

**AMENDMENT NUMBER ONE
TO MAINTENANCE SERVICES AGREEMENT
WITH
F.M. THOMAS AIR CONDITIONING, INC.**

This Amendment Number One ("Amendment") is made and entered into this 2nd day of March, 2021 ("Effective Date"), by and between the CITY OF COSTA MESA, a municipal corporation ("City"), and F.M. THOMAS AIR CONDITIONING, INC., a California corporation ("Contractor").

WHEREAS, City and Contractor entered into an agreement on August 1, 2020 for Contractor to provide heating, ventilation and air conditioning ("HVAC") maintenance and repair services (the "Agreement"); and

WHEREAS, City and Contractor desire to amend the Scope of Services to include servicing repairs and parts replacement; and

WHEREAS, City desires to increase Contractor's maximum annual compensation accordingly.

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

1. The Scope of Services shall be amended to include servicing repairs and parts replacement.
2. Section 2.1 of the Agreement shall be amended to reflect that Contractor's annual compensation during the first two years of the Agreement shall not exceed Eighty-Four Thousand Two Hundred Twenty-Three Dollars (\$84,223.00). Contractor shall be paid according to the fee schedule set forth in the Agreement.
3. All terms not defined herein shall have the same meaning and use as set forth in the Agreement.
4. All other terms, conditions, and provisions of the Agreement not in conflict with this Amendment shall remain in full force and effect.
5. 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.

[Signature page follows.]

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

Lori Anderson H
City Manager

Date: 3/18/21

CONTRACTOR

[Signature]
Signature
Tom FEYKA President
Name and Title

Date: 3/03/21

ATTEST:

Brenda Green 3/22/2021
City Clerk



APPROVED AS TO FORM:

[Signature]
City Attorney

Date: 3/18/2021

APPROVED AS TO INSURANCE:

[Signature]
Risk Management

Date: 3/10/21

APPROVED AS TO CONTENT:

[Signature]
Project Manager

Date: 3/11/2021

DEPARTMENTAL APPROVAL:



Public Services Director

Date: 3-11-21

APPROVED AS TO PURCHASING:



Finance Director

Date: March 10, 2021