

**AMENDMENT TO
PROFESSIONAL SERVICES AGREEMENT
FOR CIVIL ENGINEERING SERVICES FOR
THE SOUTH PINE ROADWAY PHASE 2 PROJECT
NO.: 23-03945
AMENDMENT NO. 2**

This Amendment to the Professional Services Agreement for Civil Engineering Services for the South Pine Roadway Phase 2 (Greer, Vanderbilt, Piedmont, and South Palmetto) Project ("Project"), is entered into by and between the City of San Antonio ("City"), a home rule municipal corporation, acting by and through its City Manager, and ESP Associates, Inc. ("Consultant"), acting by and through its duly authorized corporate representative, as set out below. The City and Consultant are referred to collectively herein as the "Parties".

WHEREAS, on November 10, 2022, through Ordinance 2022-11-10-0872, City Council approved the execution of a Professional Services Agreement between City and Vickrey & Associates, LLC for Professional Services for the Project; and

WHEREAS, on May 23, 2023 City and Vickrey & Associates, LLC executed a Professional Services Agreement in an amount not to exceed \$1,449,382.50 ("Original Agreement"); and

WHEREAS, City and Vickrey & Associates, LLC have previously amended the Original Agreement adding additional services and contract capacity of \$48,336.00, for a total current contract capacity of \$1,497,718.50; and

WHEREAS, Vickrey & Associates, LLC is a wholly owned subsidiary of ESP Associates, Inc. and, through a previous agreement with City, Vickrey & Associates, LLC has assigned, and ESP Associates, Inc. has assumed, all rights and obligations previously held by Vickrey & Associates, LLC under the Original Agreement, including all amendments thereto; and

WHEREAS, the Parties desire to add additional Civil Engineering services and increase the contract capacity by \$144,176.00 to the Project, as described in the Fee Proposal attached as **Exhibit 1**, and summarized in the table below:

Original contract capacity	\$1,449,382.50
Previous contract Amendment	\$48,336.00
Present contract capacity	\$1,497,718.50
Amendment amount	\$144,176.00
New contract capacity	\$1,641,894.50

WHEREAS, it is understood between the Parties that Exhibit 1 is attached solely for reference to the additional scope of services contained therein, and City is not bound by any additional terms or conditions contained therein nor in any attachments thereto; and

WHEREAS, the Contract Price is hereby revised to a not to exceed amount of \$1,641,894.50; and

NOW THEREFORE, in consideration of the terms, covenants, agreements and demises herein contained each to the other given, the sufficiency and receipt of which are hereby acknowledged, the Original Agreement is amended as follows:

1. **Contract Price.** The not to exceed amount of the Contract Price is hereby increased in the amount of \$144,176.00 for a revised not to exceed Contract Price of ONE MILLION SIX HUNDRED FORTY-ONE THOUSAND EIGHT HUNDRED NINETY-FOUR AND 50/100 DOLLARS (\$1,641,894.50).
2. **Additional Services.** The additional services described in the proposal letter attached as **Exhibit 1**, excluding any additional terms contained therein nor in any attachments thereto, are hereby added and incorporated into the Original Agreement.
3. **Acknowledgement of Assignment and Assumption.** ESP Associates, Inc. acknowledges that it has assumed all rights and obligations previously held by Vickrey & Associates, LLC under the Original Agreement, including all amendments thereto.

Except as amended hereby, all other provisions of the Agreement and corresponding Amendments are hereby retained in their entirety and remain unchanged.

EXECUTED and **AGREED** on this date: _____.

CITY OF SAN ANTONIO

ESP ASSOCIATES, INC.

(Signature)
Razi Hosseini, P.E., R.P.L.S.
Director/City Engineer,
Public Works Department

Robert Anguiano

(Signature)
Robert Anguiano
Office Executive

Approved as to Form:

David A. Harris
Assistant City Attorney

Exhibit 1