

FIFTH AMENDMENT TO ENGINEERING SERVICES AGREEMENT

This Fifth Amendment to Engineering Services Agreement (this “Fifth Amendment”) is made effective as of January 1, 2023 (the “Effective Date”), by and between the South Bend Redevelopment Commission, the governing body of the City of South Bend Department of Redevelopment (the “Commission”), and the Civil City of South Bend, an Indiana municipal corporation, acting by and through the South Bend Board of Public Works (the “Provider”).

RECITALS

A. The Commission and the Provider entered into that certain Engineering Services Agreement dated November 22, 2016, as amended by the First Amendment to Engineering Services Agreement dated April 13, 2017, the Second Amendment to Engineering Services Agreement dated March 13, 2018, a Third Amendment to Engineering Services Agreement dated April 25, 2019, and a Fourth Amendment to Engineering Services Agreement dated effective January 1, 2020 (collectively, the “Services Agreement”), for the provision of engineering services to the Commission in relation to the Commission’s Projects (as defined in the Services Agreement).

B. The Commission and the Provider wish to amend the Services Agreement to extend the term of the Services Agreement for an additional three (3) years commencing on the Effective Date as set forth in this Fifth Amendment.

NOW, THEREFORE, in consideration of the mutual promises and obligations in this Fourth Amendment and the Services Agreement, the adequacy of which consideration is hereby acknowledged, the Parties agree as follows:

1. As of the Effective Date, Section 4.A. of the Services Agreement shall be amended to include the following at the end of the existing table:

| <u>Period</u> | <u>Position</u> | <u>Annual Fee</u> |
|--------------------------------|-------------------------|--------------------------|
| January 1 to December 31, 2023 | Engineer I | \$ 60,000.00 |
| | Engineer II | \$ 65,000.00 |
| | Assistant City Engineer | \$ 73,000.00 |
| | <u>Total for 2023</u> | \$198,000.00 |
| January 1 to December 31, 2024 | Engineer I | \$ 61,200.00 |
| | Engineer II | \$ 66,300.00 |
| | Assistant City Engineer | \$ 74,460.00 |
| | <u>Total for 2024</u> | \$201,960.00 |
| January 1 to December 31, 2025 | Engineer I | \$ 62,424.00 |
| | Engineer II | \$ 67,626.00 |
| | Assistant City Engineer | \$ 75,949.20 |
| | <u>Total for 2025</u> | \$205,999.20 |

2. Section 5 of the Agreement shall be amended to delete the term "December 31, 2022" and replace it with "December 31, 2025."

3. Unless expressly modified by this Fifth Amendment, the terms and provisions of the Services Agreement remain in full force and effect.

4. Capitalized terms used in this Fifth Amendment will have the meanings set forth in the Services Agreement unless otherwise stated herein.

IN WITNESS WHEREOF, the parties hereto have executed this Fifth Amendment to Engineering Services Agreement to be effective as of the Effective Date stated above.

**SOUTH BEND BOARD OF
PUBLIC WORKS**

Elizabeth Maradik, President

Gary Gilot, Member

Joseph Molnar, Vice President

Murray Miller, Member

Jordan Gathers, Member

ATTEST:

Theresa Heffner, Clerk

Date:

**SOUTH BEND REDEVELOPMENT
COMMISSION**

Marcia Jones, President

ATTEST:

Troy Warner, Secretary

Date: