

**AMENDMENT NO. 2
TO STANDARD AGREEMENT
BETWEEN COUNTY OF MONTEREY AND
SIEMENS INDUSTRY, INC.**

THIS AMENDMENT NO. 2 to the Standard Agreement between the County of Monterey, a political subdivision of the State of California (hereinafter, "County") and Siemens Industry, 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 with County on March 27, 2015 (hereinafter, "Agreement") to provide software and technical maintenance and support of heating, ventilation, and air conditioning (HVAC) controls for building located at 168 West Alisal Street, Salinas, California, and 855 East Laurel Drive, Building C, Salinas, California 93905 (hereinafter, "services") through February 28, 2018 for an amount not to exceed \$40,691.00; and

WHEREAS, the Agreement was amended by the Parties on March 8, 2018 (hereinafter, "Amendment No. 1", including Exhibit A-1, Scope of Services/Payment Provisions) to update the Rate Schedule effective March 1, 2018, to extend the term for three (3) additional years through February 28, 2021 and to increase the amount by \$43,996 which resulted in a total amount not to exceed \$84,687; and

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

WHEREAS, additional funding is necessary to allow CONTRACTOR to provide additional optional services on a time and materials basis including troubleshooting problems and repairing or replacing components; and

WHEREAS, the Parties wish to amend the Agreement to increase the amount by \$50,000 for a total amount not to exceed \$134,687 to allow CONTRACTOR to continue to provide services identified in the Agreement and as amended by this Amendment No. 2.

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

1. Amend the second sentence of Section 2.01 of Paragraph 2.0, "Payment Provisions", to read as follows:

The total amount payable by County to CONTRACTOR under this Agreement is not to exceed the sum of \$134,687 (\$64,687 for software and technical maintenance and support and \$70,000 for optional services).

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Siemens Industry, Inc.
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Term: March 1, 2015 to February 28, 2021
Not to Exceed: \$134,687

2. In all places within the Agreement, any reference to the total amount of \$20,000 for optional services to be provided on a time and materials basis including troubleshooting problems and repairing or replacing components is hereby replaced to the total amount of \$70,000.
3. Invoices under this Agreement shall be submitted monthly and promptly, and in accordance with Paragraph 6.0, "Payment Conditions", of the Agreement. All invoices shall reference the Multi-Year Agreement (MYA) number (MYA 3000*1661), Project name and associated Delivery Order number, and an original hardcopy shall be sent to the following address or via email to RMA-Finance-AP@co.monterey.ca.us:

County of Monterey
Resource Management Agency (RMA) – Finance Division
1441 Schilling Place, South 2nd Floor
Salinas, California 93901-4527

Any questions pertaining to invoices under this Agreement shall be directed to the RMA – Finance Division at (831) 755-4800 or via email to RMA-Finance-AP@co.monterey.ca.us.

4. All other terms and conditions of the Agreement remain unchanged and in full force.
5. This Amendment No. 2 and the previous Amendment No. 1 shall be attached to the Agreement and incorporated therein as if fully set forth in the Agreement.
6. The recitals to this Amendment No. 2 are incorporated into the Agreement and this Amendment No. 2.

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IN WITNESS WHEREOF, the Parties hereto have executed this Amendment No. 2 to the Agreement which shall be effective as of the last date opposite the respective signatures below.

COUNTY OF MONTEREY

CONTRACTOR*

By: _____
Contracts/Purchasing Officer

Siemens Industry, Inc.
Contractor's Business Name

Date: _____

By: DocuSigned by:
Eric Ackermann

CE3E906B242544C...
(Signature of Chair, President or Vice President)

Its: Eric Ackermann, Zone VP

(Print Name and Title)

Date: 9/4/2020

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

By: DocuSigned by:
Mary Grace Perry

C83342707AC641A... Mary Grace Perry
Deputy County Counsel

By: DocuSigned by:
Dirk Glaser

D2E3FF1F30F9E9A...
(Signature of Secretary, Asst. Secretary, CFO,
Treasurer or Asst. Treasurer)

Its: Dirk Glaser, Zone FBA

(Print Name and Title)

Date: 9/4/2020

Date: 9/4/2020

Approved as to Fiscal Provisions

By: DocuSigned by:
Gary Giboney

D3834BFEC1D8449... Auditor/Controller

Date: 9/4/2020

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

By: _____
Risk Management

Date: _____

*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.

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