

**AMENDMENT NO. 1
TO THE AGREEMENT FOR THE PERFORMANCE OF SERVICES
BY AND BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
ORCHARD COMMERCIAL, INC.
PROPERTY MANAGEMENT SERVICES FOR THE SANTA CLARA CONVENTION
CENTER (MD #183)**

PREAMBLE

This agreement ("Amendment No. 1") is entered into between the City of Santa Clara, California, a chartered California municipal corporation (City) and Orchard Commercial, Inc., a California corporation, (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 and Orchard Commercial, Inc. Property Management Services for the Santa Clara Convention Center (MD #183)", dated August 4, 2016 (the "Original Agreement"); and
- B. The Parties entered into the Original Agreement for the purpose of having Contractor provide property management service for the Santa Clara Convention Center Complex (MD #183), and the Parties now wish to amend the Original Agreement to increase the amount of the Contract and extend for an additional two (2) years.
- C. The Parties agree as follows:

AGREEMENT TERMS AND CONDITIONS

1. AMENDMENT TERMS AND CONDITIONS

That the first paragraph of Exhibit B ("Schedule of Fees") of the Original Agreement is hereby amended to read as follows:

"In no event the amount billed to City by Contractor for services under this Agreement exceed three hundred ninety-five thousand five hundred and eight-teen dollars (\$395,518), subject to budget appropriations.

2. AMENDMENT TERMS AND CONDITIONS

That paragraph number 5 of Section "Agreement Provisions" of the Original Agreement, entitled "Term of Agreement" is hereby amended by deleting the existing Section 5 in its entirety and replacing it with the following:

"Unless otherwise set forth in this Agreement or unless this paragraph is subsequently modified by a written amendment to this Agreement, the term of this Agreement shall begin on the Effective Date of this Agreement and terminated July 31, 2021."

3. TERMS

All other terms of the Original Agreement which are not in conflict with the provisions of this Amendment No. 1 shall remain unchanged in full force and effect. In case of a conflict in the terms of the Original Agreement and this Amendment No. 1, the provisions of this Amendment No. 1 shall control.

4. COUNTERPARTS

This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but both of which shall constitute one and the same instrument.

(Signatures continue on Page 3 of 3)

The Parties acknowledge and accept the terms and conditions of this Amendment No. 1 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:

Approved as to Form:

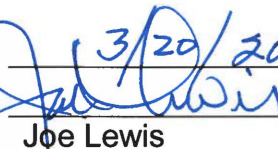
Dated: _____

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"

ORCHARD COMMERCIAL, INC.
California corporation

Dated: 3/20/2019
By (Signature): 
Name: Joe Lewis
Title: President
Principal Place of Business Address: 2055 Laurelwood Road, Suite 130, Santa Clara, California 95054
Email Address: jlewis@orchardcommercial.com
Telephone: (408) 922-0400
Fax: (408) 922-0157
"CONTRACTOR"