

AMENDMENT No. 1 TO THE PROFESSIONAL SERVICES AGREEMENT

WITH BAIN MEDINA BAIN, INC.

This Amendment No. 1 to the Professional Services Agreement with Bain Medina Bain, Inc. is made by and through the City of San Antonio, a Texas municipal corporation (“City”), acting by and through its City Manager or her designee, pursuant to Ordinance No. _____, passed and approved on _____, 2019, and Bain Medina Bain, Inc. a Texas for-profit corporation (“Consultant”).

WHEREAS, Ordinance No. 2017-03-02-0130 authorized the City and Consultant to enter into a Professional Services Agreement for design and construction administration for architectural and engineering design services for the Howard W. Peak Greenway Trail System Project (“Project”) not to exceed \$2,000,000.00 in value; and

WHEREAS, City wishes to continue implementation of the voter-approved 2015 Sales Tax Initiative and requires additional architectural and engineering design services for such implementation; and

WHEREAS, City and Consultant wish to increase original \$2,000,000.00 contracting capacity by an additional \$750,000.00 to a total contracting capacity of \$2,750,000.00 in order to complete architectural and engineering design services for the Howard W. Peak Greenway Trail System Project.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That the City and Consultant hereby agree as follows:

- A. Article II Compensation, Section 2.1 is deleted in its entirety and is hereby replaced with the following: The compensation for all services included in this Agreement **SHALL NOT EXCEED TWO MILLION, SEVEN HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$2,750,000.00)**. It is agreed and understood that such amount will constitute full compensation to Firm for all Basic Services, Additional Services and Reimbursables. Unless and until City further makes appropriations for any services not included in the Scope of Basic Services, Additional Services and Reimbursables of this Agreement, the obligation of City to Firm for Total Compensation in connection with this agreement cannot and will not exceed such sum of **TWO MILLION, SEVEN HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$2,750,000.00)**, without further written amendment to this Agreement.

Except as modified herein, all terms and conditions contained in the Agreement entered into under authority of Ordinance No. 2017-03-02-0130 shall remain in full force and effect.

All other terms of the original Professional Services Agreement shall stand as otherwise stated.

Signed this _____ day of _____, 2019.

City of San Antonio, a Texas municipal corporation

Consultant: Bain Medina Bain, Inc.

By: _____
Xavier D. Urrutia, Director
Parks and Recreation Department

By:  _____
Name: Carl Bain, P.E.
Title: Vice-President

Date: _____

Date: April 18, 2019

Attest: _____
City Clerk

Approved as to Form:

City Attorney