

**AMENDMENT NUMBER TWO
TO MAINTENANCE SERVICES AGREEMENT
WITH
PENHALL COMPANY**

This Amendment Number Two ("Amendment") is made and entered into this 1st day of October, 2018 ("Effective Date"), by and between the CITY OF COSTA MESA, a municipal corporation ("City"), and PENHALL COMPANY, a California corporation ("Contractor").

WHEREAS, City and Contractor entered into an agreement on October 17, 2016 for Contractor to provide sidewalk maintenance services (the "Agreement"); and

WHEREAS, Section 4.1 of the Agreement provides for a term of one (1) year, with the option to extend the Agreement for three (3) additional one (1) year periods; and

WHEREAS, on October 9, 2017, City and Contractor extended the term for one (1) year, through October 16, 2018; and

WHEREAS, City and Contractor now desire to extend the term for one (1) additional year, through October 16, 2019, and to set forth Contractor's compensation for the extended period.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. The term of the Agreement shall be extended through October 16, 2019.
2. For the period commencing October 17, 2018 and ending October 16, 2019, Contractor's compensation shall not exceed Forty-Nine Thousand Five Hundred Dollars (\$49,500.00).
3. All terms not defined herein shall have the same meaning and use as set forth in the Agreement.
4. All other terms, conditions, and provisions of the Agreement not in conflict with this Amendment shall remain in full force and effect.

[Signatures appear on following page.]

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed by and through their respective authorized officers, as of the date first written above.

CITY OF COSTA MESA

Thomas R. Kelly
City Manager

Date: 10/16/18

CONTRACTOR

[Signature]
Signature

Date: 9/24/18

Luke Houde VPSouthwest
Name and Title

[Signature]
Signature

Date: 9/24/18

Chad Danz Area General Manager
Name and Title

ATTEST:

Brenda Green 10/17/18
City Clerk



APPROVED AS TO FORM:

[Signature]
City Attorney

Date: 10/15/18

APPROVED AS TO INSURANCE:

[Signature]
Risk Management

Date: 10/8/18

APPROVED AS TO CONTENT:

For Doug Lovell
Project Manager

Date: 10/8/18

DEPARTMENTAL APPROVAL:

Reja Sethuram
Public Services Director

Date: 10-8-18

APPROVED AS TO PURCHASING:

Kelly Green
Finance Director

Date: 10/9/18