

MODIFICATION #2
TO
SPOTSYLVANIA COUNTY CONTRACT AGREEMENT
FOR PROFESSIONAL SERVICES
Contract #16-16-TV-03

THIS MODIFICATION #2 TO SPOTSYLVANIA COUNTY CONTRACT AGREEMENT FOR PROFESSIONAL SERVICES is made as of _____, 2017 by and between BOARD OF SUPERVISORS OF SPOTSYLVANIA COUNTY, a political subdivision of the Commonwealth of Virginia, ("COUNTY"); and O'BRIEN & GERE ENGINEERS, INC., a New York corporation, in good standing and duly licensed to transact business in Virginia, ("CONTRACTOR").

WITNESSETH:

WHEREAS, the COUNTY and the CONTRACTOR entered into an Agreement titled "SPOTSYLVANIA COUNTY CONTRACT AGREEMENT FOR PROFESSIONAL SERVICES Contract #16-16-TV-03", ("AGREEMENT") dated May 11, 2016, to obtain professional engineering services for Spotsylvania County; and

WHEREAS, the AGREEMENT was subsequently modified by "Modification #1 to Spotsylvania County Contract Agreement for Professional Services Contract #16-16-TV-03" ("MODIFIED AGREEMENT") dated and executed on June 3, 2016; and

WHEREAS, the COUNTY requires a continuation of these services for an additional one (1) year contract term, as is permitted under Article 2, subdivision 2.3., of the initial contract dated May 11, 2016, and

WHEREAS, the COUNTY and the CONTRACTOR have determined that it is to their mutual benefit to modify the MODIFIED AGREEMENT further by entering into this "Modification #2 to Spotsylvania County Contract Agreement for Professional Services Contract #16-16-TV-03".

NOW, THEREFORE, the COUNTY and the CONTRACTOR in consideration of the mutual promises herein contained, and intending to be legally bound, do hereby modify terms and conditions of the MODIFIED AGREEMENT as follows:

A. ARTICLE 2, THE WORK AND AGREEMENT TERM LIMITS, subdivision 2.3., is hereby deleted in its entirety and replaced as follows:

2.3. This Agreement shall have a term limit of one (1) year effective from May 11, 2017 through May 10, 2018 and may be renewable for three (3) additional one (1) year terms at the option of Spotsylvania County. Any adjustment to pricing for future years will be equal to or less than the unadjusted percent change of the previous twelve (12) months from December of the prior year to December of the current year as indicated in Table 1 of the Consumer Price Index for all Urban Consumers (CPI-U): U.S. city average, commodity and service group, services category, as published by the Bureau of Labor Statistics, U.S. Department of Labor. Should this index be superseded, the County reserves the right to select another appropriate index.

B. ARTICLE 4, CONTRACT PRICE AND TERMS OF PAYMENT, subdivision 4.2., is hereby deleted in its entirety and replaced as follows:

4.2. The COUNTY agrees to pay fees as delineated in the O'Brien & Gere FY2018 Billing Rate Schedule, dated March 13, 2017.

Except as hereby modified, the AGREEMENT remains unchanged and in full force and effect.

(Remainder of Page Intentionally Left Blank)

IN WITNESS WHEREOF, the parties by agreement hereto have caused Modification #2 to Spotsylvania County Contract Agreement for Professional Services Contract #16-16-TV-03 to be duly executed by their duly authorized officials, made as of the date first written above, and effective May 11, 2017.

SPOTSYLVANIA COUNTY, VIRGINIA

By:

MARK B. TAYLOR Dated
COUNTY ADMINISTRATOR

O'BRIEN & GERE ENGINEERS, INC.

By:

4/25/17
WILLIAM J. MEINERT Dated
VICE PRESIDENT

Approved as to Form:

County Attorney Dated