

Attachment E

**AMENDMENT NO. 3
TO STANDARD AGREEMENT
BETWEEN COUNTY OF MONTEREY AND
WESTERN OILFIELDS SUPPLY COMPANY DBA RAIN FOR RENT**

THIS AMENDMENT NO. 3 to the Standard Agreement between the County of Monterey, a political subdivision of the State of California (hereinafter, "County") and Western Oilfields Supply Company dba Rain for Rent (hereinafter, "CONTRACTOR") is hereby entered into between the County and the CONTRACTOR (collectively, the "Parties") and effective as of the last date opposite the respective signatures below.

WHEREAS, CONTRACTOR entered into a Standard Agreement with County on April 28, 2016 (hereinafter, "Agreement") to provide labor and/or equipment rental for common storm water pumping system elements required for storm water pumping projects as needed by the County of Monterey, Resource Management Agency (hereinafter, "services") through September 30, 2017 for an amount not to exceed \$10,000; and

WHEREAS, Agreement was amended by the Parties on September 13, 2017 (hereinafter, "Amendment No. 1", including Exhibit A-1, Revised Rate Sheet) to extend the term for three (3) additional years through September 30, 2020, to update the Rate Sheet effective October 1, 2017, and to increase the amount by \$30,000 which resulted in a total not to exceed amount of \$40,000; and

WHEREAS, Agreement was amended by the Parties on September 28, 2020 (hereinafter, "Amendment No. 2") to extend the term for seven (7) additional months through April 30, 2021 with no increase in the not to exceed amount; and

WHEREAS, the County has a continued need for services; and

WHEREAS, additional time is necessary to allow CONTRACTOR to continue to provide services required by the County; and

WHEREAS, the Parties wish to further amend the Agreement to extend the term for one (1) additional year to April 30, 2022 to allow CONTRACTOR to continue to provide services identified in the Agreement and as amended by this Amendment No. 3.

Amendment No. 3 to Standard Agreement
Western Oilfields Supply Company dba Rain for Rent
Storm Water Labor/Equipment Rental
Department of Public Works, Facilities, & Parks
Term: May 1, 2016 – April 30, 2022
Not to Exceed \$40,000

NOW, THEREFORE, the Parties agree to amend the Agreement as follows:

1. Amend the first sentence of Paragraph 3.01 under Section 3.0, "Term of Agreement", to read as follows:

The term of this Agreement is from May 1, 2016 to April 30, 2022, unless sooner terminated pursuant to the terms of this Agreement.

2. In all places within the Agreement, any reference to Resource Management Agency is hereby replaced with Department of Public Works, Facilities, & Parks.
3. All other terms and conditions of the Agreement remain unchanged and in full force.
4. This Amendment No. 3 and all previous amendments shall be attached to the Agreement and incorporated therein as if fully set forth in the Agreement.
5. The recitals to this Amendment No. 3 are incorporated into the Agreement and this Amendment No. 3.

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Term: May 1, 2016 – April 30, 2022
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IN WITNESS WHEREOF, the Parties hereto have executed this Amendment No. 3 to the Agreement which shall be effective as of the last date opposite the respective signatures below.

COUNTY OF MONTEREY

CONTRACTOR*

By: DocuSigned by:
Michael Derr
367942E6F649429...
Contracts/Purchasing Officer

Date: 3/25/2021

Western Oilfields Supply Company
dba Rain for Rent
Contractor's Business Name

By: Bob Frank
(Signature of Chair, President or Vice President)

Its: Bob Frank, Executive Vice President
(Print Name and Title)

Date: 3/24/2021

By: Maston N Cunningham
(Signature of Secretary, Asst. Secretary, CFO,
Treasurer or Asst. Treasurer)

Its: Maston Cunningham, CFO
(Print Name and Title)

Date: 3/24/2021

Approved as to Form
Office of the County Counsel-Risk Manager
Leslie J. Girard, County Counsel-Risk Manager

By: DocuSigned by:
Mary Grace Perry
633031E17FD247F...
Mary Grace Perry
Deputy County Counsel

Date: 3/25/2021

Approved as to Fiscal Provisions

By: DocuSigned by:
Gary Giboney
D3634BFEC1D6449...
Auditor/Controller

Date: 3/25/2021

Approved as to Indemnity and Insurance Provisions
Office of the County Counsel-Risk Manager

By: _____
Leslie J. Girard
County Counsel-Risk Manager

Date: _____

*INSTRUCTIONS: If CONTRACTOR is a corporation, including non-profit corporations, the full legal name of the corporation shall be set forth above together with the signatures of two (2) specified officers per California Corporations Code Section 313. If CONTRACTOR is a Limited Liability Corporation (LLC), the full legal name of the LLC shall be set forth above together with the signatures of two (2) managers. If CONTRACTOR is a partnership, the full legal name of the partnership shall be set forth above together with the signature of a partner who has authority to execute this Agreement on behalf of the partnership. If CONTRACTOR is contracting in an individual capacity, the individual shall set forth the name of the business, if any, and shall personally sign the Agreement or Amendment to said Agreement.

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