

Attachment B

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**AMENDMENT NO. 4
TO PROFESSIONAL SERVICES AGREEMENT
BETWEEN COUNTY OF MONTEREY AND
APSICM-SIXTH DIMENSION, LLC**

THIS AMENDMENT NO. 4 to Professional Services Agreement No. A-12870 between the County of Monterey, a political subdivision of the State of California (hereinafter, "County") and APSICM-Sixth Dimension, LLC (hereinafter, "CONTRACTOR") is hereby entered into between the County and the CONTRACTOR (collectively, the "Parties") and effective as of the last date opposite the respective signatures below.

WHEREAS, CONTRACTOR entered into Professional Services Agreement No. A-12870 with County on August 18, 2015 (hereinafter, "Agreement") to provide on-call construction management services for various correctional facility projects located in Monterey County, California (hereinafter, "services") through July 21, 2018 with the option to extend the Agreement for two (2) additional one (1) year period(s) for an amount not to exceed \$5,000,000; and

WHEREAS, Agreement was amended by the Parties on November 25, 2015 (hereinafter, "Amendment No. 1", including Exhibit B-1, Payment Provisions) to replace Exhibit B with Exhibit B-1 to update the Payment Provisions with no extension to the term and with no increase in the not to exceed amount; and

WHEREAS, Agreement was amended by the Parties on February 2, 2018 (hereinafter, "Amendment No. 2", including Exhibit B-2, Payment Provisions) to replace Exhibit B-1 with Exhibit B-2 to update the Payment Provisions, to extend the term for one (1) additional year through July 21, 2019, and to increase the amount by \$1,000,000 which resulted in a total not to exceed amount of \$6,000,000; and

WHEREAS, Agreement was amended by the Parties on July 12, 2019 (hereinafter, "Amendment No. 3") to update the Indemnification for Design Professional Services Claims provision and to extend the term for approximately four (4) additional months through October 31, 2019 with no increase in the not to exceed amount; and

WHEREAS, the County has a continued need for services; and

WHEREAS, additional time is necessary to allow CONTRACTOR to continue to provide services; and

WHEREAS, the Parties agree that the Payment Provisions in Exhibit B-2 – Payment Provisions, effective July 22, 2018, of the Agreement remain valid through March 31, 2020; and

WHEREAS, the Parties wish to further amend the Agreement to extend the term for five (5) additional months to March 31, 2020 with no associated dollar amount increase to allow CONTRACTOR to continue to provide services identified in the Agreement and as amended by this Amendment No. 4.

NOW, THEREFORE, the Parties agree to amend the Agreement as follows:

1. Amend the first section of Paragraph 2, "Term of Agreement", to read as follows:

The term of this Agreement is from July 21, 2015 to March 31, 2020, unless sooner terminated pursuant to the terms of this Agreement.

2. All other terms and conditions of the Agreement, including all Exhibits thereto, remain unchanged and in full force.
3. This Amendment No. 4 and all previous amendments shall be attached to the Agreement and incorporated therein as if fully set forth in the Agreement.
4. The recitals to this Amendment No. 4 are incorporated into the Agreement and this Amendment No. 4.

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment No. 4 to the Agreement which shall be effective as of the last date opposite the respective signatures below.

COUNTY OF MONTEREY

CONTRACTOR*

By: _____
Contracts/Purchasing Officer

APSICM-Sixth Dimension, LLC.
Contractor's Business Name

Date: _____

By: Jay Losak
(Signature of Manager)

Approved as to Form and Legality
Office of the County Counsel-Risk Management
Leslie J. Girard, Acting County Counsel-Risk Manager

Its: JAY LOSAK, Manager
(Print Name)

By: _____
Mary Grace Perry
Deputy County Counsel

Date: 10/1/2019

Date: _____

By: Mani Subramanian
(Signature of Manager)

Approved as to Fiscal Provisions

Its: MANI SUBRAMANIAN Manager
(Print Name)

By: _____
Auditor/Controller

Date: Sep 30, 2019

Date: _____

Approved as to Indemnity and Insurance Provisions
Office of the County Counsel-Risk Management
Leslie J. Girard, Acting County Counsel-Risk Manager

By: _____

Name: _____

Title: _____

Date: _____

*INSTRUCTIONS: If CONTRACTOR is a corporation, including non-profit corporations, the full legal name of the corporation shall be set forth above together with the signatures of two (2) specified officers per California Corporations Code Section 313. If CONTRACTOR is a Limited Liability Corporation (LLC), the full legal name of the LLC shall be set forth above together with the signatures of two (2) managers. If CONTRACTOR is a partnership, the full legal name of the partnership shall be set forth above together with the signature of a partner who has authority to execute this Agreement on behalf of the partnership. If CONTRACTOR is contracting in an individual capacity, the individual shall set forth the name of the business, if any, and shall personally sign the Agreement or Amendment to said Agreement.

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment No. 4 to the Agreement which shall be effective as of the last date opposite the respective signatures below.


COUNTY OF MONTEREY

CONTRACTOR*

By: 
Contracts/Purchasing Officer

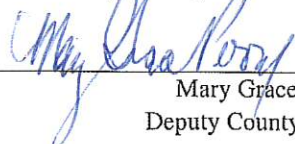
APSICM-Sixth Dimension, LLC.
Contractor's Business Name

Date: 10/10/19

By: 
(Signature of Manager)

Approved as to Form and Legality
Office of the County Counsel-Risk Management
Charles J. McKee, County Counsel-Risk Manager

Its: JAY LOSAK, Manager
(Print Name)

By: 
Mary Grace Perry
Deputy County Counsel


Date: 9/30/2019

Date: 10-3-19

By: 
(Signature of Manager)

Approved as to Fiscal Provisions

Its: MANI SUBRAMANIAN, Manager
(Print Name)

By: 
Auditor/Controller

Date: SEP 26, 2019

Date: 10-7-19

Approved as to Indemnity and Insurance Provisions
Office of the County Counsel-Risk Management
Charles J. McKee, County Counsel-Risk Manager

By: _____

Name: _____

Title: _____

Date: _____

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