

FOURTH AMENDMENT TO AGREEMENT

THIS FOURTH AMENDMENT (the “Fourth Amendment”) to Agreement is made and entered into this **7th day of November, 2007** by and between the CITY OF NAPLES, a Florida Municipal Corporation (the “City”), and **Kyle Construction, Inc.** (the “Contractor”).

W I T N E S S E T H

WHEREAS, the City and the Contractor entered into that certain Agreement to furnish Professional Services dated **March 2, 2005 (Resolution # 05-10763)** (the “Original Agreement”) **to provide services related to the City’s Storm Drain and Under-drain Improvements Program**(‘Project’); and

WHEREAS, the parties desire to amend the Original Agreement by this Fourth Amendment so that the Contractor will provide additional services pursuant to the terms and conditions contained herein.

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. The scope of services shall be amended in accordance with Exhibit “A” attached hereto and incorporated herein for the provision of **urgent repairs to the City’s stormwater system, in an amount not-to-exceed \$125,000.00 (‘Project’)**.
3. Article Three Section 3.1 is amended to add additional time to the original Agreement. The additional time is needed so that the contractor can provide additional services such as urgent repairs. The additional time needed is 90 days, with a completion date of **January 15, 2008**.
4. The terms of this Fourth 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 Fourth Amendment, shall remain unchanged and are hereby ratified and confirmed and shall remain in full force and effect.
4. This Fourth 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 Contractor have caused this Fourth Amendment to be duly executed by their duly authorized officers, all as of the day and year first above written.

CITY:

ATTEST:

CITY OF NAPLES, FLORIDA

By: _____
Tara Norman, City Clerk

By: _____
City Manager

Approved as to form and legal sufficiency:

By: _____
Robert D. Pritt, City Attorney

KYLE CONSTRUCTION, INC.

witness

By: _____

Name: _____

Title: _____