

**AMENDMENT NO. 1 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. 1 to Agreement are the SAN DIEGO UNIFIED PORT DISTRICT, a public corporation (District) and SCHMIDT DESIGN GROUP, INC., a California Corporation (Design Professional).

Recitals:

District and Design Professional 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. It is now proposed to increase the aggregate amount of Agreement with Design Professional and Agreement with KTU&A, District Clerk No. 66006 by \$300,000.00 from a total of \$200,000.00 to \$500,000.00 (not including option years).

The Parties Agree:

1. Section 3.a, MAXIMUM EXPENDITURE, is hereby replaced with the following:

**a. Maximum Expenditure.** The aggregate amount under this Agreement with Design Professional and agreement with KTU&A, District Clerk Document No. 66006, shall not exceed \$500,000. Three option years may be granted at the District's sole discretion. Option Year One, if granted, shall not exceed \$100,000. Option Year Two, if granted, shall not exceed \$100,000. Option Year Three, if granted, shall not exceed \$100,000. The maximum aggregate amount expenditure under this agreement with all three option years is \$800,000. Said expenditure shall include without limitation all sums, charges, reimbursements, costs and expenses provided for herein. Design

Professional shall not be required to perform further services after compensation has been expended. In the event that the Design Professional anticipates the need for services in excess of the maximum Agreement amount, the District shall be notified in writing immediately. District must approve an amendment to this Agreement before additional fees and costs are incurred.

2. All other terms, covenants, and conditions in the original Agreement 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  
Chief Engineer, Engineering-Construction

  
\_\_\_\_\_  
Jeffrey Barr  
Principal

Approved as to form and legality:  
GENERAL COUNSEL

\_\_\_\_\_  
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.