

STATE OF TEXAS §

COUNTY OF HIDALGO §

**AMENDMENT #1
TO
AGREEMENT BETWEEN THE COUNTY OF HIDALGO
AND SAM GARCIA ARCHITECT LLC
(Palmer Pavilion/Les Gilmore Kitchen Renovations and Upgrades)
C15-160-09-15**

This **AMENDMENT** (the "Amendment"), dated the 7th day of March, 2016, is between **SAM GARCIA ARCHITECT LLC** (the "Architect") and **HIDALGO COUNTY, TEXAS** (the "Owner"), and amends the Agreement (as such term is defined below).

WHEREAS, Architect and Owner executed that certain Agreement made as of the 15th day of September, 2015, in which the Architect agreed to provide professional services for the Owner's Palmer Pavilion/Les Gilmore Kitchen Renovations and Upgrades project (the "Project") located at 301 E. Hackberry Avenue, McAllen, Texas (the "Agreement");

WHEREAS, due to a change in circumstances the Architect and Owner have agreed to amend the Agreement as set forth herein to modify the original scope of services to be provided by the Architect pursuant to the Agreement in order to add a topographic site survey to the services provided pursuant to the Agreement) and make related changes to the Agreement; and

WHEREAS, the modification will not change the expected overall cost of the Project (Nine Hundred Thousand Dollars (\$900,000)) or the estimated cost of construction (Eight Hundred Twenty Thousand Dollars (\$820,000)), as the cost for this service (One Thousand Dollars (\$1,000)) will reduce the original contingency included in the overall cost (from Twenty-Five Thousand Dollars (\$25,000) to Twenty-Four Thousand Dollars (\$24,000));

NOW THEREFORE, for and in consideration of the terms and provisions set forth herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Owner and Architect hereby agree as follows:

1. The Agreement is amended as follows:
 - a. The chart in Section 4.1 of the AIA Document B101-2007 Standard Form of Agreement Between Owner and Architect (the "B101") of the Agreement is amended to add the topographical survey by deleting Section 4.14 thereof and replaced it with the following::

§ 4.1.4 Topographic Site Survey Architect 4.2

- b. Section 4.2 of the B101 is amended by adding the following at the end thereof:

The Topographic Site Survey referenced in Section 4.1.4 above will include all visible improvements, spot elevations at 50 ft. grid and trees, as further described on Exhibit D.

- c. Section 11.2 of the B101 is amended by adding the following at the end thereof:

provided, however, that the compensation for the Additional Service set forth in Section 4.1.4 above shall be \$1,000, which is reimbursement of the expense to the Architect in providing such Additional Service (which reimbursement amount is listed on the first page of Exhibit D as a "New Fee", and which reduced the amount of the contingency from \$25,000 to \$24,000, and kept the Estimated Construction Cost for the Project at \$820,000).

- d. Exhibit D of the Agreement is deleted and replaced with the revised Exhibit D, which is attached hereto as an Exhibit and made a part of the Agreement.

- 2. Except as modified herein, all terms and conditions of the Agreement, as amended by this Amendment, remain in full force and effect, and Architect and Owner ratify and confirm the terms and provisions of the Agreement, as amended by this Amendment.

EXECUTED IN DUPLICATE ORIGINALS and effective as of the day and year first written above.

SAM GARCIA ARCHITECT LLC

By: _____
Sam R. Garcia, Jr.
AIA Principal and Managing Member

COUNTY OF HIDALGO

By: _____
Ramon Garcia, County Judge

ATTEST:

By: _____
Arturo Guajardo Jr., County Clerk

**APPROVED AS TO FORM:
ATLAS, HALL & RODRIGUEZ, LLP**

By: _____
Stephen L. Crain

**EXHIBIT
TO
AMENDMENT #1
TO
AGREEMENT BETWEEN THE COUNTY OF HIDALGO
AND SAM GARCIA ARCHITECT LLC
(Palmer Pavilion/Les Gilmore Kitchen Renovations and Upgrades)
C15-160-09-15**

**REVISED EXHIBIT D
SCOPE OF WORK AND RATE SCHEDULE
(Replaces Original Exhibit D attached to Agreement)**