

**THIRD AMENDMENT TO AGREEMENT
FOR PROFESSIONAL CONSULTANT SERVICES**

The **Third** Amendment to Agreement is by and between the CITY OF MORENO VALLEY, a municipal corporation, hereinafter referred to as “City,” and **Gong Enterprises, Inc.**, hereinafter referred to as “Consultant.” This **Third** Amendment to Agreement is made and entered into effective on the date the City signs this Amendment.

RECITALS:

Whereas, the City and Consultant entered into an Agreement entitled “AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES,” hereinafter referred to as “Agreement,” dated **November 3, 2014**.

Whereas, the Consultant is providing **temporary Engineering Plan Check Services**.

Whereas, the Agreement was amended on **December 16, 2015** to extend the professional consultant services in the **First Amendment to Agreement for Professional Consultant Services**.

Whereas, the Agreement was further amended on **June 24, 2016** to extend the professional consultant services in the **Second Amendment to Agreement for Professional Consultant Services**.

Whereas, it is desirable to further amend the Agreement to extend the professional consultant services as is more particularly described in Section 1 of this **Third** Amendment.

SECTION 1 AMENDMENT TO ORIGINAL AGREEMENT:

1.1 The Agreement termination date of **June 30, 2017** is not extended by this Amendment, unless the termination date is further extended by an Amendment to the Agreement.

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1.2 The City agrees to pay the Consultant and the Consultant agrees to receive a compensation equal to 65% of City plan review fees for those plans and documents reviewed in the scope of services other than final maps and 75% of City plan review fees for final maps reviewed in accordance with the City Schedule of Fees, Charges, and Rates as updated annually in accordance with the payment terms provided on Exhibit “D” of the Agreement. There shall be no “Not-to-Exceed” amount on payment under this Agreement.

1.3 The Agreement is hereby further amended to add the following to paragraph 7 of the Agreement:

TERM OF MULTI-YEAR AGREEMENT

(a) This contractual agreement will be subject to the City Council approving the fiscal year annual budget. This contractual agreement shall be binding upon all parties for a period of one (1) fiscal year and may be extended for an additional four (4) fiscal years from the original agreement effective date pending funding approval in the new fiscal year’s budget.

(b) The following clause applies to this project: “It should be noted that this multi-year agreement may be continued each fiscal year only after funding appropriations and program approvals have been granted by the City Council. In the event that the City Council does not grant necessary funding appropriations and/or program approval, then the affected multi-year agreement becomes null and void, effective July 1st of the fiscal year for which such approvals have been denied.”

SECTION 2

2.1 Except as otherwise specifically provided in this Amendment, all other terms and conditions of the Agreement shall remain in full force and effect.

SIGNATURE PAGE TO FOLLOW

THIRD AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Agreement.

City of Moreno Valley

Gong Enterprises, Inc.

By: _____

By: _____

City Manager

Title: _____

(President or Vice President)

Date: _____

Date: _____

INTERNAL USE ONLY

APPROVED AS TO FORM:

By: _____

City Attorney

Title: _____

(Corporate Secretary)

Date

Date: _____