

**AMENDMENT NO. 3
TO SERVICES AGREEMENT
BETWEEN KIRBY BATES ASSOCIATES AND
THE COUNTY OF MONTEREY ON BEHALF OF NATIVIDAD MEDICAL CENTER
FOR
INTERIM LEADERSHIP SERVICES**

This Amendment No. 3 to the Services Agreement (“Agreement”) which was effective on January 1, 2022 is entered into by and between the County of Monterey (“County”), for the provision of services at Natividad Medical Center, a County-owned and operated acute care facility , and Kirby Bates Associates (“CONTRACTOR”); **From this point forward, the party referenced previously as “NMC” shall be referenced as “COUNTY” and collectively, COUNTY and CONTRACTOR are referred to as the “Parties” to this Agreement, with respect to the following:**

RECITALS

WHEREAS, the Agreement was executed with Kirby Bates Associates for Interim Leadership Services with a term January 1, 2022 through December 31, 2022 and a total Agreement amount not to exceed \$100,000; and

WHEREAS, the Parties amended the Agreement via Amendment No. 1 with revisions to the indemnification clause attached hereto as “Addendum No. 1 as per Amendment No. 1” with a \$200,000 increase for a total Agreement amount of \$300,000, with no changes to the term Agreement January 1, 2022 through December 31, 2022.

WHEREAS, the Parties amended the Agreement via amendment No. 2 with revisions to the scope of work per “Exhibit A-2 as per Amendment No. 2” and to extend the term for an additional one (1) year period through December 31, 2023 for a revised term Agreement (January 1, 2022 through December 31, 2023), with a \$1,000,000 increase for a total Agreement amount of \$1,300,000.

WHEREAS, COUNTY and CONTRACTOR currently wish to amend the Agreement via Amendment No. 3 the term for an additional one (1) year period (January 1, 2024 through December 31, 2024) for a revised full Agreement term January 1, 2022 through December 31, 2024 to allow for existing services to continue with a \$1,000,000 increase for a revised total Agreement amount of \$2,300,000.

AGREEMENT

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

The Agreement is hereby renewed on the terms and conditions as set forth in the Original Agreement, Amendment No.1, Amendment No. 2 and in Amendment No. 3 incorporated herein by this reference, except as specifically set forth below.

1. Paragraph titled, “PAYMENTS BY COUNTY” shall be amended to the following:
“COUNTY shall pay the CONTRACTOR in accordance with the payment provisions set forth in EXHIBIT A plus Exhibit A-2 as per Amendment No.2. The total amount payable by COUNTY to CONTRACTOR under this Agreement shall not exceed the sum of \$2,300,000.”

Agreement A-15773

2. The first sentence of paragraph titled, "TERM OF AGREEMENT" shall be amended to the following:
The term of this Agreement is from January 1, 2022 through December 31, 2024, unless sooner terminated pursuant to the terms of this Agreement.
3. Except as provided herein, all remaining terms, conditions and provisions of the Agreement are unchanged and unaffected by this Amendment No. 3 and shall continue in full force and effect as set forth in the Agreement, Amendment No. 1 and Amendment No.3.
4. A copy of this Amendment No. 3 shall be attached to the Agreement.
5. This Amendment No. 3 shall be effective when signed by the parties.

IN WITNESS WHEREOF, the Parties hereto are in agreement with this Amendment No. 3 on the basis set forth in this document and have executed this Amendment No. 3 on the day and year set forth herein.

**COUNTY OF MONTEREY on behalf of
NATIVIDAD MEDICAL CENTER**

By: _____
Charles R. Harris, CEO

Date: _____

APPROVED AS TO LEGAL PROVISIONS

By: _____
DocuSigned by:
Stacy Saetta
C0E6E1B99F444A0...
Monterey County Deputy County Counsel

Date: _____
7/13/2023 | 7:03 AM PDT

APPROVED AS TO FISCAL PROVISIONS

By: _____
DocuSigned by:
Patricia Ruiz
E79EF64E57454F6...
Monterey County Deputy Auditor/Controller

Date: _____
7/13/2023 | 7:34 AM PDT

CONTRACTOR

Kirby Bates Associates
CONTRACTOR's Business Name
See instructions below

By: Colleen A. Chapp
Colleen A. Chapp (Jul 5, 2023 15:47 EDT)
(Signature of: Chair, President, or Vice-President)

Colleen A. Chapp, Executive Vice President

Name and Title
Date: Jul 5, 2023

By: *Nikhol Perez*
NIKHOL PEREZ (Jul 2, 2023 10:20 EDT)
(Signature of: Secretary, Asst. Secretary, CFO,
Treasurer, or Asst. Treasurer)

NIKHOL PEREZ, DIRECTOR OF FINANCE

Name and Title
Date: Jul 12, 2023

*****Instructions*****

If CONTRACTOR is a corporation; including limited liability and non-profit corporations, the full legal name of the corporation shall be set forth above together with the signatures of two specified officers (two signatures required).

If CONTRACTOR is a partnership; the 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 (two signatures required).

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 (one signature required).