

**BUCKMAN DIRECT DIVERSION BOARD
AMENDMENT No. 5 TO
PROFESSIONAL SERVICES AGREEMENT
WITH ALPHA SOUTHWEST, INC.
#14-0842**

THIS AMENDMENT No. 5 (the "Amendment") to the PROFESSIONAL SERVICES AGREEMENT, dated August 7, 2014, and as subsequently amended (the "Agreement"), is made between the Buckman Direct Diversion Board ("BDDDB") and Alpha Southwest ("Contractor"). The effective date of this Amendment shall be the date it is executed by the BDDDB.

RECITALS

A. Under the terms of the Agreement, Contractor has agreed to provide professional services to the BDDDB.

B. Pursuant to Article 18 of the Agreement, and for good and valuable consideration, the receipt and sufficiency of which are acknowledged by the parties, the BDDDB and Contractor agree as follows:

1. COMPENSATION.

Article 3, paragraph A of the Agreement is amended to increase the amount of compensation by a total of one hundred twenty thousand dollars (\$120,000.00) plus applicable gross receipts tax, so that Article 3, paragraph A reads in its entirety as follows:

A. The BDDDB shall pay to Contractor in full payment for services rendered, a sum not to exceed three-hundred seventy thousand dollars (\$370,000.00) plus applicable gross receipts tax.

2. TERM AND EFFECTIVE DATE.

Article 5 of the Agreement is amended to extend the term of the Agreement, so that Article 5 reads in its entirety as follows:

This Agreement shall terminate on June 30, 2018 unless terminated pursuant to Article 6, infra.

3. AGREEMENT IN FULL FORCE.

Except as specifically provided in this Amendment, the Agreement remains, and shall remain, in full force and effect, in accordance with its terms.

IN WITNESS WHEREOF, the parties have executed this Amendment No. 5 to the Professional Services Agreement as of the dates set forth below.

***[BALANCE OF PAGE INTENTIONALLY LEFT BLANK;
SIGNATURE PAGE FOLLOWS]***

BUCKMAN DIRECT DIVERSION BOARD

By: *HPR*
Commissioner Henry P. Roybal, BDD Chair

Date: 12-7-17

ATTEST

Geraldine Salazar
Geraldine Salazar, County Clerk

CONTRACTOR:

Alpha Southwest, Inc.

Signature: *Warren Ellis*

Printed Name: Warren Ellis

Title: Sales Manager

Date: 1/8/18

APPROVED AS TO FORM

Nancy R. Long
Nancy R. Long, BDDDB Counsel

APPROVED

Adam K. Johnson 2-26-18
Adam K. Johnson, City Finance Director

7420.520150.130025

ATTEST

Yolanda Y. Vigil
Yolanda Y. Vigil, City Clerk

File Date: 2-27-18

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