

### **THIRD AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT**

THIS THIRD AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT (“Amendment”) is made and effective as of the 21<sup>ST</sup> day of December, 2021 by and between the CITY OF BEAUMONT (“CITY”), a general law city, and Albert A. Webb Associates, a California corporation (“CONTRACTOR”) in consideration of the mutual promises and purpose contained herein, the parties agree as follow:

#### **RECITALS**

This Amendment is made with respect to the following facts:

A. On October 2, 2018 the CITY and CONTRACTOR entered into that certain Agreement for Professional Services by Independent Contractor (“Agreement”) for engineering services in the amount of Three Million Sixty Seven Thousand Seven Hundred and Ninety Three Dollars (\$3,067,793) which remains in effect.

B. On December 15, 2020 the CITY and CONTRACTOR entered into that certain First Amendment to Professional Services Agreement to extend the term of the Agreement, to change the scope of Services and allow additional compensation to CONTRACTOR in the amount of an additional Four Hundred Eighty Seven Thousand Seven Hundred Eighty One Dollars (\$487,781).

C. On December 15, 2020 the CITY and CONTRACTOR entered into that certain Second Amendment to Professional Services Agreement to extend the term of the Agreement, change the scope of Services and allow additional compensation to CONTRACTOR in the amount of an additional One Hundred Sixty Four Thousand Dollars Three Hundred and Sixteen Dollars (\$164,316.00).

D. Contractor has provided CITY a Proposal dated December 13, 2021, a copy of which is attached hereto as Exhibit “A” and incorporated herein by this reference, subject to the exceptions in Section 2 below, to provide design services related to installation of a new membrane system in the City’s Wastewater Treatment Plant.

## AMENDMENT

The Agreement is hereby amended as follows:

### SECTION 1 IS AMENDED TO READ AS FOLLOWS:

Section 1. Term of Agreement. The Agreement shall continue in effect until the Services identified in Section 2 and any other Services remaining to be provided under the Agreement, as amended, are completed.

### SECTION 2 IS AMENDED TO ADD THE FOLLOWING SERVICES AS FOLLOWS:

Section 2. Services to be Performed. CONTRACTOR agrees to provide the services ("Services") as provided in the Proposal. All Services shall be performed in accordance with the terms of the Agreement, as amended. If the Proposal contains additional or different terms than what are provided in the Agreement, as amended, that purport to bind the City other than the scope of services and the price for the services, such additional or different terms shall be void and of no force or effect and shall not bind the City

### SECTION 4.01 IS AMENDED TO ADD THE FOLLOWING REGARDING COMPENSATION WITH REGARDS TO THE PROPOSAL ATTACHED AS EXHIBIT "A"

Section 4.01. Compensation. CITY agrees to pay CONTRACTOR the amounts and rates provided in the Proposal and according to the other terms of Section 4.01. Notwithstanding anything to the contrary, the Compensation to CONTRACTOR for Services under this Amendment shall not exceed the amount of Five Hundred Thirty Thousand Eight Hundred and Nine Dollars (\$530,809.00).

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 Amendment to be effective as of the day and year first above-written.

[Signatures on following page]

SIGNATURE PAGE TO

CITY OF BEAUMONT  
THIRD AMENDMENT

CITY:

CITY OF BEAUMONT

By: \_\_\_\_\_  
Lloyd White, Mayor

CONTRACTOR:

ALBERT A. WEBB ASSOCIATES

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

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

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

ATTEST:

By: \_\_\_\_\_  
Nicole Wheelwright, Deputy City Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
John O. Pinkney, City Attorney