

THIRD AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT

THIS THIRD AMENDMENT TO AGREEMENT is made and entered into this ____ day of _____, 2023, by and between the City of Merced, a California Charter Municipal Corporation (“City”), and TK Elevator Corporation, a Delaware Corporation (“Consultant”).

WHEREAS, City is in need of elevator maintenance services; and,

WHEREAS, City and Consultant have previously entered into an Agreement for Elevator Maintenance Services (“Agreement”) dated August 31, 2020, a First Amendment dated May 17, 2021, and a Second Amendment dated July 1, 2022; and,

WHEREAS, City and Consultant desire to amend said Agreement to exercise the second option to renew the Agreement.

NOW, THEREFORE, the parties hereto, in consideration of the mutual covenants hereinafter recited, agree as follows:

1. Section 27, “SECOND OPTION TO RENEW,” is hereby added to the Agreement to read as follows:

“SECTION 27. SECOND OPTION TO RENEW. The City and Consultant desire to exercise the option to renew the Agreement for one (1) additional year pursuant to Section 1, ‘Parties and Term’ of the Agreement. The term of this second renewal shall be from July 1, 2023 to June 30, 2024.”

2. Section 28, “COMPENSATION DURING SECOND RENEWAL TERM,” is hereby added to the Agreement to read as follows:

“SECTION 28. COMPENSATION DURING SECOND RENEWAL TERM. City shall pay Consultant the not to exceed sum of One Thousand Nine Hundred Seventy-Seven Dollars (\$1,977.00) per month, for a total of Twenty-Three Thousand Seven Hundred Twenty-Four Dollars (\$23,724.00) annually.”

3. Except as herein amended, the Agreement dated August 31, 2020, First Amendment dated May 17, 2021, and Second Amendment dated July 1, 2022, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Third Amendment to Agreement to be executed on the date first above written.

CITY OF MERCED
A California Charter Municipal
Corporation

BY: _____
City Manager

ATTEST:
STEPHANIE R. DIETZ, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

APPROVED AS TO FORM:

BY: MDL 6-7-2023
City Attorney Date

ACCOUNT DATA:

BY: _____
Verified by Finance Officer

VENDOR

DocuSigned by:
BY: Daniel Opfer
96E433E467E64F9...
(Signature)

Daniel Opfer

(Typed Name)

Its: Sales Manager

(Title)

BY: _____
(Signature)

(Typed Name)

Its: _____
(Title)

Taxpayer I.D. No. 62-1211267

ADDRESS: 940 Riverside Parkway
Suite 20
West Sacramento, CA
95605

TELEPHONE: 916-712-5473
FAX: 1-866-653-5298
E-MAIL: daniel.opfer@tkelevator.com

Certificate Of Completion

Envelope Id: B877A9993EF54687B573F22B339EA93C

Status: Completed

Subject: Elevator Maintenance Contract Extension through June 30, 2024.

Tyler Contract Number:

Source Envelope:

Document Pages: 3

Signatures: 1

Envelope Originator:

Certificate Pages: 5

Initials: 0

Jamie Cruz

AutoNav: Enabled

678 W 18th Street

Envelopeld Stamping: Enabled

Merced, CA 95340

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

cruzj@cityofmerced.org

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Pool: City of Merced

Location: DocuSign

Signer Events

Daniel Opfer

daniel.opfer@tkelevator.com

Sales Manager

Security Level: Email, Account Authentication
(Optional)**Signature**

DocuSigned by:



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Signature Adoption: Pre-selected Style

Using IP Address: 104.129.202.96

Timestamp

Sent: 6/9/2023 4:32:01 PM

Viewed: 6/12/2023 8:07:14 AM

Signed: 6/19/2023 8:55:10 AM

Electronic Record and Signature Disclosure:

Accepted: 6/12/2023 8:07:14 AM

ID: c4b87176-2049-4484-b12e-265b4641ce58

In Person Signer Events**Signature****Timestamp****Editor Delivery Events****Status****Timestamp****Agent Delivery Events****Status****Timestamp****Intermediary Delivery Events****Status****Timestamp****Certified Delivery Events****Status****Timestamp****Carbon Copy Events****Status****Timestamp****Witness Events****Signature****Timestamp****Notary Events****Signature****Timestamp****Envelope Summary Events****Status****Timestamps**

Envelope Sent

Hashed/Encrypted

6/9/2023 4:32:01 PM

Envelope Updated

Security Checked

6/13/2023 11:45:01 AM

Envelope Updated

Security Checked

6/13/2023 11:45:01 AM

Certified Delivered

Security Checked

6/12/2023 8:07:14 AM

Signing Complete

Security Checked

6/19/2023 8:55:10 AM

Completed

Security Checked

6/19/2023 8:55:10 AM

Payment Events**Status****Timestamps**

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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 City of Merced:

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: cityclerk@cityofmerced.org

To advise City of Merced 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 cityclerk@cityofmerced.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.

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To request paper copies from City of Merced

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 cityclerk@cityofmerced.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 City of Merced

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 cityclerk@cityofmerced.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..

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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.

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- 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 City of Merced 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 City of Merced during the course of your relationship with City of Merced.