

**AMENDMENT NO. 3 AGREEMENT BETWEEN
SAN DIEGO UNIFIED PORT DISTRICT
and
APEX COMPANIES, LLC
for
CHULA VISTA BAYFRONT SWPPP SERVICES
AGREEMENT NO. 148-2019MA**

The parties to this Amendment No. 3 to Agreement are the SAN DIEGO UNIFIED PORT DISTRICT, a public corporation (District) and APEX COMPANIES, LLC., a Delaware Limited Liability Company (Service Provider).

Recitals:

District and Service Provider are parties to an Agreement for Chula Vista Bayfront SWPPP Services. The agreement is on file in the Office of the District Clerk as Document No. 70602 dated November 6, 2019, as amended by Amendment No. 1, Document No. 70989 dated March 4, 2020, as amended by Amendment No. 2, Document No. 71201 dated May 28, 2020. It is now proposed to increase the Agreement amount by \$126,653.80 from a total of \$633,269.00 to \$759,922.80 and to amend Attachment B, Compensation & Invoicing.

The Parties Agree:

1. Section 3.a. **Maximum Expenditure**, is hereby amended to increase the Agreement amount by \$126,653.80 from a total of \$633,269.00 to a new, not to exceed, total amount of \$759,922.80. The maximum expenditure of the Initial Term shall not exceed \$183,269.00 and the maximum expenditure of the 32-month Optional Term shall not exceed \$576,653.80.
2. **ATTACHMENT B, COMPENSATION & INVOICING**, Section 1. a. (4) Agreement Expenditure Summary Table shall be replaced with the following:

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Description	Initial Term (11/12/2019- 03/10/2020)	Optional Term (03/11/2020- 11/11/2022)
Operations and Maintenance (LTMP) at Chula Vista Bayfront Site 2 & 3 (Maximum)	\$108,269.00	-
As-Needed Services (Maximum)	\$75,000.00	\$576,653.80
TOTAL ANNUAL-FEES, Agreement not-to-exceed amount	\$183,269.00	\$576,653.80


3. 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

APEX COMPANIES, LLC



 Cid Tesoro
 Assistant Vice President, Infrastructure



 Joseph Weslock
 Director/Division Manager

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.