

**FIFTH AMENDMENT TO AGREEMENT BETWEEN THE
CITY OF COACHELLA
AND MICHAEL BAKER INTERNATIONAL, INC.**

THIS FIFTH AMENDMENT (“Amendment”) is made and entered into as of July 22, 2020 by and between the City of Coachella (“City”) and Michael Baker International, Inc., (“Consultant”). In consideration of the mutual covenants and conditions set forth herein, the parties agree as follows:

1. Recitals. This Amendment is made with the respect to the following facts and purposes:
 - a. On or about February 11, 2015 the City and Consultant entered into that certain agreement entitled “City of Coachella Professional Services Agreement” between the City and Consultant in the amount of \$759,680 for the Avenue 50 Extension, City Project# ST-98
 - b. On or about February 8, 2017 the City and Consultant entered into that certain agreement entitled “First Amendment” between the City and Consultant in the amount of \$143,040.
 - c. On or about March 14, 2018 the City and Consultant entered into that certain agreement entitled “Second Amendment” between the City and Consultant in the amount of \$72,760.
 - d. On or about April 24, 2018 the City and Consultant entered into that certain agreement entitled “Third Amendment” between the City and Consultant to extend the term to December 11, 2020.
 - e. On or about December 12, 2018 the City and Consultant entered into that certain agreement entitled “Fourth Amendment” between the City and Consultant in the amount of \$79,800.
 - f. The parties now desire to amend the Agreement as set forth in this Amendment.

2. Amendment.

Section 3.1.3, Scope of Services and Term Extension, of the Agreement is hereby amended in its entirety to read as follows:

“3.1.3 Extension of Term. Following the expiration of the Extended Term identified in the “Third Amendment”, the term of this Agreement shall be extended to June 11, 2021.”

Section 3.3.1, Compensation, of the Agreement is hereby amended in its entirety to read as follows:

“3.3.1 Compensation. Consultant shall receive compensation, including authorized reimbursements, for all Services rendered under this Agreement as set forth in Exhibit

“A” attached hereto and incorporated herein by reference. The total compensation shall not exceed **One Million Two-Hundred-Twenty-Two Thousand Sixty-Two Dollars (\$1,222,062.00)** without written approval of the City’s representative. Extra Work may be authorized, as described below, and if authorized, will be compensated at the rates and manner set forth in this Agreement.”

3. Continuing Effect of Agreement. Except as amended by this Amendment, all provisions of the Agreement shall remain unchanged and in full force and effect. From and after the date of this Amendment, whenever the term “Agreement” appears in the Agreement, it shall mean the Agreement as amended by this Amendment.
4. Adequate Consideration. The parties hereto irrevocably stipulate and agree that they have each received adequate and independent consideration for the performance of the obligations they have undertaken pursuant to this Amendment.
5. Counterparts. This Amendment may be executed in duplicate originals, each of which is deemed to be an original, but when taken together shall constitute but one and the same instrument.

IN WITNESS THEREOF, the parties have executed this Amendment as of the day and year first set forth above, which date shall be considered by the parties to be the effective date of this Amendment.

CITY OF COACHELLA

MICHAEL BAKER INTERNATIONAL, INC.

By: _____
William Pattison, City Manager

Approved as to form:

By: _____
Carlos Campos, City Attorney

Attest:

By: _____
Angela Zepeda, City Clerk

EXHIBIT "A"

Scope of Services and Estimated Budget for PSA Amendment No. 5

Avenue 50 Extension Hydrology & Hydraulics (H&H) Work Item Description:	Budget:
1. Regional H&H Design Model Development & Coordination between NHC/CVWD and Riverside County Flood Control (RCFCD) rainfall distribution data.	55,272
2. Obtain 2D HEC-RAS Model From NHC/CVWD suitable for use in modeling the Avenue 50 crossing	6,594
3. Review/Evaluate/Confirm model practicality for Avenue 50 Crossing Design	14,388
4. Update HEC-RAS Model for Avenue 50 fill and culvert and rerun model	15,708
5. Update HEC-RAS Model with La Entrada Development and rerun model (100,200,500 year probable storms for existing and proposed conditions)	13,722
6. Calculate Scour for Ave 50 footing Design & Road Embankment	14,610
7. Draft Updated Design Report	14,166
8. Finalize Updated Design Report	8,730
9. Meeting Attendance/Coordination	8,592
10. Contingency	15,000
Total	\$166,782