

Attachment 1

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**AMENDMENT NO. 3
TO NON-STANDARD AGREEMENT
BETWEEN THE COUNTY OF MONTEREY AND
ACCELA, INC.**

THIS AMENDMENT NO. 3 to Non-Standard Agreement No. A-14427 between the County of Monterey, a political subdivision of the State of California (“County”) and Accela, Inc. (“CONTRACTOR”), is hereby entered into between the County and the CONTRACTOR (collectively, the “Parties”) as of the last date opposite the respective signatures below.

WHEREAS, CONTRACTOR entered into Non-Standard Agreement No. A-14427 with the County on June 27, 2019 (“Agreement”) to provide implementation, hosting and maintenance for the subscription services for the Accela software product (“services”) through June 30, 2022 for an amount not to exceed \$1,000,026.15;

WHEREAS, the Agreement was amended by the Parties on January 27, 2020 (“Amendment No. 1”) to extend the term for three (3) additional years through June 30, 2022 and to increase the amount by \$18,971.16 for an amount not to exceed \$1,018,997.31;

WHEREAS, on October 30, 2020, the Resource Management Agency (RMA) was dissolved and the Housing and Community Development Department (HCD) was created;

WHEREAS, the Agreement was amended by the Parties on May 6, 2022 (“Amendment No. 2”) to extend the term three (3) additional years through June 30, 2025 and to increase the amount by \$89,749 for an amount not to exceed \$1,108,746.85;

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

WHEREAS, the Parties wish to amend the Agreement to correct the not to exceed amount from \$1,108,746.85 to \$2,127,744.16, an increase of \$1,018,997.31, with no change to the contract term or scope of services to allow the CONTRACTOR to continue to provide services;

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

1. Amend Section 2.01, “PAYMENT PROVISIONS,” to read as follows:

County shall pay CONTRACTOR in accordance with the payment provisions set forth in Exhibits A, A-1, and A-2 subject to the limitations set forth in this Agreement. The total amount payable by County to CONTRACTOR under this Agreement is not to exceed the sum of \$2,127,744.16.

2. All other terms and conditions of the Agreement, including all Exhibits thereto, remain unchanged and in full force.
3. 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.

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:

Contracts/Purchasing

Accela, Inc.

Contractor's Business Name

Date:

By:

DocuSigned by:
Brad Leahy

(Signature of Chairman, President or Vice President)

Approved as to Form

Office of the County Counsel

Leslie J. Girard, County Counsel

Brad Leahy, Vice President

(Print Name and Title)

By:

DocuSigned by:
Kelly L. Donlon

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Kelly L. Donlon
Assistant County Counsel

Date:

7/13/2022

Date:

7/15/2022

By:

DocuSigned by:
Aaron Haggarty

(Signature of Secretary, Asst. Secretary, CFO, Treasurer or Asst. Treasurer)

Aaron Haggarty, Secretary

(Print Name and Title)

Approved as to Fiscal Provisions

By:

DocuSigned by:
Gary Giboney

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Auditor/Controller

Date:

7/14/2022

Date:

7/15/2022

County Board of Supervisors' Agreement Number: _____ approved on _____.

*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.

¹ Approval by County Counsel is required.

² Approval by Auditor-Controller is required.

³ Approval by Risk Management is required only if changes are made in paragraph 8 or 9.