

**AMENDMENT NO. 1 TO CONTRACT NO. C44620B  
MAINTENANCE SERVICES AGREEMENT  
BETWEEN THE CITY PALM DESERT AND BELFOR USA GROUP**

**1. Parties and Date.**

This Amendment No. 1 to Contract No. C44620B, the Maintenance Services Agreement is made and entered into as of this **27<sup>th</sup> day of June, 2023**, by and between the City of Palm Desert (“City”) and Belfor USA Group, Inc. City and Contractor are sometimes individually referred to as “Party” and collectively as “Parties.”

**2. Recitals.**

2.1 Agreement. The City and Contractor have entered into an agreement entitled “Maintenance Services Agreement” dated January 12, 2023 (“Agreement”) for the purpose of retaining the services of Contractor to provide facility repairs and improvements.

2.2 Amendment. The City Council on April 27, 2023, approved to increase the annual aggregate amount to \$3,000,000 in Fiscal Year 2023/2024 and Fiscal Year 2024/2025 and \$750,000, in the aggregate, for Fiscal Year 2022/2023, for this Agreement along with two other contracts.

**3. Terms.**

3.1 Amendment. Section 3.3.1 of the Agreement is hereby amended in its entirety to read as follows:

“Contractor shall receive compensation, including authorized reimbursements, for all Services rendered under this Agreement at the rates set forth in Exhibit “C” attached hereto and incorporated herein by reference. The maximum compensation for Services to be provided pursuant to each Task Order shall be set forth in the relevant Task Order. The total compensation, in the aggregate, shall not exceed \$750,000 for Fiscal Year 2022/2023, \$3,000,000 in Fiscal Year 2023/2024, and \$3,000,000 in Fiscal Year 2024/2025, without the written approval of the City Council or City Manager, as applicable.”

3.2 Continuing Effect of Agreement. Except as amended by this Amendment No. 1, all other provisions of the Agreement remain in full force and effect and shall govern the actions of the parties under this Amendment No. 1. From and after the date of this Amendment No. 1, whenever the term “Agreement” or “Contract” appears in the Agreement, it shall mean the Agreement as amended by this Amendment No. 1.

3.3 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 No. 1.

3.4 Severability. If any portion of this Amendment No. 1 is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

3.5 Counterparts. This Amendment No. 1 may be executed in duplicate originals, each of which is deemed to be an original, but when taken together shall constitute but one and the same instrument.

(SIGNATRES ON FOLLOWING PAGE)

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IN WITNESS WHEREOF, the Parties have entered into this Amendment No. 1 to Contract No. C44620B, a Maintenance Services Agreement, as of the 26<sup>h</sup> day of June, 2023.

**CITY OF PALM DESERT**

**BELFOR USA GROUP**

Approved By:

DocuSigned by:  
L. Todd Hileman  
L. Todd Hileman  
City Manager

DocuSigned by:  
Rachel Manos  
Signature

Rachel Manos  
Name

Attested By:

DocuSigned by:  
Anthony J. Mejia  
Anthony J. Mejia  
City Clerk

General Counsel  
Title

James Claborn  
Attorney

Approved to form:

DocuSigned by:  
Isra Shale  
Best Best & Krieger, LLP  
City Attorney

QC:MN

INSURANCE:

JB  
INITIAL REVIEW

JB  
FINAL REVIEW