



# City of Emeryville

CALIFORNIA

## PROFESSIONAL SERVICES CONTRACT

### FOURTH AMENDMENT

**THIS FOURTH AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT** ("Amendment") is effective as of 7/17/2020 by and between **THE CITY OF EMERYVILLE**, a municipal corporation, ("City") and **BIGGS-CARDOSA ASSOCIATES, INC.** ("Contractor"), individually referred to as a "Party" and collectively as the "Parties".

### WITNESSETH THAT

**WHEREAS**, the City and Contractor entered into a Professional Services Contract dated November 3, 2015 ("Contract") for the purpose of retaining the services of Contractor to provide South Bayfront Pedestrian Bicycle Bridge, Update; and

WHEREAS, the Parties executed Amendment No. 1 to the Contract to extend the time to complete scope of work to December 31, 2017, and

WHEREAS, the Parties executed Amendment No. 2 to the Contract to further extend the time to complete scope of work to March 31, 2018, and

WHEREAS, the Parties executed Amendment No. 3 to the Contract to extend the time to provide services to June 30, 2020, and to amend the scope of work to revise plans to include Horton Landing Park Expansion Improvements, to answer contractor questions during the bid process, to prepare conformed plans and to provide construction support service; and

**WHEREAS**, the City and Contractor desire to amend the Contract; and

**WHEREAS**, the public interest will be served by this Amendment.

**NOW, THEREFORE**, the Parties hereto do mutually agree as follows:

#### 1. AMENDMENT

The Parties agree to amend the Contract as checked below:

##### 1.1 Exhibit A

- ☐ Exhibit A of the Contract is hereby amended in its entirety and replaced with **Exhibit A-***Revision Number*;

**OR**

FOR CITY USE ONLY			
Contract No.	20015E-0415-PW01	CIP No.	16475006
Resolution No.	N/A	Project No.	N/A

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- ☐ Exhibit A of the Contract is hereby amended to include the provisions of **Exhibit A-Revision Number**, attached hereto and incorporated herein by this reference.

**1.2 Termination Date**

- ☒ The Parties desire to extend the termination date. Section I.C of the Contract is hereby amended to extend the termination date to **DECEMBER 31, 2021**.

**1.3 Total Compensation Amount**

- ☐ The Parties desire to increase the Total Compensation Amount as set forth in Section 3.2 of the Contract by **FIVE THOUSAND DOLLARS AND NO CENTS (\$5,000.00)**. The total amount paid under the Contract as compensation for Services performed and reimbursement for costs incurred shall not, in any case, exceed **FIFTY THOUSAND DOLLARS AND NO CENTS (\$50,000.00)**.

**2. CONTINUING EFFECT OF CONTRACT**

Except as amended by this Amendment, all other provisions of the Contract remain in full force and effect and shall govern the actions of the Parties under this Amendment. From and after the date of this Amendment, whenever the term "Contract" appears in the Contract, it shall mean the Contract as amended by this Amendment.

**3. 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.

**4. SEVERABILITY**

If any portion of this Amendment is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

**5. WAIVER**

The City's failure to enforce any provision of this Amendment or the waiver in a particular instance shall not be construed as a general waiver of any future breach or default.

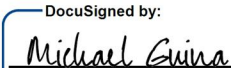
*SIGNATURES ON FOLLOWING PAGE*

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**6. SIGNATURE PAGE TO PROFESSIONAL SERVICES CONTRACT  
FOURTH AMENDMENT**

**IN WITNESS WHEREOF** the City and the Contractor have executed this Contract,  
which shall become effective as of the date first written above.

Approved As To Form:

DocuSigned by:  
  
\_\_\_\_\_  
Michael Guina  
City Attorney

Dated:

\_\_\_\_\_  
7/17/2020

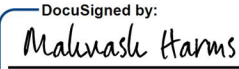
**CITY OF EMERYVILLE**

DocuSigned by:  
  
\_\_\_\_\_  
Christine S. Daniel, City Manager

Dated:

\_\_\_\_\_  
7/16/2020

**BIGGS CARDOSA ASSOCIATES, INC.**

DocuSigned by:  
  
\_\_\_\_\_  
Mahvash Harms, Principal (Signature)

Attach: W-9 Form	Attach: Business License Certificate	Attach: Insurance Certificate and Endorsements
		