

**AMENDMENT NO. 3
TO PROFESSIONAL SERVICES AGREEMENT
BETWEEN THE COUNTY OF MONTEREY AND
DENISE DUFFY AND ASSOCIATES, INC.**

THIS AMENDMENT NO. 3 to Agreement No. A-12978 between the County of Monterey, a political subdivision of the State of California (“County”) and Denise Duffy & Associates, Inc. (“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 Agreement No. A-12978 with the County on November 10, 2015 (“Agreement”) to provide consulting services for Interim Mitigation Monitoring for California Tiger Salamander Habitat on County-owned property on the former Fort Ord (“services”) through and including August 1, 2020 for an amount not to exceed \$103,950;

WHEREAS, on January 27, 2015, the Board of Supervisors approved a Memorandum of Agreement (MOA) among the County, the Fort Ord Reuse Authority (FORA), and UCP East Garrison, LLC (UCP) to fund and implement interim habitat management for California Tiger Salamander (CTS) on approximately 134 acres of County-owned property on the former Fort Ord. The term of the MOA was until an Installation-Wide Multispecies Habitat Conservation Plan (HCP) was adopted by FORA, and the wildlife agencies issued incidental take permits based on the HCP or for five (5) years from the effective date of February 2, 2015;

WHEREAS, CONTRACTOR entered into Agreement No. A-12978 with the County on November 10, 2015 (“Agreement”) to maintain suitable upland habitat for CTS on the 134-acre County-owned property on the former Fort Ord (“services”) through and including August 1, 2020, for an amount not to exceed \$103,950;

WHEREAS, FORA dissolved by operation of law on June 30, 2020, and FORA did not adopt the base wide HCP; however, approximately \$20,934 remained in the Interim Habitat Management Fund endowed by UCP for the purpose of managing the CTS habitat on the 134-acre area;

WHEREAS, on July 28, 2020, the County authorized utilization of the fund balance plus accrued interest provided by UCP for continued CTS habitat management on County-owned property on the former Fort Ord;

WHEREAS, the Agreement was amended by the Parties on July 19, 2021 (“Amendment No. 1”) to extend the term for eleven (11) months to June 30, 2021, update the Fee Schedule, delineate the series for Year 6, and increase the amount by \$1,700 for a total not to exceed amount of \$105,650 to allow the CONTRACTOR to provide services identified in the

WHEREAS, the Agreement was amended by the Parties on July 19, 2021 (“Amendment No. 2,” including Exhibit A-1) to extend the Agreement three years to June 30, 2024, update the Fee Schedule, update the Scope of Services, and increase the not to exceed amount by \$112,522 for a new Agreement amount of \$218,172;

WHEREAS, the County desires CONTRACTOR to continue the habitat management services on the 134-acre area while the County continues to develop a comprehensive habitat management program for County-owned property on the former Fort Ord; and

WHEREAS, the Parties wish to extend the term of the agreement two (2) years to June 30, 2026 to allow CONTRACTOR to continue to provide services identified in the Agreement with no increase to the Agreement amount of \$218,172.

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

1. Amend the first sentence of Section 3.0, Term of Agreement, subparagraph 3.1, to read as follows:

The term of the AGREEMENT shall commence with the signing of this AGREEMENT through and including June 30, 2026, or until the County Habitat Resource Management Plan is approved, whichever is earlier.

2. Amend County information under Section 16.0, Notices, to read as follows:

TO COUNTY:

Shandy Carroll, Management Analyst III
County of Monterey
Housing and Community Development Department
1441 Schilling Place, 2nd Floor
Salinas, CA 93901
Phone: (831) 784-5643
Email: carrolls@countyofmonterey.gov

3. In all places within the Agreement, any reference to the County’s email address that includes @co.monterey.ca.us is hereby replaced with @countyofmonterey.gov.
4. All other terms and conditions of the Agreement, including all Exhibits thereto, remain unchanged and in full force.
5. This Amendment No. 3 shall be attached to the Agreement and incorporated therein as if fully set forth in the Agreement.

IN WITNESS WHEREOF, the County and CONTRACTOR have executed this Amendment No. 3 as of the day and year written below.

COUNTY OF MONTEREY
DocuSigned by:
By: Debra Wilson
7B7402622 Purchasing Officer

Date: 5/30/2024

By: N/A
Craig W. Spencer, Director

Date: _____

Approved as to Form
County Council
Susan K. Blicht, County Counsel

DocuSigned by:
By: Reed Gallogly
326608302 Deputy County Counsel

Date: 5/29/2024

Approved as to Fiscal Provisions

DocuSigned by:
By: Jennifer Forsyth
4E7E65787 Auditor/Controller

Date: 5/30/2024

Approved as to Liability Provisions

By: N/A
David Bolton, Risk Manager

Date: _____

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.

DENISE DUFFY & ASSOCIATES, INC.
DocuSigned by:
By: Denise Duffy
(Chair, President, or Vice President)

Denise Duffy, President
Name and Title

Date: 5/21/2024

DocuSigned by:
By: Denise Duffy
(Secretary, Asst. Secretary, CFO, Treasurer or Asst. Treasurer)

Denise Duffy, Secretary
Name and Title

Date: 5/21/2024