

**AMENDMENT NUMBER 1**  
**TO CITY OF SAN MARCOS**  
**AGREEMENT NUMBER 5587**

This Amendment Number 1 to Agreement 5587 for provision of Advanced Life Support (ALS) Transport Services ("Amendment 1") is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2019 by and between the City of San Marcos, a chartered municipal corporation ("City"), and the San Marcos Fire Protection District ("District"), collectively City/District," on the one hand, and San Marcos Fire Department ("Contractor" or "Provider"), on the other hand, collectively referred to hereafter as the "Parties," with respect to Agreement No. 5587 between the Parties dated February 14, 2017 and any previous amendments thereto ("Agreement").

RECITALS

1. Since 2009, the Contractor has continuously provided ALS Transport Services ("Services") for the San Marcos Service Area; and
2. The Agreement is expiring on September 14, 2019; and
3. The County of San Diego ("County"), Health and Human Services Agency ("HHSA"), Medical Care Services Division, Emergency Medical Services ("County EMS") is responsible for planning and implementing a countywide emergency medical services system which includes ensuring paramedic ambulance services are provided in all areas of San Diego County; and
4. In 2017, the California Emergency Medical Services Authority (EMSA) determined that the County shall conduct competitive procurements for paramedic ambulance service areas within San Diego County including the San Marcos Operating Area; and
5. In cooperation with County EMS and County EMS consultant, The Abaris Group, the City/District has provided extensive input from stakeholders and the impacted communities for consideration in the upcoming procurement for which the County EMS anticipated to release a Request for Proposals (RFP) for services by Spring 2019 and award of contract thereafter; and
6. Due to unforeseen circumstances the RFP has been delayed, which will extend beyond the expiration date of the City's existing Agreement for Services; and
7. The City/District and Contractor recognize the need for continued, uninterrupted, cooperation and collaboration in the provision of Services and desire that this Agreement be extended on a month to month basis effective September 14, 2019; and
8. The City has authorized the execution of this Amendment 1 for itself and for the District by Council Resolution No. \_\_\_\_\_ to retain Provider for Services until such time as a new contract for paramedic ambulance services within the San Marcos Operating Area has been executed; and

9. The terms and definitions used herein are those set forth in the Agreement.

In consideration of the recitals and mutual obligations set forth herein, the Parties agree to continue to provide Services for the San Marcos Area and amend the Agreement as follows:

#### **TERM OF AGREEMENT**

City/District and Contractor agree that the second sentence of Article 4 TERM OF AGREEMENT shall be deleted and replaced as follows:

The term of this Agreement shall continue in full force and effect on a month to month basis until such time the County and County EMS have entered into and fully executed a new Agreement to provide Services to the San Marcos Area.

This Amendment and the Agreement contain the entire agreement between the Parties with respect to the subject matter hereof, and they supersede all prior or contemporaneous agreements in connection with the subject matter. Nothing in this Amendment relieves the Contractor of its obligation to perform as required by the Agreement or any previous Addendums or Amendments unless expressly stated herein. No modification of this Amendment or the Agreement shall be binding unless executed in writing by the Parties hereto. Except as expressly modified herein, the terms and provisions of the Original Agreement remain in full force and effect.

This Amendment may be executed in counterparts, each of which will for all purposes be deemed to be an original, and all of which taken together will constitute one and the same document.

**[SIGNATURES APPEAR ON THE FOLLOWING PAGE]**

IN WITNESS WHEREOF, the Parties have caused this Amendment to be entered into as of the date first set forth above.

**CITY/DISTRICT:**

City of San Marcos, a chartered municipal corporation and the San Marcos Fire Protection District

**CONTRACTOR:**

San Marcos Fire Department

By: \_\_\_\_\_

Jack Griffin, City Manager  
or delegated designee

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**APPROVED AS TO FORM:**

By: \_\_\_\_\_

Helen Holmes Peak, City/District Attorney

**ATTEST:**

By: \_\_\_\_\_

Phillip Scollick, City/District Clerk