

**THIRD AMENDMENT
TO
CITY OF TUMWATER
SERVICE PROVIDER AGREEMENT**

BUSH PRAIRIE HABITAT CONSERVATION PLAN, PHASE 2

THIS THIRD AMENDMENT (“Amendment”) is dated effective this _____ day of _____, 2023, and is entered into by and between the CITY OF TUMWATER, a Washington municipal corporation (“CITY”), and ICF JONES & STOKES, INC., a Washington corporation, hereinafter referred to as the “SERVICE PROVIDER.”

A. The CITY and SERVICE PROVIDER entered into a Service Provider Agreement (“Agreement”) dated effective September 4, 2018, whereby the SERVICE PROVIDER agreed to provide technical expertise, where required, to perform the services and/or tasks set forth by the Agreement.

B. Section 14 of the Agreement provided that the Agreement may only be amended by written agreement signed by the parties.

C. The CITY and the SERVICE PROVIDER amended the Agreement to continue the Services described in Section 1 of the Agreement by extending the term of the Agreement until September 30, 2022, by a first amendment on April 7, 2021.

D. The CITY and the SERVICE PROVIDER amended the Agreement to continue the Services described in Section 1 of the Agreement by extending the term of the Agreement until December 31, 2023, by a second amendment on September 30, 2022.

E. The CITY and the State of Washington, Department of Fish and Wildlife (“WDFW”) amended WDFW Grant Contract 18-11088 dated September 29, 2018, by a second amendment dated March 13, 2022, to remove the amount of \$191,932 from Grant Objective 4 and transfer to Grant Objective 3. The second amendment adjusted the cost of Grant Objective 3 to \$348,458 and Grant Objective 4 to \$127,955.

F. The CITY and the SERVICE PROVIDER are making progress towards completing the Bush Prairie Habitat Conservation Plan and desire to amend the Agreement to continue the Services described in Section 1 of the Agreement, adjust the task budget allocations to conform to the Grant Contract amendments, and extend the term of the Agreement.

NOW, THEREFORE, the parties agree to the following terms and conditions:

1. Term.

Section 2 of the Agreement shall be amended to extend the term of the Agreement until December 31, 2024.

2. Compensation.

Exhibit A, Section 4 – Budget, Table 3 Bush Prairie HCP and EIS Budget Summary, of the Agreement shall be amended as follows:

Task	Total
Task 1. Project Management, Coordination, and Meetings	\$210,920 <u>\$258,593</u>
Task 2. Prepare Working Draft HCP	\$220,610 <u>\$243,330</u>
Task 3. Complete HCP	\$182,760 <u>\$477,267</u>
Task 4. Prepare Draft and Final NEPA/SEPA EIS	\$373,500 <u>\$139,052</u>
Direct Expenses	\$26,411
Annual Cost of Living Increases for 2019-2020 Labor	\$60,157 <u>\$0</u>
Contingency	\$72,295 <u>\$0</u>
Grand Total	<u>\$1,144,653</u>

The total compensation in Section 4 of the Agreement remains \$1,144,653.00.

3. Full Force and Effect.

All other terms and conditions of the Agreement not modified by this Amendment shall remain in full force and effect.

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed the day and year first hereinabove written.

CITY:

CITY OF TUMWATER
555 Israel Road SW
Tumwater, WA 98501

SERVICE PROVIDER:

ICF Jones & Stokes, Inc.
Address: 1200 6th Ave., Suite 1800
City/State/Zip: Seattle, WA 98101
Tax ID #: 94-1730361
Phone Number: (703) 934-3709

DEBBIE SULLIVAN
Mayor

Signature (Notarized – see below)
Printed Name: _____
Title: _____

ATTEST:

Melody Valiant, City Clerk

APPROVED AS TO FORM:

Karen Kirkpatrick, City Attorney

STATE OF _____

COUNTY OF _____

I certify that I know or have satisfactory evidence that _____ (name) is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the _____ (title) of ICF Jones & Stokes, Inc. (company) to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____

Notary Public in and for the State of _____,
My appointment expires: _____