

**AMENDMENT NO. 1
TO THE AGREEMENT FOR SERVICES
BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
AMERICAN POWER SOLUTIONS, INC.**

PREAMBLE

This agreement ("Amendment No. 1") is entered into between the City of Santa Clara, California, a chartered California municipal corporation (City) and American Power Solutions, Inc., a California corporation, (Contractor). City and Contractor may be referred to individually as a "Party" or collectively as the "Parties" or the "Parties to this Agreement."

RECITALS

- A. The Parties previously entered into an agreement entitled "Agreement for Services between the City of Santa Clara, California, and American Power Solutions, Inc., dated July 24, 2024 (Agreement); and
- B. The Parties entered into the Agreement for the purpose of having Contractor provide services for citywide LED lighting retrofit and replacement project, and the Parties now wish to amend the Agreement to increase the total aggregate maximum work authorization by \$441,046 for a revised total not-to-exceed aggregate maximum work authorization compensation of \$941,046, subject to the appropriation of funds.

NOW, THEREFORE, the Parties agree as follows:

AMENDMENT TERMS AND CONDITIONS

- 1. Section 1.4 Exhibit B1 of the Agreement, entitled "COMPENSATION" is hereby amended to read as follows:

As specified in Section 4 of Exhibit A ("SCOPE OF SERVICES"), Contractor is one of two firms selected to perform the Services, pursuant to two (2) separate agreements (collectively, the "LED Lighting Retrofit and Replacement Project Agreements"). Under no circumstance shall the total compensation for all Approved Work Authorizations to both firms exceed the total compensation of \$941,046 approved by City Council on April 29, 2025.

2. Except as set forth herein, all other terms and conditions of the Agreement shall remain in full force and effect. In case of a conflict in the terms of the Agreement and this Amendment No. 1, the provisions of this Amendment No. 1 shall control.

The Parties acknowledge and accept the terms and conditions of this Amendment No. 1 as evidenced by the following signatures of their duly authorized representatives.

CITY OF SANTA CLARA, CALIFORNIA
a chartered California municipal corporation

Approved as to Form:

Dated: 5/9/2025 | 11:24 AM PDT

Signed by:

Luis M. Haro.

9A3F202D207E4C2
GLEN R. GOOGINS
City Attorney

Signed by:

Jovan D. Grogan

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JOVAN D. GROGAN
City Manager
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050
Telephone: (408) 615-2210
Fax: (408) 241-6771

"CITY"

AMERICAN POWER SOLUTIONS, INC.
a California corporation

Dated: 5/1/2025 | 8:48 AM PDT

DocuSigned by:

Peter Yoon

By (Signature):

3CF4528DA967458...
Name: Peter Yoon

Title: President

Principal Place of Business Address: 14355 Industry Circle
La Mirada, CA 90638

Email Address: peter@americanpowersolutions.com

Telephone: (714) 626-0300

Fax: (714) 626-0200

"CONTRACTOR"