

Contract Number

SAP Number
4400020535 A1



San Bernardino County Flood Control District

| | |
|-------------------------------------------|----------------------------------------------------|
| Department Contract Representative | <u>Michael Fam</u> |
| Telephone Number | <u>909-387-8121</u> |
| Contractor | <u>Water & Earth Technologies, Inc.</u> |
| Contractor Representative | <u>Markus Ritsch</u> |
| Telephone Number | <u>(970) 443-3399</u> |
| Contract Term | <u>1/1/2023 – 12/31/2027</u> |
| Original Contract Amount | <u>\$200,000 Annually; \$1,000,000 for 5 years</u> |
| Amendment Amount | <u>\$300,000</u> |
| Total Contract Amount | <u>\$1,300,000</u> |
| Cost Center | <u>1970002510</u> |
| Grant Number (if applicable) | <u>N/A</u> |

IT IS HEREBY AGREED AS FOLLOWS:

Amendment No. 1 to Contract No. 4400020535

San Bernardino County Flood Control District (“District”) and Water & Earth Technologies, Inc. (“Consultant”), hereby seek to enter into this Amendment No. 1 to amend Contract No. 4400020535 as follows:

1. DELETE paragraph F.1 in Section F., “FISCAL PROVISIONS”, and REPLACE it with a revised paragraph F.1., which shall now read as follows:

F.1 The maximum amount of payment under this Contract is \$1,300,000 and shall be subject to availability of other funds to the District. The consideration to be paid to Consultant, as provided herein, shall be on a time and materials basis in accordance with the rates set forth in the Service Fee Schedule attached hereto as Attachment B, unless otherwise mutually agreed by the Parties in writing. District, through its Engineering Manager or the Engineering Manager’s designee(s) shall request, in writing, Services on an as needed basis.

Consultant bears the risk that it may not be able to generate its anticipated (or any) profit in

completing its performance of all required items of work for the specified level of compensation. In no event shall Consultant be entitled to receive compensation for any item of work required of Consultant under the terms of the Contract, which item of work is not performed by Consultant (including Consultant's agents and approved subcontractors).

2. All other terms and conditions of Contract No. 4400020535 shall remain unchanged.
3. This Amendment No. 1 shall take effect on the date it is last signed by both parties.
4. This Amendment may be executed in any number of counterparts, each of which so executed shall be deemed to be an original, and such counterparts shall together constitute one and the same Amendment. The parties shall be entitled to sign and transmit an electronic signature of this Amendment (whether by facsimile, PDF or other email transmission), which signature shall be binding on the party whose name is contained therein. Each party providing an electronic signature agrees to promptly execute and deliver to the other party an original signed Amendment upon request.

IN WITNESS WHEREOF, the San Bernardino County Flood Control District and the Contractor have each caused this Amendment No. 1 to be subscribed by its respective duly authorized officers, on its behalf.

SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT

►

Dawn Rowe, Chair

Dated: _____
SIGNED AND CERTIFIED THAT A COPY OF THIS DOCUMENT HAS BEEN DELIVERED TO THE CHAIRMAN OF THE BOARD
Lynna Monell, Clerk of the Board

By _____
Deputy

Water & Earth Technologies, Inc.

(Print or type name of corporation, company, contractor, etc.)

By ► _____
(Authorized signature - sign in blue ink)

Name Markus Ritsch
(Print or type name of person signing contract)

Title President
(Print or Type)

Dated: _____

Address 40504 Weld County Road 17
Severance, CO 80524

FOR COUNTY USE ONLY

Approved as to Legal Form
►

Aaron Gest, Deputy County Counsel
Date _____

Review for Contract Compliance
►

Andy Silao, P.E.
Date _____

Reviewed/Approved by District
►

Noel Castillo, Chief Flood Control Engineer
Date _____