

CONTRACT NO.: CON-19-046-CMD-A4

AMENDMENT NO. FOUR
to
AGREEMENT FOR PROFESSIONAL SERVICES
BETWEEN
THE TOWN OF PARADISE VALLEY
AND BROWN & ASSOCIATES

This Amendment No. Four ("Amendment Four") to the Agreement for Professional Services Between the Town of Paradise Valley and Brown and Associates is made and entered into as of this ~~July 12 June~~ 2021 ("Effective Date"), by and between the Town of Paradise Valley, an Arizona municipal corporation ("Town") and Brown and Associates Certified Inspection Service, Inc., an Arizona corporation, authorized to do business in Arizona ("Consultant").

RECITALS

- A. At the request of Five Star Development Resort Communities, LLC ("Five Star") the Town and Consultant previously entered into Contract No. CON-19-046-CMD, dated November 1, 2018 ("Agreement") to provide certain plan review and inspection services in connection with Five Star's construction of a resort hotel and residential dwelling units in Paradise Valley, Arizona; and
- B. The Town and Five Star agreed that Consultant's Services had been mutually beneficial, and Five Star requested additional Services be available from Consultant; and
- C. On July 1, 2019 the Town and Consultant entered in Contract No. CON-19-046-A1 to increase the compensation to allow additional Services to be available to Five Star; and
- D. On July 1, 2020, Town and Consultant entered into Amendment Two to extend the term of the Agreement to December 31, 2020; and
- E. The Town and Consultant entered into Amendment Three to extend the term of the Agreement to June 30, 2021; and
- F. Five Star has again requested additional Services be available from Consultant: and
- G. Town and Consultant wish to modify and amend the Agreement to extend the Term to provide for the additional requested Services, subject to and strictly in accordance with the terms of this Amendment Three.

AGREEMENT

In consideration of the mutual promises set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Town and Consultant hereby agree as follows:

1. **Recitals.** The recitals set forth above are not merely recitals but form an integral part and are incorporated into this Amendment Four.
2. **Term.** Pursuant to Paragraph 1 of the Agreement, "Term of Agreement," Consultant and the Town agree to extend the term of the Agreement, including any Amendments, an additional six (6) months, so that the Agreement remains in full force and effect until midnight on December 31, 2021, unless sooner terminated as otherwise provided in the Agreement.
3. **Compensation.** Paragraph 3 of the Agreement, "Compensation," as set forth in Amendment One, is deleted and replaced by the following to reflect an increase in the not-to-exceed Compensation to Consultant:

Town authorizes additional compensation to Consultant in an amount not to exceed \$100,000, at the rates set forth in the Fee Schedule attached as Exhibit A to the Agreement, for Services performed by Consultant on or after July 1, 2021; the total amount of Compensation payable to Consultant for Service pursuant to this Agreement shall not exceed \$640,000.

4. **Insurance Certificate.** There are no changes to the insurance requirements and other provisions. However, if the current certificate of insurance does not cover the extension period, a new certificate of insurance covering the extended Term must be provided to the Town within 5 days of the Effective Date.
5. **Ratification of Agreement.** Town and Consultant hereby agree that except as expressly provided herein, the provisions of the Agreement shall be, and remain in full force and effect, and that if any provision of this Amendment conflicts with the Agreement, then the provisions of this Amendment shall prevail.

IN WITNESS WHEREOF, the Parties hereto have accepted, made and executed this Amendment Four upon the terms, conditions and provisions stated above, upon the day and year first written above.

TOWN OF PARADISE VALLEY,
an Arizona municipal corporation

Jill Keimach

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Jill Keimach, Town Manager

DocuSigned by:

ATTEST
DocuSigned by:

Duncan Miller

FD56FF67A95043D...

Duncan Miller, Town Clerk



(SEAL)

APPROVED AS TO FORM:

DocuSigned by:

Deborah Robberson for

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Andrew McGuire, Town Attorney

**BROWN & ASSOCIATES
CERTIFIED INSPECTION
SERVICES, INC.,**

an Arizona corporation

DocuSigned by:

Mike Brown

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By: Michael J. Brown

Its: President