

## **Amendment No. 1**

### **Contract for Energy-Related Improvements Services Between The City of Salinas and OpTerra Energy Services, Inc.**

This First Amendment to the Energy-Related Improvements Contract to City Facilities, Project 9184 is entered into by and between the City of Salinas, a California municipal corporation, and OpTerra Energy Services, Inc., a Delaware corporation.

#### **Recitals**

WHEREAS, the City of Salinas/Salinas Public Facilities Financing Authority ("City") and OpTerra Energy Services, Inc., entered into a contract for making Energy-Related Improvements to City Facilities on October 21, 2014; and

WHEREAS, OpTerra Energy Services, Inc., scope of work has changed such that the Original Contract must be amended; and

WHEREAS, the City and OpTerra Energy Services, Inc., desire to amend the terms of the Original Contract in order to accommodate the change in the scope of work.

NOW, THEREFORE, in mutual consideration of the covenants, terms, and conditions of the Contract and of this First Amendment to the Contract, the parties agree as follows:

1. **Amendment to OpTerra Energy Services, Inc., Scope of Work.** The scope of the work provided by OpTerra Energy Services, Inc., is amended to include numerous additions and reductions as summarized in Table 1 Amendment No. 1 Exhibit A of the Amendment.
2. **Amendment to Compensation.** The project scope adjustment summarized in Amendment 1 shows a net increase of \$44,560 due to scope additions. In consideration of closing out the project, OpTerra agrees to credit the City \$44,560 to maintain the original project budget.
3. **Original Contract Agreement.** All covenants, terms, and conditions of the Contract, as originally written and set forth therein, shall remain unchanged and shall remain in full force and effect as if set forth fully herein.

IN WITNESS WHEREOF, the undersigned, as authorized representatives of the City of Salinas and OpTerra Energy Services, Inc., have entered into this First Amendment to the Energy-Related Improvements to City Facilities, Project No. 9184 Contract.

**CITY OF SALINAS**

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Joe Gunter, Mayor

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Date

APPROVED AS TO FORM:

\_\_\_\_\_  
Christopher A. Callihan, City Attorney

\_\_\_\_\_  
Date

ATTEST:

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Patricia M. Barajas, City Clerk

\_\_\_\_\_  
Date

**OPTERRA ENERGY SERVICES**

OpTerra Energy Services, Inc.,

\_\_\_\_\_  
John W. Mahoney, C. E. O.

\_\_\_\_\_  
Date