

Attachment D

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**AMENDMENT NO. 3
TO STANDARD AGREEMENT
BETWEEN COUNTY OF MONTEREY
AND
N. REX AWALT CORPORATION DBA AQUA ENGINEERING**

THIS AMENDMENT NO. 3 to Standard Agreement (Agreement) between the County of Monterey, a political subdivision of the State of California, (“County”) and N. Rex Awalt Corporation dba Aqua Engineering, (“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 January 18, 2022 (hereinafter, “Agreement”) to provide on-call maintenance and repair services for water and sanitation sew systems, booster pump systems, backflow preventers, water quality testing and other utility system related services (hereinafter, “services”) from January 5, 2022 through January 4, 2025, for an amount not to exceed \$100,000; and

WHEREAS, the Agreement was amended by the Parties on August 28, 2024 (hereinafter, “Amendment No. 1”) to increase the amount by \$100,000, for a total not to exceed amount of \$200,000, with no changes to the term; and

WHEREAS, the Agreement was amended by the parties on January 7, 2025 (hereinafter, “Amendment No. 2”) to extend the term for one (1) additional year through January 4, 2026 to allow the services to continue, with no increase to the total not to exceed amount; and

WHEREAS, the Parties wish to amend the Agreement to extend the term for five (5) additional years through January 4, 2031, and to increase the amount by \$500,000, for a total not to exceed amount of \$700,000, to allow CONTRACTOR to continue to provide the services identified in the Agreement.

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

1. Amend the second sentence of Paragraph 2.0, “Payment Provisions”, to read as follows:

The total amount payable by County to CONTRACTOR under this Agreement shall not exceed the sum of \$700,000.

2. Amend the first sentence of Paragraph 3.0, “Term of the Agreement”, to read as follows:

The term of this Agreement is from January 5, 2022 to January 4, 2031, unless sooner terminated pursuant to the terms of this Agreement.

3. All other terms and conditions of the Agreement remain unchanged and in full force.
4. This Amendment No. 3 shall be attached to the Agreement and incorporated therein as if fully set forth in the Agreement.
5. The recitals in this Amendment No. 3 are incorporated into the Agreement and this Amendment No. 3.

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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

Debra R. Wilson, Contracts/Purchasing Officer

By: _____

Contracts/Purchasing Officer

Date: _____

Approved as to Form

Office of the County Counsel

Susan K Blitch, County Counsel

By: _____

Michael Whilden
Michael J. Whilden

Deputy County Counsel
2/10/2025 | 1:50 PM PST

Date: _____

Approved as to Fiscal Provisions

Rupa Shah, Auditor-Controller

By: _____

Jennifer Forsyth
Jennifer Forsyth
Auditor/Controller

Date: 2/12/2025 | 8:47 AM PST

Approved as to Indemnity and Insurance Provisions

Office of the County Counsel-Risk Management

Susan K. Blitch, County Counsel

By: _____

David Bolton
Risk Manager

Date: _____

CONTRACTOR*

N. Rex Awalt Corporation dba

Aqua Engineering

Contractor's Business Name

By: *Kirk Awalt*

Its: Kirk Awalt, CFO

(Print Name and Title)

Date: 2/7/2025 | 9:42 AM PST

By: *Christy Awalt*

Its: Christy Awalt, Secretary/Owner
(Print Name and Title)

Date: 2/7/2025 | 9:50 AM PST

*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.