

**THIRD AMENDMENT
TO PROFESSIONAL SERVICES AGREEMENT WITH
R.E.Y. ENGINEERS, INC.**

THIS THIRD AMENDMENT is made and entered into this 12th day of October, 2022, by and between the CITY OF FORT BRAGG, hereinafter referred to as "City," and R.E.Y. ENGINEERS, INC., hereinafter referred to as "Consultant."

WHEREAS, the City and Consultant entered into a Professional Services Agreement ("Contract") on December 14, 2021 to provide engineering and design services for the 2022 Streets Rehab Project, City Project No. PWP-00120, in the amount of \$175,000.00; and

WHEREAS, on February 14, 2022, by adoption of Resolution 4511-2022, the Fort Bragg City Council approved a First Amendment to the Contract to augment the scope of work and increase the compensation to \$257,000.00, which the parties entered into on February 15, 2022; and

WHEREAS, on June 15, 2022, the City and Consultant entered into a Second Amendment to the Contract to modify the scope of work and increase the compensation to \$263,500.00; and

WHEREAS, the parties desire to amend the Contract to further modify the Scope of Work, as set forth in Exhibit A attached hereto;

WHEREAS, the cost of the additional work described in Exhibit A is \$32,900.00, bringing the total sum of the project Not to Exceed \$296,400.00; and

WHEREAS, the additional \$32,900.00 in compensation is approximately 12.5% of the total contract; and

WHEREAS, per Fort Bragg Municipal Code Section 3.20.060, the City Manager's signing authority for change orders may not exceed 10% of the approved contract; and

WHEREAS, the parties desire to extend the completion date of the project and termination date of the contract to January 15, 2023 and April 15, 2023 respectively; and

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

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 engineering and design services for the 2022 Streets Rehab Project between the City and Consultant dated December 14, 2021, as amended on February 15, 2022 and June 15, 2022, 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 and Billing:**
Paragraph 2.1 (Compensation) is hereby amended to state that total compensation shall not exceed **Two Hundred Ninety-six Thousand Four Hundred Dollars (\$296,400.00)**.

3. **Time of Performance:**
Paragraph 3.1 (Commencement and Completion of Work) is hereby amended to state a completion date of **January 15, 2023**.
4. **Term and Termination:**
Paragraph 4.1 (Term) is hereby amended to state a contract expiration date of **April 15, 2023**.
5. Except as expressly amended herein, the Professional Services Agreement between the City and Consultant dated December 14, 2021, as amended by the First Amendment to the Agreement dated February 15, 2022, and the Second Amendment to the Agreement dated June 15, 2022, is hereby reaffirmed.

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

CITY OF FORT BRAGG:

CONSULTANT:

By: _____
Peggy Ducey
City Manager

By: _____
Jim Fisher, PE
Principal in Charge

ATTEST:

June Lemos, MMC
City Clerk

APPROVED AS TO FORM:

Keith F. Collins
City Attorney