

**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:

8-27-19



BRIAN DOYLE  
City Attorney

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

**ORCHARD COMMERCIAL, INC.**  
California corporation

Dated:

3/29/2019

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"