

**AMENDMENT NO. 2
TO THE AGREEMENT FOR SERVICES
BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
BAY AREA TREE SPECIALISTS**

PREAMBLE

This agreement ("Amendment No. 2") is entered into between the City of Santa Clara, California, a chartered California municipal corporation (City) and Richard Smith, an individual doing business as Bay Area Tree Specialists (Contractor). City and Contractor may be referred to individually as a "Party" or collectively as the "Parties" or the "Parties to this Agreement."

RECITALS

- A. The Parties previously entered into an agreement entitled "Agreement for the Performance of Services by and between the City of Santa Clara, California and Bay Area Tree Specialists.", dated June 18, 2018 (the "Agreement");
- B. The Agreement was previously amended by Amendment No. 1, dated February 27, 2020, and is again amended by this Amendment No. 2. The Agreement and all previous amendments are collectively referred to herein as the "Agreement as Amended"; and Section B of the Agreement as Amended, entitled "Amendment No. 1 to the Agreement for the Performance of Services by and between the City of Santa Clara, California and Bay Area Tree Specialists" is amended to read as follows:

The Parties entered into the Original Agreement for the purpose of having Contractor provide routine tree trimming, removal, and planting services and emergency/tree/branch removal services, and the Parties now wish to amend the Amendment No.1 to increase compensation by \$435,000 for a revised not-to exceed maximum compensation of \$940,000.

NOW, THEREFORE, the Parties agree as follows:

AMENDMENT TERMS AND CONDITIONS

1. Except as set forth herein, all other terms and conditions of the Original Agreement as Amended shall remain in full force and effect. In case of a conflict in the terms of the Agreement as Amended and this Amendment No. 2, the provisions of this Amendment No. 2 shall control.

The Parties acknowledge and accept the terms and conditions of this Amendment No. 2 as evidenced by the following signatures of their duly authorized representatives.

CITY OF SANTA CLARA, CALIFORNIA
a chartered California municipal corporation

Approved as to Form:

Dated: _____

BRIAN DOYLE
City Attorney

DEANNA J. SANTANA
City Manager
1500 Warburton Avenue
Santa Clara, CA 95050
Telephone: (408) 615-2210
Fax: (408) 241-6771

“CITY”

RICHARD SMITH

an individual doing business as Bay Area Tree Specialists

Dated: _____

By (Signature): _____

Name: Richard Smith

Title: Owner

Principal Place of Business Address: 541 W. Capitol Expressway #287
San Jose, CA 95136

Email Address: bayareatreespecialists@earthlink.net

Telephone: (408) 836-9147

Fax: (408) 728-7598

“CONTRACTOR”