

FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF SOUTH SAN FRANCISCO AND WISEY HAM, INC.

THIS *FIRST AMENDMENT TO THE CONSULTING SERVICES AGREEMENT* is made at South San Francisco, California, as of December 8, 2021, by and between THE CITY OF SOUTH SAN FRANCISCO (“City”), a municipal corporation, and WILSEY HAM, INC (“Contractor”), (sometimes referred together as the “Parties”) who agree as follows:

RECITALS

A. On November 9, 2020, the City and Contractor entered that certain Consulting Services Agreement (“Agreement”) whereby Contractor agreed to provide Planning, Environmental Permitting, and Engineering Services for the Harbor Master Spit project . A true and correct copy of the Agreement and its exhibits is attached as Exhibit B.

B. City and Contractor now desire to amend the Agreement.

NOW, THEREFORE, for and in consideration of the promises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, City and Contractor hereby agree as follows:

1. All terms which are defined in the Agreement shall have the same meaning when used in this Amendment, unless specifically provided herein to the contrary.
2. Section 1 “Services”. The Scope of Services is hereby amended to include the additional Planning, Environmental Permitting, Landscape Architectural, and Engineering Services as described in the Contractor’s Proposal dated November 18, 2021 attached hereto as Exhibit C to this Amendment.
3. Section 2 “Compensation” is hereby amended to include the following:

City hereby agrees to pay Contractor a sum not to exceed (\$710,790.00) for the Scope of Services defined in Exhibit B of this Amendment. Payment shall be based on time and materials per the rate schedule included with Exhibit C.

The total compensation paid to the Contractor under this Agreement shall be increased by \$500,000 to an amount not to exceed **Nine Hundred and Sixty-One Thousand Six Hundred and Fifty-Five Dollars (\$961,655)**.

All other terms, conditions and provisions in the Agreement remain in full force and effect. If there is a conflict between the terms of this First Amendment and the Agreement, the terms of the Agreement will control unless specifically modified by this First Amendment.

[SIGNATURES ON THE FOLLOWING PAGE]

Dated: _____

CITY OF SOUTH SAN FRANCISCO

CONTRACTOR

By: _____

City Manager

By: _____

Print Name: _____

Title: _____

Approved as to Form:

By: _____

City Attorney

DRAFT