

**AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT (C23-40) ON-CALL PLANNING & ENVIRONMENTAL SERVICES BY AND BETWEEN CITY OF BEAUMONT AND KIMLEY-HORN & ASSOCIATES, INC.**

**THIS AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT FOR SERVICES** (“Amendment No. 1”) by and between the **CITY OF BEAUMONT** (“City”) and **KIMLEY-HORN & ASSOCIATES, INC.**, a North Carolina Corporation (“Consultant”) is effective as of this day: \_\_\_\_\_.

**RECITALS**

- A. City and Consultant entered into that certain Contract dated May 16, 2023 for the purpose of providing On-Call Planning & Environmental Services (“Agreement”) as approved by City Council on May 16, 2023.
- B. City and Consultant now desire to amend the Agreement to extend the Term of the Agreement to June 30, 2027 and establish an annual not-to-exceed threshold for the Consultant.

The Parties therefore agree follows:

- 1. Amended Terms. The Agreement is hereby amended as follows:
  - 1.1 The parties agree to establish an annual not-to-exceed amount of One Hundred Forty Thousand Dollars (\$140,000.00). Services shall continue to be billed and paid at the rates set forth in the proposal.
  - 1.2 The Term of the Agreement of the Agreement is hereby extended through June 30, 2027, unless sooner terminated or extended as provided in the Agreement.
- 2. Miscellaneous Provisions
  - 2.1 Continued Effect of Agreement. Except as amended by this Amendment No. 1, all provisions of the Agreement shall remain unchanged and in full force and effect. From and after the date of this Amendment No. 1, whenever the term “Agreement” appears in the Agreement, it shall mean the Agreement, as amended by Amendment No. 1. In the event of a conflict between the provisions of this Amendment No. 1 and the provisions of the Agreement or Amendments No. 1, the provisions of this Amendment No. 1 shall control.
  - 2.2 Consideration for Amendment. The parties hereby agree that they have each received adequate and independent consideration for the modifications to the Agreement set forth in this Amendment No. 1.
  - 2.3 Authority. The persons executing this Amendment No. 1 on behalf of the parties hereto warrant that (i) such party is duly organized and existing, (ii) they are duly authorized to execute and deliver this Amendment No. 1 on behalf of said party,

(iii) by so executing this Amendment No. 1, such party is formally bound to the provisions of this Amendment No. 1, and (iv) entering into this Amendment No. 1 does not violate any provision of any other agreement to which said party is bound.

- 2.4 Counterparts. This Amendment No. 1 may be signed in any number of counterparts, each of which will be an original, but all of which together will constitute one instrument.
- 2.5 Electronic Signatures. Each Party may adopt as its signature an electronic identification consisting of a symbol or code that is affixed to or contained in each document transmitted by such Party (“electronic signature”). The Parties hereto hereby agree that electronic signatures are acceptable, shall have the same force and effect under the law as original wet signatures, and shall be sufficient to verify that the Parties have executed this Agreement and such other documents transmitted by the Parties.

***[SIGNATURE PAGE FOLLOWS]***

The Parties are signing this Amendment No. 1 on the date stated in the introductory clause.

CITY OF BEAUMONT

CONSULTANT



\_\_\_\_\_  
Gustavo Romo,  
Interim City Manager

\_\_\_\_\_  
NAME: John Pollock, PE  
TITLE: Vice President

City Council Approval: \_\_\_\_\_

\_\_\_\_\_  
NAME:  
TITLE:

ATTEST:

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

APPROVED AS TO FORM:  
Slovak, Baron, Empey, Murphy & Pinkney  
LLP

\_\_\_\_\_  
John O. Pinkney  
City Attorney

**NOTE: PROOF OF AUTHORITY TO BIND CONTRACTING PARTY REQUIRED. APPROPRIATE ATTESTATIONS SHALL BE INCLUDED AS MAY BE REQUIRED BY THE BYLAWS, ARTICLES OF INCORPORATION, OR OTHER RULES OR REGULATIONS APPLICABLE TO CONSULTANT'S BUSINESS ENTITY.**