## FIFTH AMENDMENT TO AGREEMENT

**THIS FIFTH AMENDMENT** (the "Fifth Amendment") to the Continuing Contract for Professional Services is made and entered into **this 6th day of September, 2006** by and between the CITY OF NAPLES, a Florida Municipal Corporation (the "City"), and **Tetra Tech, Inc.** - **Hartman and Associates, Inc.** (the "Consultant").

## WITNESSETH

WHEREAS, the City and the Consultant entered into that certain Continuing Contract for Professional Services, dated October 1, 2003 (Resolution 03-10207) (the "Original Agreement") for public works/treatment plant processes design services ('Project'); and

WHEREAS, the parties desire to amend the Original Agreement by this Fifth Amendment to provide professional permitting, bidding, and construction administration services for two water production wells.

**NOW, THEREFORE,** for good and valuable consideration, the receipt of which is hereby acknowledged, and in consideration of the mutual covenants, promises and conditions herein set forth, it is hereby acknowledged and agreed as follows:

- 1. The above recitals are true and correct and are incorporated herein by this Reference.
- 2. "Article Four, Compensation" shall be amended in accordance with Exhibit "A" attached hereto and incorporated herein for the provision of additional fees by the Contractor in the amount not-to-exceed \$64,415.00 to provide professional permitting, bidding, and construction administration services for two water production wells. ('Project').
- 3. The terms of this Fifth Amendment shall control and take precedence over any and all terms, provisions and conditions of Original Agreement which might vary, contradict or otherwise be inconsistent with the terms and conditions hereof. All of the other terms, provisions and conditions of Original Agreement, except as expressly amended and modified by this Fifth Amendment, shall remain unchanged and are hereby ratified and confirmed and shall remain in full force and effect.
- 4. This Fifth Amendment may be executed in any number of counterparts, each of which shall be deemed to be an original as against any part whose signature appears thereon and all of which shall together constitute one and the same instrument.

**IN WITNESS WHEREOF,** the City and the Consultant have caused this Fifth Amendment to be duly executed by their duly authorized officers, all as of the day and year first above written.

	<u>CITY:</u>
ATTEST:	CITY OF NAPLES, FLORIDA
By <u>:</u> Tara Norman, City Clerk	By: Dr. Robert E. Lee, City Manager
Approved as to form and legal sufficiency:	
By: Robert D. Pritt, City Attorney	
Tetra	Tech, Inc Hartman and Associates, Inc
	By:
Witness	Name:
	Title:

TOTAL ADDITIONAL FEE FOR THIS PROJECT

Attachment A City of Naples

Golden Gate Welffold Improvements

Additional Services for Permitting, Birding Construction Management

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