

Attachment D

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**AMENDMENT NO. 3
TO STANDARD AGREEMENT A-14077
BETWEEN COUNTY OF MONTEREY AND
TOPE'S TREE SERVICE, INC.**

THIS AMENDMENT NO. 3 to the Standard Agreement A-14077 between the County of Monterey, a political subdivision of the State of California (hereinafter, "County") and Tope's Tree Service, Inc. (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 A-14077 with County on August 23, 2021 (hereinafter, "Agreement") to provide tree pruning and removal services (hereinafter, "services") through June 30, 2022 for an amount not to exceed \$100,000; and

WHEREAS, on May 5, 2022, the Parties amended the Agreement to update provisions and to extend the term for one (1) additional year to June 30, 2023 with no associated dollar amount increase (hereafter, "Amendment No. 1"); and

WHEREAS, on November 10, 2022, the Parties amended the Agreement to increase the amount of the Agreement by \$300,000.00 for a total amount not to exceed \$400,000 as authorized by Board Order A 22-521, (hereafter, "Amendment No. 2"); and

WHEREAS, Board Order A 22-521 also authorized *additional* amendments to extend the Agreement for up to a total maximum term of five (5) years, with no change to the not to exceed amount; and

WHEREAS, the Parties wish to execute Amendment No. 3 to ratify a term extension through June 30, 2024 referenced in Amendment No. 2 to allow CONTRACTOR to continue to provide services identified in the Agreement.

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 August 18, 2021 to June 30, 2024, unless sooner terminated pursuant to the terms of this Agreement.
2. All other terms and conditions of the Agreement remain unchanged and in full force.
3. This Amendment No. 3 shall be attached to the Agreement and incorporated therein as if fully set forth in the Agreement.
4. The recitals to this Amendment No. 3 are incorporated into the Agreement and this Amendment No. 3.

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

DocuSigned by:
By: Debra R. Wilson
7B741937AA0041B
Contracts/Purchasing Officer

Date: 12/6/2022 | 7:14 AM PST

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

DocuSigned by:
By: Mary Grace Perry
A1993B26E717442
Mary Grace Perry
Deputy County Counsel

Date: 12/5/2022 | 11:06 AM PST

Approved as to Fiscal Provisions

DocuSigned by:
By: Jennifer Forsyth
4E7E667875454AE
Auditor/Controller

Date: 12/5/2022 | 4:51 PM PST

Approved as to Indemnity and Insurance Provisions
Office of the County Counsel
Leslie J. Girard, County Counsel

By: _____
Danielle P. Mancuso
Risk Manager

Date: _____

CONTRACTOR*

Tope's Tree Service, Inc.

Contractor's Business Name

By: _____
(Signature of Chair, President or Vice President)

Its: Andrew Tope, President
(Print Name and Title)

Date: 12/5/22

By: _____
(Signature of Secretary, Asst. Secretary, CFO, Treasurer or Asst. Treasurer)

Its: Stacy Gentry, Secretary
(Print Name and Title)

Date: 12/5/22

*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.