

**AMENDMENT NO. 4
TO AGREEMENT FOR PROFESSIONAL SERVICES
Albert A. Webb Associates**

This Amendment No. 4 to Agreement for Professional Services ("Amendment No. 4") is made and entered into as of July 1, 2018, by and between the City of Lake Elsinore, a municipal corporation ("City"), and Albert A. Webb Associates, a California corporation ("Consultant").

RECITALS

A. The City and Consultant have entered into that certain Agreement for Professional Services dated as of August 26, 2014 (the "Original Agreement"). Except as otherwise defined herein, all capitalized terms used herein shall have the meanings set forth for such terms in the Original Agreement.

B. The Original Agreement provided for compensation to Consultant in an amount of \$180,000 for a term of one year.

C. Amendment No. 1, approved September 15, 2015, extended the term and increased the Consultant compensation in an amount not to exceed \$163,680 through June 30, 2016.

D. Amendment No. 2, approved March 22, 2016, provided for a one-year renewal and an increase in compensation in an amount not to exceed \$157,800.

E. Amendment No. 3, approved August 22, 2017, provided for a one-year renewal and an increase in compensation in an amount not to exceed \$283,520.

F. Reference to the "Agreement" below shall mean the Original Agreement and all amendments thereto.

G. The parties now desire to modify the scope of services through additional work requests and provide for compensation for such services as set forth in this Amendment No. 4.

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth herein, City and Consultant agree as follows:

1. Section 1, Scope of Services, of the Agreement is hereby amended to add the following:

Consultant shall also perform the services described in Consultant's June 13, 2018 Proposal (attached to Amendment No. 4 as Exhibit A-2). Consultant shall provide such services at the time, place, and in the manner specified in Exhibit A-2, subject to the direction of the City through its staff that it may provide from time to time.

2. Section 2, Time of Performance, of the Agreement is hereby replaced to read as follows:

Unless earlier terminated as provided elsewhere in the Agreement, and notwithstanding any provision to the contrary, the term of the Agreement

shall continue in full force and effect for a period of three (3) years, ending on June 30, 2021. The City may, at its sole discretion, extend the term of the Agreement on a 12-month basis not to exceed two (2) additional twelve 12-month renewal terms by giving written notice thereof to Consultant.

3. Section 3, Compensation, of the Agreement is hereby amended to add the following:

Notwithstanding the foregoing, for purposes of Amendment No. 4 and the term thereof, compensation to be paid to Consultant shall be in accordance with the Schedule of Charges set forth in Consultant's June 13, 2018 Proposal (Exhibit A-2 to Amendment No. 4).

In no event shall Consultant's compensation exceed Two Hundred Thousand Dollars (\$200,000) annually during each fiscal year of the term of the Agreement, without additional written authorization from the City.

Notwithstanding any provision of Consultant's June 13, 2018 Proposal to the contrary, out of pocket expenses set forth in Exhibit A-2 respectively, shall be reimbursed at cost without an inflator or administrative charge. Payment by City under this Agreement shall not be deemed a waiver of defects, even if such defects were known to the City at the time of payment.

4. Except for the changes specifically set forth herein, all other terms and conditions of the Original Agreement and amendments thereto shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Amendment No. 4 to be executed on the respective dates set forth below.

“CITY”

CITY OF LAKE ELSINORE, a municipal corporation

“CONSULTANT”

Albert A. Webb Associates, a California corporation

Grant Yates, City Manager

Dilesh R. Sheth, Vice President

Date: _____

Date: _____

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Attachments: Exhibit A-2 – Consultant’s June 13, 2018 Proposal
Exhibit B – Original Agreement

EXHIBIT A-2
CONSULTANT'S JUNE 13, 2018, PROPOSAL
[ATTACHED]

EXHIBIT B
ORIGINAL AGREEMENT
[ATTACHED]