

**AMENDMENT NO. 1
TO AGREEMENT FOR CONTRACTOR SERVICES
EXCEL LANDSCAPE, INC.**

LANDSCAPE MAINTENANCE SERVICES

Amendment No. 1 to Agreement for Contractor Services ("Amendment No. 1",) is made and entered into as of February 28, 2017 by and between the City of Lake Elsinore, a municipal corporation ("City), and Excel Landscape, Inc., a ("Contractor").

A. The City and Contractor have entered into that certain Agreement for Contractor Services dated as of August 1, 2016, (the "Original Agreement"). Except as otherwise defined herein, all capitalized terms used herein shall have the meanings set forth for such terms in the Original Agreement.

B. The Original Agreement provided for compensation to Contractor in an amount not to exceed \$748,791.

C. The parties now desire to increase the compensation for such services as set forth in this Amendment No 1 in an amount not to exceed of \$276,000.

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth herein, City and Contractor agree as follows:

1. Section 3, Compensation, of the Original Agreement is hereby amended as following:

Compensation to be paid to the Contractor shall be in accordance with the fees set forth in the Contractor's Proposal (Exhibit A to the Original Agreement). In no event shall Contractor's compensations exceed One Million, Twenty-Four Thousand Seven Hundred Ninety-One Dollars (\$1,024,791) per Fiscal Year without additional written authorization from the City.

Notwithstanding any provision of Contractor's Proposal to the contrary, out of pocket expenses set forth in Exhibit A of the Original Agreement shall be reimbursed at cost without an inflator or administrative charge. Payment by City under this Agreement shall not be deemed a waiver of defects, even if such defects were known to the City at the time of payment.

2. Except for the changes specifically set forth herein, all other terms and conditions of the Original Agreement shall remain in full force and effect.

[Signatures on next page]

EXHIBIT A

IN WITNESS WHEREOF, the parties have caused this Amendment No. 1 to be executed on the respective dates set forth below.

“CITY”

CITY OF LAKE ELSINORE, a municipal corporation

“CONTRACTOR”

EXCEL LANDSCAPE, a Contractor

Grant Yates, City Manager

Jose Alfaro, Owner

Date: _____

Date: _____

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Attachments: Original Agreement