

**AMENDMENT NUMBER THREE TO  
MAINTENANCE SERVICE AGREEMENT  
WITH  
F.M. THOMAS AIR CONDITIONING, INC.**

This Amendment Three ("Amendment") is made and entered into this 1st day of August, 2023 ("Effective Date"), by and among the CITY OF COSTA MESA, a municipal corporation ("City") and F.M. THOMAS AIR CONDITIONING, INC., a California corporation ("Contractor").

WHEREAS, City and Contractor entered into an agreement dated August 1, 2020 for Contractor to provide heating, ventilation, and air conditioning ("HVAC") maintenance and repair services (the "Agreement"); and

WHEREAS, Section 4.1 of the Agreement provides for an initial term of two years, with the option to extend the Agreement for three additional one year periods; and

WHEREAS, City and Contractor amended the Scope of Services to include servicing repairs and parts replacement and increased Contractor's maximum annual compensation through Amendment Number One to the Agreement, dated March 2, 2021; and

WHEREAS, City and Contractor amended the Scope of Services to add HVAC maintenance and repair services at the City's Bridge Shelter location, increased Contractor's maximum compensation accordingly, and exercised the first of three options to extend the term of the Agreement through Amendment Number Two, dated July 31, 2022; and

WHEREAS, City and Contractor now desire to exercise the second of three options to extend the term.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree to amend the Agreement as follows:

1. The term of the Agreement shall extend through July 31, 2024.
2. All terms not defined herein shall have the same meaning and use as set forth in the Agreement, as amended.
3. All other terms, conditions, and provisions of the Agreement, as amended, shall remain in full force and effect.
4. This Amendment may be executed in one or more counterparts, each of which shall be deemed an original. All counterparts shall be construed together and shall constitute one Agreement together with this Amendment Number Three, Amendment Number Two, and Amendment Number One.

IN WITNESS WHEREOF, the Parties hereto have caused this Amendment to be executed by and through their respective authorized officers, as of the date first above written.

**CONTRACTOR**

F.M. Thomas & Co Inc  
Consultant

Date: 7/24/23

Tom Key Kay president  
Name and Title

**CITY OF COSTA MESA**

Lori Ann Farrell Harrison  
Lori Ann Farrell Harrison  
City Manager

Date: 9/8/2023

**ATTEST:**

Brenda Green  
Brenda Green  
City Clerk



Date: 9/8/2023

**APPROVED AS TO FORM:**

Kimberly Hall Barlow  
Kimberly Hall Barlow  
City Attorney

Date: 9/15/23

**APPROVED AS TO CONTENT:**

Daniel Jojola  
Daniel Jojola  
Project Manager

Date: 8/22/23

DEPARTMENTAL APPROVAL:

for S. Yang  
Raja Sethuraman  
Public Works Director

Date: 8/24/23

APPROVED AS TO PURCHASING:

Carol Molina  
Carol Molina  
Finance Director

Date: Aug. 14, 2023