

**THIRD AMENDMENT
TO PROFESSIONAL SERVICES AGREEMENT WITH
CREATIVE THINKING, INC. DBA THE IDEA COOPERATIVE**

THIS THIRD AMENDMENT is made and entered into this 10th day of November, 2020, by and between the CITY OF FORT BRAGG (“City”) and CREATIVE THINKING, INC. DBA THE IDEA COOPERATIVE (“Consultant”).

WHEREAS, the City Council on November 25, 2019, adopted Resolution 4213-2019 authorizing a Professional Services Agreement (“Contract”) with Consultant in the sum of \$99,000.00; and

WHEREAS, the City and Consultant entered into the Contract on December 20, 2019; and

WHEREAS, the Contract states that Consultant will provide strategic and creative marketing services for Visit Fort Bragg; and

WHEREAS, on June 29, 2020, City and Consultant entered into a First Amendment to the Contract extending the completion date of the project to July 31, 2020 and the expiration date of the Contract to October 31, 2020; and

WHEREAS, on August 10, 2020, the City Council adopted Resolution 4296-2020 authorizing a Second Amendment to the Professional Services Agreement with Consultant changing the scope of work and increasing the amount of the contract by \$10,000.00 to a total Not To Exceed amount of \$109,000.00; and

WHEREAS, on August 12, 2020, City and Consultant entered into a Second Amendment to the Contract amending the scope of work, increasing the contract amount, extending the completion date of the project to October 31, 2020, and extending the expiration date of the Contract to January 31, 2021; and

WHEREAS, the parties desire to again add to the Contract’s scope of work to include new activities as described in Exhibit A to this Third Amendment, to extend the completion date of the project to March 31, 2021, and to extend the expiration date of the Contract to June 30, 2021; and

WHEREAS, the cost of providing the additional services outlined in Exhibit A is **Forty Thousand Dollars (\$40,000.00)**, which sum is 36.7% above the contracted amount of \$109,000.00, for a total Not To Exceed amount of \$149,000.00; and

WHEREAS, on October 13, 2020, the City Council adopted Resolution 4318-2020 approving Budget Amendment 2021-05 amending the Fiscal Year 2020-21 Budget and increasing the budget amount for the Visit Fort Bragg Campaign by \$50,000; and

WHEREAS, there are still sufficient funds budgeted for these activities; and

WHEREAS, City and Consultant desire to amend the Contract to augment the Scope of Services, increase the Not to Exceed Amount, and extend the time of completion and term of the Contract as set forth below; and

WHEREAS, the legislative body of the City on November 9, 2020, by Resolution No. ____-2020 authorized execution of this Third Amendment to Professional Services Agreement on behalf of the City in accordance with Chapter 3.20 of the Fort Bragg Municipal Code and/or other applicable law;

NOW, THEREFORE, for the aforementioned reasons and other valuable consideration, the receipt and sufficiency of which is acknowledged, City and Consultant hereby agree that the Professional Services Agreement for strategic and creative marketing services for Visit Fort Bragg between the City and Consultant dated December 20, 2019, is hereby amended as follows:

1. **Scope of Work:**

Paragraph 1.1 (Scope of Work) is hereby amended to include the additional work described in Exhibit A attached hereto and incorporated herein by reference.

2. **Compensation:**

Paragraph 2.1 (Compensation), is hereby amended to state, "Consultant's total compensation shall not exceed **One Hundred Forty-nine Thousand Dollars (\$149,000.00)**."

3. **Time of Completion:**

Paragraph 3.1 (Commencement and Completion of Work) is hereby amended to extend the completion date to **March 31, 2021**.

4. **Term:**

Paragraph 4.1 (Term) is hereby amended to extend the expiration date of the Contract to **June 30, 2021**.

5. Except as expressly amended herein, the Professional Services Agreement between the City and Consultant dated December 20, 2019, is hereby reaffirmed.

IN WITNESS WHEREOF, the parties have executed this Third Amendment the day and year first above written.

[SIGNATURES ON FOLLOWING PAGE]

CITY

By: _____

Tabatha Miller

Its: City Manager

CONSULTANT

By: _____

Tom Kavanaugh

Its: President

ATTEST:

By: _____

June Lemos, CMC

City Clerk

APPROVED AS TO FORM:

By: _____

Keith F. Collins

City Attorney