

**THIRD AMENDMENT
TO PROFESSIONAL SERVICES AGREEMENT BETWEEN CITY OF BEAUMONT
AND KIMLEY HORN FOR PROFESSIONAL ENGINEERING SERVICES FOR
PENNSYLVANIA AVENUE WIDENING (CIP 2017-009)**

THIS THIRD AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES BY INDEPENDENT CONTRACTOR is made and effective as of the ____ day of _____, 2022, by and between the CITY OF BEAUMONT, a general law city, (“CITY”) whose address is 550 E. 6th Street, Beaumont, California 92223 and KIMLEY HORN, a corporation whose address is 1100 W. Town and Country Rd., Suite 700, Orange, CA 92868 (“CONTRACTOR”) in consideration of the mutual promises and purpose contained herein, the parties agree as follow:

1. RECITALS

This Third Amendment is made with respect to the following facts and purpose that the parties agree are true and correct:

A. On September 19, 2017, the City and KIMLEY HORN, entered into that certain agreement entitled “Agreement for Professional Services by Independent Contractor” for DESIGN SERVICES FOR THE PENNSYLVANIA AVENUE WIDENING PROJECT (“Agreement”).

B. City has requested a further change in scope to the work under the Agreement regarding Caltrans coordination and construction services and CONTRACTOR has requested that the scope of work should be increased as provided in the Proposal dated June 17, 2022, a copy of which is attached hereto as Exhibit “A”, and incorporated herein by this reference.

2. AMENDMENT

Section 2 of the Agreement is hereby amended to add to the Services those services identified in the Proposal attached hereto as Exhibit “A”.

Section 4.01 of the Agreement is hereby amended to increase the maximum compensation under the Agreement as follows: Under previous Amendments, compensation was set at four hundred five thousand, two hundred forty-one dollars (\$405,241). Per this Third Amendment, compensation is increased by the maximum amount of one hundred thirty-one thousand, six hundred fifteen dollars (\$131,615) as provided in the Proposal attached hereto as Exhibit “A” resulting in total compensation under the Agreement not to exceed five hundred thirty-six thousand, eight hundred fifty-six dollars (\$536,856).

The recitals to this Amendment are deemed incorporated herein by this reference. All other terms of the Agreement not expressly amended by this Amendment shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereby have made and executed this Second Amendment to Professional Services Agreement to be effective as of the day and year first above-written.

CITY:

CONTRACTOR:

CITY OF BEAUMONT

KIMLEY HORN

By: _____

By: _____

Lloyd White, Mayor

Print Name: _____

ATTEST

Title: _____

City Clerk

APPROVED AS TO FORM

John Pinkney, City Attorney

EXHIBIT “A”

PROPOSAL DATED June 17, 2022