

**AMENDMENT NO.: 1
TO AGREEMENT
BETWEEN
OWNER AND ENGINEER**

This Amendment No.: 1 is made and entered into this day of _____, 2023 to the Task Order made as of April 22, 2022 (“Task Order”) under the Master Agreement for On-Call Professional Services between the Town of Apex (“OWNER”) and CDM Smith Inc. (“ENGINEER”) dated September 4, 2018 (“Master Agreement”).

WHEREAS, OWNER and ENGINEER entered into the Agreement for the Lead and Copper Rule Revisions (“Project”), and

WHEREAS, the parties desire to amend the Task Order so as to amend the scope of work, time periods of performance and payment, and/or responsibilities of ENGINEER; and

WHEREAS, the Task Order provides that any amendments shall be valid only when expressed in writing and signed by the parties.

NOW THEREFORE, in consideration of the mutual understandings and Agreements contained herein, the parties agree to amend the Task Order as follows:

1. The Basic Services of ENGINEER as described in the Task Order are amended and supplemented as follows:
Implement the data management solution, leadCAST subscriptions and implementations for the Project as identified in attached Exhibit A.
2. The responsibilities of OWNER as described in the Task Order are amended and supplemented as follows:
See Exhibit A.
3. The time periods for the performance of ENGINEER’s services as set forth in the Task Order are amended and supplemented as follows:
leadCAST software shall be implemented upon execution of this Amendment to the Task Order, and payment shall be made by OWNER of the first annual subscription fee and implementation fee within 30 days of the execution of this Amendment.
4. The payment for services rendered by ENGINEER shall be as set forth below:
ENGINEER’s compensation under this Amendment 1 is on an annual basis. The fee for the Amendment is a not to exceed amount (NTE) of \$32,500 for the first year, including the implementation fee, \$19,000 for the second year, and \$16,000 for the third year. Payment of the first annual subscription fee and implementation fee shall be made by OWNER within 30 days of the execution of this Amendment.
5. Except as herein modified, all terms and conditions of the Task Order shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this amendment on the date indicated above for the purpose herein expressed.

OWNER

DATE:

Attest:

Allen L. Coleman, CMC, NCCCC
Town Clerk



ENGINEER

DATE: 5/5/23

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Antwan Morrison, Finance Director