** ("Contractor"), individually referred to as a "Party" and collectively as the "Parties".

WITNESSETH THAT

WHEREAS, the City and Contractor entered into a Professional Services Contract dated July 1, 2022 ("Contract") for the purpose of retaining the services of Contractor to provide experienced Plan Reviewers, Combinaton Building Inspectors, Permit Technicians, and Code Enforcement Officers capable of handling the Building Division's needs; and

WHEREAS, the City and Contractor entered into a first amendment of the Contract on [Effective Date] for the purpose of increasing the contract amount and/or extending the termination date of the contract; and

WHEREAS, the City and Contractor desire to amend the Contract; and

WHEREAS, the public interest will be served by this Amendment.

NOW, THEREFORE, the Parties hereto do mutually agree as follows:

1.   AMENDMENT

The Parties agree to amend the Contract as checked below:

1.1   Exhibit A

☐   Exhibit A of the Contract is hereby amended in its entirety and replaced with **Exhibit A-***Revision Number*;

OR

☐   Exhibit A of the Contract is hereby amended to include the provisions of **Exhibit A-***Revision Number*, attached hereto and incorporated herein by this reference.

FOR CITY USE ONLY			
Contract No.		CIP No.	
Resolution No.		Project No.	

REV 06/2020

Exhibit A

1.2   Termination Date

☐   The Parties desire to extend the termination date. Section 1.3 of the Contract is hereby amended to extend the termination date to NEW END DATE.

1.3   Total Compensation Amount

☑   The Parties desire to increase the Total Compensation Amount as set forth in Section 3.2 of the Contract by **ONE MILLION, SEVEN HUNDRED AND FOUR THOUSAND, SIX HUNDRED AND FORTY DOLLARS AND ZERO CENTS ($1,704,640.00)**. The total amount paid under the Contract as compensation for Services performed and reimbursement for costs incurred shall not, in any case, exceed **TWO MILLION, EIGHT HUNDRED AND FORTY-ONE THOUSAND, SEVEN HUNDRED AND FOURTEEN DOLLARS AND ZERO CENTS ($2,841,714.00)**.

2.   CONTINUING EFFECT OF CONTRACT

Except as amended by this Amendment, all other provisions of the Contract remain in full force and effect and shall govern the actions of the Parties under this Amendment. From and after the date of this Amendment, whenever the term "Contract" appears in the Contract, it shall mean the Contract as amended by this Amendment.

3.   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.

4.   SEVERABILITY

If any portion of this Amendment is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

5.   WAIVER

The City's failure to enforce any provision of this Amendment or the waiver in a particular instance shall not be construed as a general waiver of any future breach or default.

SIGNATURES ON FOLLOWING PAGE

**6.   SIGNATURE PAGE TO PROFESSESIONAL SERVICES CONTRACT
FIRST AMENDMENT**

IN WITNESS WHEREOF the City and the Contractor have executed this Contract, which shall become effective as of the date first written above.

Approved As To Form:

DocuSigned by:

John Kennedy

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City Attorney

Dated: **CITY OF EMERYVILLE**

_____   _____
                                 City Manager

Dated: **WEST COAST CODE CONSULTANTS, INC.**

                                 DocuSigned by:

03/07/2023   *Giyan Senaratne*   _____ *(Signature)*
_____   C7DB6A0CF6F84C6...
                                 Giyan Senaratne, Principal/CEO

Attach: W-9 Form	Attach: Business License Certificate	Attach: Insurance Certificate and Endorsements