

**AMENDMENT NO. 1 TO RENEW AND EXTEND
THE AGREEMENT FOR THE PERFORMANCE OF SERVICES
BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
APPLIED POWER TECHNOLOGIES, INC.**

PREAMBLE

This agreement ("Amendment No. 1") is entered into between the City of Santa Clara, California, a chartered California municipal corporation (City) and Applied Power Technologies, 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, California, and Applied Power Technologies, Inc., dated June 28, 2018 (Agreement); and
- B. The Parties entered into the Agreement for the purpose of having Contractor provide software support for the Electrical Power Monitoring System (EPMS)
- C. The Parties intended to enter into a three year agreement in accordance with Exhibit A and, due to a clerical error the Agreement indicated a termination date of April 30, 2020.

NOW, THEREFORE, the Parties agree as follows:

AMENDMENT TERMS AND CONDITIONS

- 1. Reinstatement of Agreement. The termination of the Agreement is hereby revoked and, except as expressly modified by this Amendment, the Agreement is reinstated in its entirety and shall be in full force and effect as if the same had never been terminated.
- 2. Section 2 of the Agreement, 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 the Effective Date of this Agreement and terminate on April 30, 2021.


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

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:

Dated: 7/2/2020


for **BRIAN DOYLE**
City Attorney


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

"CITY"

APPLIED POWER TECHNOLOGIES, INC.
a California corporation

Dated: 6/12/2020

By (Signature): Andrew E Taylor
Name: ANDREW TAYLOR

Title: President

Principal Place of Business Address: 1550 The Alameda, Suite 305
San Jose, CA 95126

Telephone: (408) 342-0790

Fax: (408) 378-0797

"CONTRACTOR"