

**FIRST AMENDMENT TO
PROFESSIONAL SERVICES AGREEMENT**

**BETWEEN THE CITY OF RIALTO
AND
KOSMONT COMPANIES**

1. PARTIES AND DATE.

This First Amendment to the Professional Services Agreement ("First Amendment") is made and entered into this **January 23, 2018** by and between the **City of Rialto** ("City") and **KOSMONT COMPANIES** ("Consultant"). City and Consultant are sometimes individually referred to as "Party" and collectively as "Parties" in this First Amendment.

2. RECITALS.

2.1 Agreement. City and Consultant entered into that certain Professional Services Agreement dated **October 24, 2017** ("Agreement"), whereby Consultant agreed to provide Enhanced Infrastructure Improvement District consulting services to the **City**.

2.2 Amendment. City and Consultant desire to amend the Agreement for the first time to extend the term of the Agreement and increase the total amount of compensation for the Agreement.

3. TERMS.

3.1 Compensation. Section 2.1 of the Agreement is hereby deleted in its entirety and replaced with the following:

"2.1 Compensation. Consultant shall receive compensation, including authorized reimbursements, for all Services rendered under this Agreement at the rates set forth in Attachment 'B' of the Agreement. The total compensation shall increase from **\$27,000** and not exceed **\$44,500** without written approval of the City Council. Extra work may be authorized, as described below, and if authorized, will be compensated at the rates and manner set forth in this Agreement."

3.2 Schedule of Performance. Section 3.2 of the Agreement is hereby amended as follows:

"3.2 Schedule of Performance. The term of this Agreement ends on **December 31, 2018**, unless earlier terminated as provided herein. Consultant shall complete the Services within the term of

this Agreement, and shall meet any other established schedules and deadlines."

3.4 Scope of Services. The Scope of Services at Exhibit "A" of the Agreement is hereby amended to add the additional services described in Consultant's January 2, 2018 Proposal for additional real estate services – SW Corner of Casmalia and Alder Avenues, attached to this Amendment.

3.5 Continuing Effect of Agreement. Except as amended by this First Amendment, all provisions of the Agreement shall remain unchanged and in full force and effect. From and after the date of this First Amendment, whenever the term "Agreement" appears in the Agreement, it shall mean the Agreement as amended by this First Amendment.

3.6 Adequate Consideration. The Parties hereto irrevocably stipulate and agree that they have each received adequate and independent consideration for the performance of the obligations they have undertaken pursuant to this First Amendment.

3.7 Conflict of Interest. Pursuant to Rialto Municipal Code section 2.48.145, Consultant represents that it has disclosed whether it or its officers or employees is related to any officer or employee of the City by blood or marriage within the third degree which would subject such officer or employee to the prohibition of California Government Sections 87100 et. seq., Fair Political Practices Commission Regulation Section 18702, or Government Code Section 1090. To this end, by approving this Amendment, Consultant attests under penalty of perjury, personally and on behalf of Consultant, as well its officers, representatives, that it/they have no relationship, as described above, or financial interests, as such term is defined in California Government Section 87100 et. seq., Fair Political Practices Commission Regulation Section 18702, or Government Code Section 1090, with any City of Rialto elected or appointed official or employee, except as specifically disclosed to the City in writing.

3.8 Counterparts. This First Amendment may be executed in duplicate originals, each of which is deemed to be an original, but when taken together shall constitute but one and the same instrument.

[SIGNATURES ON FOLLOWING PAGE]

CITY OF RIALTO

CONSULTANT

By: _____
Deborah Robertson
Mayor

By: _____
Larry Kosmont
President

Attest:

Barbara McGee, City Clerk

Approved as to Form:

Fred Galante, City Attorney

CONSULTANT PROPOSAL