

**AMENDMENT NO. 2
TO THE AGREEMENT FOR SERVICES
BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
ALLIED POWER GROUP**

PREAMBLE

This agreement ("Amendment No. 2") is entered into between the City of Santa Clara, California, a chartered California municipal corporation (City) Allied Power Group, LLC, a Delaware Limited Liability 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 Services Between the City of Santa Clara and Allied Power Group, dated June 25, 2021(Agreement); and
- B. The Agreement was previously amended by Amendment No. 1, dated August 19, 2021. The Agreement and all previous amendments are collectively referred to herein as the "Agreement as Amended"; and
- C. The Parties entered into the Agreement as Amended for the purpose of having Contractor provide emergency overhaul services at the Gianera Power Plant, and
- D. Due to additional emergency repair needs, the Parties now wish to amend the Agreement as Amended to extend the term.

NOW, THEREFORE, the Parties agree as follows:

AMENDMENT TERMS AND CONDITIONS

1. Section 2 of the Agreement as Amended, entitled "TERM OF AGREEMENT" is amended to read as follows:

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 June 1, 2021 and terminate on December 31, 2022.

2. Except as set forth herein, all other terms and conditions of the 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:

cau

Digitally signed by Caio Arellano
Date: 2021.12.20 10:56:42
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Office of the City Attorney
City of Santa Clara

Dated: 12/21/2021

for Deanna J. Santana

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

"CITY"

ALLIED POWER GROUP
A DELEWARE LIMITED LIABILITY CORPORATION

Dated: December 12, 2021

By (Signature): *James Masso*

Name: James Masso

Title: President - Allied Power Group

Principal Place of
Business Address: (to be filled in by City staff)

Email Address: jmasso@alliedpg.com

Telephone: () +1-904-553-8820

Fax: () 281-444-3535

"CONTRACTOR"

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