

FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT BETWEEN CITY OF TEMECULA AND CNS ENGINEERS, INC FOR THE MURRIETA CREEK BRIDGE AT OVERLAND DRIVE PROJECT PW-16-05 [AVENIDA ALVARADO OVER MURRIETA CREEK, FEDERAL AID PROJECT NO. BR-NBIL(543)]

THIS FIRST AMENDMENT TO AGREEMENT is made and entered into as of May 14, 2024, by and between the City of Temecula ("CITY"), and CNS Engineers, Inc, a California "S" Corporation ("CONSULTANT"). In consideration of the mutual covenants and conditions set forth herein, the parties agree as follows:

1. **Recitals:** This First Amendment to Agreement is made for the purposes of and with respect the following facts which each parties agrees are true and correct:

A. On March 12, 2019, the parties entered into that certain Agreement entitled "Professional Services Agreement between City of Temecula and CNS Engineers, Inc. for the Murrieta Creek Bridge at Overland Drive Project PW-16-05 [Avenida Alvarado Over Murrieta Creek, Federal Aid Project No. BR-NBIL(543)]" ("Agreement").

B. The parties now desire to extend the term of the Agreement.

2. **Extension of Term.** Subsection A, of ARTICLE IV PERFORMANCE PERIOD, is hereby amended to read as follows:

"A. This contract shall go into effect on March 12, 2019, contingent upon approval by CITY, and CONSULTANT shall commence work after notification to proceed by CITY'S Contract Administrator. The contract shall end on July 1, 2028 unless extended by contract amendment."

3. **Authority.** The person or persons executing this Agreement on behalf of Contractor warrants and represents that he or she has the authority to execute this Agreement on behalf of the Contractor and has the authority to bind Contractor to the performance of its obligations hereunder.

4. **No Other Changes.** Except for the changes specifically set forth herein, all other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this First Amendment to Agreement to be signed and executed personally or on its behalf by its duly authorized representative.

**CONSULTANT
CNS ENGINEERS, INC.**



By: _____

Name: James J. Lu

Title: President



By: _____

Name: Hui-Min Huang

Title: CFO

[**NOTE:** If the Owner is a corporation, it must be represented by two individuals who shall execute this Agreement on behalf of the corporation as follows: (A) one from the corporation's "Operational Group" (Chair of the Board, President, or a Vice-President) and; (B) one from the corporation's "Financial Group" (Secretary, Assistant Secretary, Chief Financial Officer, Treasurer or Assistant Treasurer). A resolution of the Board of Directors designating one individual to sign the agreement on behalf of the corporation will be accepted. See California Corporations Code section 313.]

CITY
CITY OF TEMECULA,
A California Municipal Corporation

James Stewart
Mayor

ATTEST:

Randi Johl, JD, MMC
City Clerk

APPROVED AS TO FORM:

Peter M. Thorson
City Attorney