

AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF PALM DESERT AND HR GREEN PACIFIC, INC.

1. Parties and Date.

This Amendment No. 1 to the made and entered into as of this **25th** day of **May 2024** by and between the City of Palm Desert ("City") and **HR Green Pacific, Inc., a Corporation**, with its principal place of business at **46651 Village Court, Suite 123, Palm Desert, CA 92260** ("Vendor"). The City and Vendor are sometimes individually referred to herein as "Party" and collectively as "Parties."

2. Recitals.

2.1 Agreement. The City and **HR Green Pacific, Inc.** have entered into an agreement entitled **Professional Services Agreement** dated **June 8, 2023** ("Agreement" or "Contract") for the purpose of retaining the services of **HR Green Pacific, Inc.** to provide **Engineering Services and Land Development support**.

2.2 Amendment. The City and **HR Green Pacific, Inc.** desire to amend the Agreement to **provide Engineering Services and Land Development support** dated **June 8, 2023**.

2.3 Amendment Authority. This Amendment No. 1 is authorized pursuant to **Section 3.3.4 & 3.6.14** of the Agreement.

3. Terms

3.1 Section **3.3 Fees and Payments** of the Agreement is hereby amended in its entirety to read as follows:

Compensation. Consultant shall receive compensation, including authorized reimbursements, for all Services rendered under this Agreement at the rates set forth in Exhibit "A" attached hereto and incorporated herein by reference. The increase for a not-to-exceed amount of ONE HUNDRED THIRTY-FOUR THOUSAND, SIX HUNDRED FIFTY-FIVE DOLLARS for the remainder of FY 2023-24, will bring the annual compensation, upon appropriation to ONE MIILLION, TWENTY-THREE THOUSAND, FOUR HUNDRED FORTY-SEVEN DOLLARS, as indicated in the table below, annual costs cannot exceed totals listed below without written approval of the City Council or City Manager, as applicable.

FY 23/24	FY 24/25*	FY 25/26*
\$1,023,447	\$888,792	\$888,792

**Plus 10% contingency*

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.

[SIGNATURES ON FOLLOWING PAGE]

**SIGNATURE PAGE FOR AMENDMENT NO. 1 TO PROFESSIONAL SERVICES
AGREEMENT BETWEEN THE CITY OF PALM DESERT
AND HR GREEN PACIFIC, INC.**

IN WITNESS WHEREOF, the Parties have entered into this Amendment No. 1 to the **HR Green Pacific, Inc.** as of the day and year first above written.

CITY OF PALM DESERT

HR GREEN PACIFIC, INC.

By: _____
L. Todd Hileman
City Manager

By: _____
Vice President
George A. Wentz, PE

Attest:

By: _____
Secretary
Jason J. Poppen

By: _____
Anthony J. Mejia
City Clerk

Approved as to form:

By: _____
Isra Shah
Best Best & Krieger LLP
City Attorney

QC: _____

Insurance:

Initial Review

Final Approval