

Attachment N

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ATTACHMENT N

**AMENDMENT NO. 1
TO PROFESSIONAL SERVICES AGREEMENT
BETWEEN COUNTY OF MONTEREY AND
WHITSON AND ASSOCIATES, INC. DBA WHITSON ENGINEERS**

THIS AMENDMENT NO. 1 to the Professional Services Agreement between the County of Monterey, a political subdivision of the State of California (hereinafter, "County") and Whitson and Associates, Inc. dba Whitson Engineers (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 a Professional Services Agreement with County on April 14, 2016 (hereinafter, "Agreement") to provide Final Design of the Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project (hereinafter, "Project") through December 31, 2017 for an amount not to exceed \$1,113,987; and

WHEREAS, completion of the Project has been delayed due to new information and on-going coordination and negotiations between the County, California Department of Parks and Recreation (DPR), and Carmel Area Wastewater District (CAWD) for completion of environmental documentation, and California Environmental Quality Act (CEQA)/National Environmental Quality Act (NEPA) documentation associated with the Project; and

WHEREAS, additional time is necessary to evaluate, revise and complete tasks associated with the Project; and

WHEREAS, the Parties wish to amend the Agreement to extend the term for approximately six (6) additional months to June 18, 2018 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. 1.

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

1. Amend the first sentence of Paragraph 3, "Term of Agreement", to read as follows:

The term of this Agreement is from April 13, 2016 to June 18, 2018, unless sooner terminated pursuant to the terms of this Agreement.

2. The "Delivery Dates" referenced in the Agreement, Exhibit A – Scope of Services/Payment Provisions, are hereby amended to extend through June 18, 2018, to conform to the amended term of the Agreement.

3. In all places within the Agreement, any reference to the County's address at 168 West Alisal Street, 2nd Floor, Salinas, California 93901 is hereby replaced with 1441 Schilling Place, South 2nd Floor, Salinas, California 93901-4527.
4. All other terms and conditions of the Agreement remain unchanged and in full force.
5. This Amendment No. 1 shall be attached to the Agreement and incorporated therein as if fully set forth in the Agreement.
6. The recitals to this Amendment No. 1 are incorporated into the Agreement and this Amendment No. 1.

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment No. 1 to the Agreement which shall be effective as of the last date opposite the respective signatures below.

COUNTY OF MONTEREY

CONTRACTOR*

By: 
Carl P. Holm, AICP
RMA Director

Whitson and Associates, Inc.
dba Whitson Engineers
Contractor's Business Name

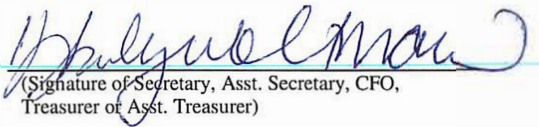
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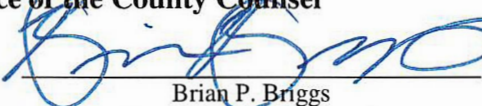
By: 
(Signature of Chair, President or Vice President)

Its: Richard Weber, President
(Print Name and Title)

Date: 12/13/17

**Approved as to Form and Legality
Office of the County Counsel**

By: 
(Signature of Secretary, Asst. Secretary, CFO,
Treasurer or Asst. Treasurer)


By: 
Brian P. Briggs
Deputy County Counsel

Its: Kimberley Woltman, CFO
(Print Name and Title)

Date: 1-2-18

Date: 12/13/17

Approved as to Fiscal Provisions

By: 
Auditor/Controller

Date: 1-7-18

Approved as to Indemnity and Insurance Provisions

By: _____
Risk Management

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) managing members. 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.

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