

**AMENDMENT NO. 3 TO PROFESSIONAL SERVICES CONTRACT WITH
BGE, INC., FOR ENGINEERING CONSULTING SERVICES**

THIS AMENDMENT NO. 3 to that certain Contract concerning the **Mesquite Heritage Trail, Phase 2 for design of a hike and bike trail from IH 635 and Town Centre Drive to Gus Thomasson Road and from Town Centre Drive to near Jane Street and Gross Road** and executed on the 19th day of August, 2013 (“the Contract”), as amended by Amendment No. 1 dated October 29, 2015, and as amended by Amendment No. 2 dated November 17, 2015, by and between the **CITY OF MESQUITE**, a Texas municipal corporation, hereinafter called “CITY,” and **BGE, INC., F.K.A. BROWN & GAY ENGINEERS, INC.**, a Texas corporation, with its principal place of business at 2595 Dallas Parkway, Suite 101, Frisco, Texas 75034, hereinafter called “CONSULTANT,” evidences the parties agree to the following:

1. The Contract is amended to include additional services to be performed by CONSULTANT as described in **Exhibits A and C** attached hereto and to provide additional compensation for said services as follows and as described in further detail in **Exhibit B**:

Original Contract Amount:	not to exceed	\$365,000.00
Increase Due to Amendment No. 1	not to exceed	\$23,940.00
Increase Due to Amendment No. 2	not to exceed	\$21,807.00
Increase Due to this Amendment No. 3:	not to exceed	\$121,628.00*
New Contract Amount:	not to exceed	<u>\$532,375.00</u>

***This amount includes the fees for all Services and Reimbursable Expenses.**

2. To the extent not in conflict with this Amendment, all other terms, provisions, conditions, and obligations of the Contract between CITY and CONSULTANT shall remain in full force and effect, and said Contract, as same may have been previously amended, and this Amendment No. 3 shall be construed together as a single contractual agreement. However, in the event of conflict between this Amendment and **Exhibits A, B, or C**, this Amendment shall control, and the CONSULTANT agrees to waive any claim asserting otherwise.

Attachments:

- Exhibit A – Contract Amendment No. 3 – Scope of Services
- Exhibit B – Contract Amendment No. 3 – Fee Schedule
- Exhibit C – Contract Amendment No. 3 – Project Schedule

EXECUTED this the _____ day of December 2020, by CITY, signing by and through its City Manager, and by CONSULTANT acting through its duly authorized officials.

CITY OF MESQUITE

**BGE, INC., F.K.A. BROWN & GAY
ENGINEERS, INC.**

(CITY)

(CONSULTANT)

By: _____
Cliff Keheley, City Manager

By: _____
Michael H. Garrison,
Director of Transportation Systems

ATTEST:

ATTEST:

By: _____
Sonja Land, City Secretary

By: _____
Corporate Secretary

APPROVED AS TO FORM:

By: _____
City Attorney or Designee