

MODIFICATION #3
TO
SPOTSYLVANIA COUNTY CONTRACT AGREEMENT
FOR PROFESSIONAL SERVICES
Contract #16-16-TV-03

THIS MODIFICATION #3 TO SPOTSYLVANIA COUNTY CONTRACT AGREEMENT FOR PROFESSIONAL SERVICES is made as of _____, 2018 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 and/or renewed by "Modification #1 to Spotsylvania County Contract Agreement for Professional Services Contract #16-16-TV-03", dated and executed on June 3, 2016 and "Modification #2 to Spotsylvania County Contract Agreement for Professional Services Contract #16-16-TV-03", dated and executed on May 10, 2017 ("MODIFIED AGREEMENTS"); 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 AGREEMENT, and

WHEREAS, the COUNTY and the CONTRACTOR have determined that it is to their mutual benefit to modify the AGREEMENT and MODIFIED AGREEMENTS further by entering into this "Modification #3 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 AGREEMENT and MODIFIED AGREEMENTS 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, 2018 through May 10, 2019 and may be renewable for two (2) 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 FY2019 Billing Rate Schedule, dated March 28, 2018.

Except as hereby modified, the AGREEMENT and MODIFIED AGREEMENTS remain unchanged and in full force and effect.

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IN WITNESS WHEREOF, the parties by agreement hereto have caused Modification #3 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, 2018.

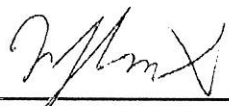
SPOTSYLVANIA COUNTY, VIRGINIA

By:

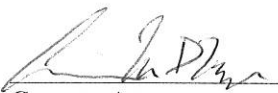
MARK B. TAYLOR Dated
COUNTY ADMINISTRATOR

O'BRIEN & GERE ENGINEERS, INC.

By:

_____
WILLIAM J. MEINERT 4/23/18
VICE PRESIDENT Dated

Approved as to Form:

_____
Asst County Attorney 4/26/18
Dated