

AMENDMENT NO. 1 TO THE MAINTENANCE SERVICES AGREEMENT BETWEEN THE CITY OF PALM DESERT AND PAVEWEST

1. Parties and Date.

This Amendment No. 1 (“Amendment”) to the **Maintenance Services Agreement** is made and entered into as of **August 28, 2025** by and between the City of Palm Desert, a municipal corporation organized and operating under the laws of the State of California (“City”), and **PaveWest**, a **Corporation** with its principal place of business at **11700 166th Street, Artesia, CA 90701**, Vendor. City and Vendor are sometimes individually referred to as “Party” and collectively as “Parties.”

2. Recitals.

The Parties entered into an agreement titled **Maintenance Services Agreement** dated **August 22, 2024** (“Agreement”).

Amendment Authority. This Amendment is authorized pursuant to **Section 3.5.9 of the Maintenance Services Agreement**.

3. Terms.

Amendment. The Agreement is hereby amended as follows:

- | | |
|------------------------------------|--|
| Section 3.1.2 <u>Term.</u> | The term of this Agreement shall be from July 1, 2025, through June 30, 2027 , unless earlier terminated as provided herein. The City shall have the unilateral option, at its sole discretion, to renew this Agreement automatically for no more than two additional one-year terms. |
| Section 3.3.1 <u>Compensation.</u> | Total compensation shall not exceed SEVEN HUNDRED FIFTY THOUSAND Dollars (\$750,000) annually without written approval of the City Council or City Manager, as applicable |

Continuing Effect of Agreement. Except as amended by this Amendment, all other provisions of the Agreement 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 “Agreement” appears in the Agreement, it shall mean the Agreement as amended by this Amendment.

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.

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.

Counterparts. This Amendment 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 TO MAINTENANCE SERVICES AGREEMENT BY AND BETWEEN THE CITY OF PALM DESERT AND PAVEWEST

IN WITNESS WHEREOF, each of the Parties has caused this Agreement to be executed on the day and year first above written.

CITY OF PALM DESERT

PAVEWEST, A CORPORATION

By: _____
Chris Escobedo
Interim City Manager

By: _____
Don Mangan
President

Attest:

By: _____
Jake Lewis
Secretary

By: _____
Anthony J. Mejia
City Clerk

Approved as to form:

By: _____
Isra Shah
City Attorney

Clerk QC: _____

Contracts QC: _____

Insurance: _____

Initial Review

Final Approval

Contract No. _____

Bonds