

**AMENDMENT NUMBER FIVE
TO MAINTENANCE SERVICES AGREEMENT
WITH
PYXIS WATER SYSTEMS, INC.**

This Amendment Number Five ("Amendment") is made and entered into as of the 20th day of October, 2020 ("Effective Date"), by and between the CITY OF COSTA MESA, a municipal corporation ("City"), and PYXIS WATER SYSTEMS, INC., a California corporation ("Contractor").

WHEREAS, City and Contractor entered into an agreement on October 21, 2017 for Contractor to provide maintenance of City property (the "Agreement"); and

WHEREAS, Section 4.1 of the Agreement provides for a term of one (1) year, with the option to extend the Agreement for four (4) additional one (1) year periods; and

WHEREAS, on April 12, 2018, City and Contractor amended the Scope of Services and increased Contractor's maximum compensation for the first year of the term of the Agreement; and

WHEREAS, on October 20, 2018, City and Contractor extended the term of the Agreement for one (1) year, through October 20, 2019; and

WHEREAS, on December 18, 2018, City and Contractor further amended the Scope of Services and increased Contractor's maximum annual compensation; and

WHEREAS, on October 16, 2019, City and Contractor extended the term of the Agreement for one (1) year, through October 20, 2020; and

WHEREAS, City and Contractor now desire to extend the term of the Agreement for one (1) additional year, through October 20, 2021.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. The term of the Agreement shall be extended through October 20, 2021.
2. All terms not defined herein shall have the same meaning and use as set forth in the Agreement.
3. All other terms, conditions, and provisions of the Agreement not in conflict with this Amendment shall remain in full force and effect.
4. This Amendment may be executed in one or more counterparts, each of which shall be deemed an original. All counterparts shall be construed together and shall constitute one agreement. Counterpart written signatures may be transmitted by facsimile, email or other electronic means and have the same legal effect as if they were original signatures.

[Signatures appear on following page.]

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed by and through their respective authorized officers, as of the date first written above.

CITY OF COSTA MESA

Ken Amara
City Manager

Date: 12/3/20

CONTRACTOR

Stephen D. Kimble
Signature

Date: Nov. 5, 2020

STEPHEN D. KIMBLE PRESIDENT
Name and Title

ATTEST:

Brenda Green 12-7-2020
City Clerk



APPROVED AS TO FORM:

[Signature]
City Attorney

Date: 12/24/2020

APPROVED AS TO INSURANCE:

[Signature]
Risk Management

Date: 11/17/2020

APPROVED AS TO CONTENT:

[Signature]
Project Manager

Date: 11/23/2020

DEPARTMENTAL APPROVAL:


Public Services Director

Date: 11-24-2020

APPROVED AS TO PURCHASING:


Finance Director

Date: December 17, 2020