

**FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT BETWEEN THE  
CITY OF UPLAND AND  
DISABILITY ACCESS CONSULTANTS**

This Amendment No. 1 ("First Amendment"), dated for reference purposes as March 1, 2024 ("Effective Date"), is entered into by and between the City of Upland ("City") and Disability Access Consultants, LLC ("Consultant") with respect to that certain Professional Services Agreement entered into as of June 26, 2023, by and between City and Consultant ("Agreement"). City and Consultant are sometimes referred to herein individually as "Party" and collectively as "Parties."

**RECITALS**

A. WHEREAS, City and Consultant have entered into the Agreement for the purpose of providing Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan.

B. WHEREAS the Parties now desire to amend the Agreement to extend the term in order to complete the services and to finalize the plan in accordance with the service provisions of the Agreement.

NOW, THEREFORE, in consideration of the above recitals and the mutual covenants, conditions, and promises contained in this First Amendment and the Agreement, the Parties mutually agree as follows:

**AGREEMENT**

1. Incorporation of Recitals. The recitals set forth above are true and correct and are hereby incorporated herein by this reference.

2. Extension of the Term. Notwithstanding any provisions in Section 5 of the Agreement to the contrary, the Agreement shall be extended from the initial period that ended 248 days following the receipt of the Notice to Proceed, to that certain date when the tasks described in the Agreement are completed as confirmed by both Parties in writing, but in no event later than December 31, 2024, unless sooner terminated pursuant to the provisions of the Agreement.

3. Electronic Transmission. A manually signed copy of this Amendment No. 1 which is transmitted by facsimile, email or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original executed copy of this First Amendment for all purposes. This First Amendment may be signed using an electronic signature.

4. Counterparts. This First Amendment may be signed in counterparts, each of which shall constitute an original.

IN WITNESS WHEREOF, the Parties hereto have executed this First Amendment on the dates set forth below.

CITY OF UPLAND

CONSULTANT

DISABILITY ACCESS CONSULTANTS, LLC.

DocuSigned by:  
*Michael Blay*  
ED26F9DCC3FF48A...

Michael Blay,  
City Manager

DocuSigned by:  
*Tim Mahoney*  
3894BD3D48DC463...

Tim Mahoney  
General Manager

DATED: 11/8/2024 | 5:47 PM PST

DATED: 11/8/2024 | 4:33 PM PST

APPROVED AS TO FORM:

Signed by:  
*Stephen Deitsch*  
9326570F6DB648E...

Stephen Deitsch,  
Best Best & Krieger LLP  
City Attorney

ATTEST:

DocuSigned by:  
*Keri Johnson*  
F421A8E85BE347A...

Keri Johnson,  
City Clerk