

**SECOND AMENDMENT TO AGREEMENT BETWEEN
CITY OF TEMECULA AND FALCON ENGINEERING SERVICES, INC.**

**ON-CALL CONSTRUCTION MANAGEMENT SERVICES
(AGREEMENT NO. 2021-153)**

THIS SECOND AMENDMENT is made and entered into as of **November 28, 2023** by and between the City of Temecula, a municipal corporation (hereinafter referred to as "City"), and **Falcon Engineering Services, Inc.**, a **Corporation** (hereinafter referred to as "Consultant"). In consideration of the mutual covenants and conditions set forth herein, the parties agree as follows:

1. This Amendment is made with the respect to the following facts and purposes:

a. On **July 13, 2021**, the City and Consultant entered into that certain Agreement entitled "**Agreement for On-Call Construction Management Services**", in the amount of **\$1,000,000.00**.

b. On **July 1, 2023**, the City and Consultant entered into the **First Amendment** to extend the term of the Agreement to **June 30, 2024**.

c. The parties now desire to increase the Agreement in the amount of **\$500,000.00** and to amend the Agreement as set forth in this Amendment.

2. Section **6** of the Agreement entitled "**PAYMENT**" is hereby amended to read as follows:

The City agrees to pay Consultant monthly, in accordance with the payment rates and schedules and terms set forth in Exhibit B, Payment Rates and Schedule, attached hereto and incorporated herein by this reference as though set forth in full, based upon actual time spent on the above tasks. Any terms in Exhibit B, other than the payment rates and schedule of payment, are null and void. The **SECOND** Amendment amount shall not exceed **Five Hundred Thousand Dollars and Zero Cents (\$500,000.00)**, for a total Agreement amount of **One Million Five Hundred Thousand Dollars and Zero Cents**.

3. 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 hereto have caused this Agreement to be executed the day and year first above written.

CITY OF TEMECULA


FALCON ENGINEERING SERVICES, INC.
(Two Signatures of corporate officers required unless corporate documents authorize only one person to sign the agreement on behalf of the corporation.)

By: _____
Zak Schwank, Mayor

By:  _____
Maha Faqih, P.E., President

ATTEST:

By: _____
Randi Johl, City Clerk

By:  _____
Wael Faqih, P.E., Vice President

APPROVED AS TO FORM:

By: _____
Peter M. Thorson, City Attorney

CONSULTANT
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