

(2)  
Attachment D to Agenda File No. 2022-0132

**AMENDMENT NO. 2 TO AGREEMENT BETWEEN  
SAN DIEGO UNIFIED PORT DISTRICT  
and  
SCHMIDT DESIGN GROUP, INC.  
for  
AS NEEDED LANDSCAPE ARCHITECTURE  
AGREEMENT NO. 194-2016AC**

The parties to this Amendment No. 2 to Agreement are the SAN DIEGO UNIFIED PORT DISTRICT, a public corporation (District) and SCHMIDT DESIGN GROUP, INC., a California Corporation (Service Provider).

Recitals:

District and Service Provider are parties to an Agreement for As Needed Landscape Architecture. The Agreement is on file in the Office of the District Clerk as Document No. 66005 dated January 11, 2017, and as amended by Amendment No. 1, Document No. 69085 dated November 21, 2018. It is now proposed to extend the Agreement from December 12, 2021, to December 12, 2022.

The Parties Agree:

1. The **TERM OF AGREEMENT**, Section 2, is hereby extended to December 12, 2022, subject to earlier termination as provided in the Agreement.

\*\*\*\*\*END OF PAGE\*\*\*\*\*

2. All other Agreement terms, covenants, and conditions shall remain in full force and effect and shall be applicable to this Amendment.

**SAN DIEGO UNIFIED PORT DISTRICT****SCHMIDT DESIGN GROUP, INC.***Ernesto Medina*

Ernesto Medina  
Chief Engineer, Engineering – Construction

*JT Barr*

JT Barr  
PLA, ASLA/Principal

Approved as to form and legality:  
GENERAL COUNSEL

*David Jones*

By: Assistant/Deputy

A manually signed copy of this Amendment transmitted by email or any other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original signed copy of this Amendment.

(5)

Reference Copy  
73229 DocuSign®**Certificate Of Completion**

Envelope Id: 3688F1A346C54EC0AC6C5073BD5739CE

Status: Completed

Subject: Please DocuSign: Amendment No. 2 to Agreement No. 194-2016AC with Schmidt Design Group, Inc..pd...

Source Envelope:

Document Pages: 2

Signatures: 3

Envelope Originator:

Certificate Pages: 5

Initials: 0

Jocelyne R. Rodriguez

AutoNav: Enabled

3165 Pacific Highway

Envelope Stamping: Enabled

San Diego, CA 92101

Time Zone: (UTC-08:00) Pacific Time (US &amp; Canada)

jrodriguez@portofsandiego.org

IP Address: 207.215.153.162

**Record Tracking**

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jrodriguez@portofsandiego.org

Security Appliance Status: Connected

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Pool: San Diego Unified Port District

Location: DocuSign

**Signer Events****Signature****Timestamp**

JT Barr

JTBarr@schmidtsgroup.com

Vice President

Security Level: Email, Account Authentication  
(None)*JT Barr*

Signature Adoption: Pre-selected Style

Using IP Address: 75.25.163.153

Sent: 10/11/2021 3:00:00 PM

Viewed: 10/11/2021 8:19:53 PM

Signed: 10/11/2021 8:20:17 PM

**Electronic Record and Signature Disclosure:**

Accepted: 10/11/2021 8:19:53 PM

ID: d5a89c15-4af9-492d-a8b3-79b4f445cd2b

Company Name: San Diego Unified Port District

David Jones

dajones@portofsandiego.org

Deputy General Counsel

Security Level: Email, Account Authentication  
(None)*David Jones*

Signature Adoption: Pre-selected Style

Using IP Address: 207.215.153.162

Sent: 10/11/2021 8:20:18 PM

Viewed: 10/12/2021 11:28:46 AM

Signed: 10/12/2021 11:28:53 AM

**Electronic Record and Signature Disclosure:**

Accepted: 10/13/2021 7:15:40 AM

ID: 2cf36bba-8877-41f2-b389-3f2e64142df3

Company Name: San Diego Unified Port District

Ernesto Medina

emedina@portofsandiego.org

Chief Engineer

Security Level: Email, Account Authentication  
(None)*Ernesto Medina*

Signature Adoption: Pre-selected Style

Using IP Address: 207.215.153.162

Sent: 10/12/2021 11:28:54 AM

Viewed: 10/12/2021 12:40:45 PM

Signed: 10/12/2021 12:40:53 PM

**Electronic Record and Signature Disclosure:**

Accepted: 4/29/2021 9:05:23 AM

ID: 4c6c9739-9139-4f52-9bf9-1e0ca0b0e697

Company Name: San Diego Unified Port District

Signer Events	Signature	Timestamp
Gabby Livingston glivingston@portofsandiego.org Document Management Associate-ODC Port of San Diego Signing Group: ODCDocuSign Security Level: Email, Account Authentication (None) <b>Electronic Record and Signature Disclosure:</b> Not Offered via DocuSign	<b>Completed</b>  Using IP Address: 207.215.153.162	Sent: 10/12/2021 12:40:56 PM Viewed: 10/13/2021 1:39:59 PM Signed: 10/13/2021 1:45:30 PM

In Person Signer Events	Signature	Timestamp
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Editor Delivery Events	Status	Timestamp
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Agent Delivery Events	Status	Timestamp
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Certified Delivery Events	Status	Timestamp
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Carbon Copy Events	Status	Timestamp
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Shelly Hart srhart@portofsandiego.org Executive Assistant I-Engineering & Construction San Diego Unified Port District Security Level: Email, Account Authentication (None) <b>Electronic Record and Signature Disclosure:</b> Not Offered via DocuSign	<div>COPIED</div>	Sent: 10/13/2021 1:45:31 PM
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DocuSign Core Notify Group DocuSign_Core_Notify@portofsandiego.org Security Level: Email, Account Authentication (None) <b>Electronic Record and Signature Disclosure:</b> Not Offered via DocuSign	<div>COPIED</div>	Sent: 10/13/2021 1:45:31 PM
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Witness Events	Signature	Timestamp
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
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Envelope Sent	Hashed/Encrypted	10/11/2021 3:00:00 PM
Certified Delivered	Security Checked	10/13/2021 1:39:59 PM
Signing Complete	Security Checked	10/13/2021 1:45:30 PM
Completed	Security Checked	10/13/2021 1:45:31 PM

Payment Events	Status	Timestamps
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Electronic Record and Signature Disclosure
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## **ELECTRONIC RECORD AND SIGNATURE DISCLOSURE**

From time to time, San Diego Unified Port District (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

### **Getting paper copies**

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

### **Withdrawing your consent**

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

### **Consequences of changing your mind**

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

### **All notices and disclosures will be sent to you electronically**

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

### **How to contact San Diego Unified Port District:**

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: [rsanagus@portofsandiego.org](mailto:rsanagus@portofsandiego.org)

### **To advise San Diego Unified Port District of your new email address**

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at [rsanagus@portofsandiego.org](mailto:rsanagus@portofsandiego.org) and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

### **To request paper copies from San Diego Unified Port District**

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to [rsanagus@portofsandiego.org](mailto:rsanagus@portofsandiego.org) and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

### **To withdraw your consent with San Diego Unified Port District**

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to [rsanagus@portofsandiego.org](mailto:rsanagus@portofsandiego.org) and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

### **Required hardware and software**

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

### **Acknowledging your access and consent to receive and sign documents electronically**

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to ‘I agree to use electronic records and signatures’ before clicking ‘CONTINUE’ within the DocuSign system.

By selecting the check-box next to ‘I agree to use electronic records and signatures’, you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify San Diego Unified Port District as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by San Diego Unified Port District during the course of your relationship with San Diego Unified Port District.