



**Project title:** Amendment No. 3 to Professional Services Agreement with Otak, Inc., for Diking Improvement District No. 5 Dike Repairs

### City Council Agenda Item Cover Sheet

**Council Bill #**

**Project:** Diking Improvement District No. 5 Dike Repairs

**Partner/Supplier :** Otak Inc.

**Location:** Smith Island – Diking Improvement District No. 5

**Preceding action:** Amendment No. 2, dated 11.25.2019

**Fund:** 401 –Water and Sewer Utility Fund

**Agenda dates requested:**

December 7, 2022

Briefing

Proposed action

Consent  X

Action

Ordinance

Public hearing

Yes  No  X

**Budget amendment:**

Yes  No  X

**PowerPoint presentation:**

Yes  No  X

**Attachments:**

**Department(s) involved:**

Public Works Maintenance

**Contact person:**

Grant Moen

**Phone number:**

425-257-8947

**Email:**

gmoen@everettwa.gov

**Initialed by:**

Department head

Administration

Council President

**Fiscal summary statement:**

This amendment makes no changes to expenditures or budget.

**Project summary statement:**

Otak Inc. will continue to provide support for the permitting (task 9.5) and bid process (task 10) of Amendment No. 2 with Diking Improvement District No. 5 to complete the Downstream Dike Repair Project.

Amendment No. 3 extends the term of the existing Professional Services Agreement between the City and Otak Inc. to December 31, 2024.

**Recommendation (exact action requested of Council):**

Authorize the Mayor to sign Amendment No. 3 to the Professional Services Agreement with Otak, Inc., for Diking Improvement District No. 5 dike repair design services to extend the contract completion date.

**AMENDMENT NO. 3  
PROFESSIONAL SERVICES AGREEMENT  
BETWEEN THE CITY OF EVERETT  
AND OTAK, INC.**



This AMENDMENT NO. 3 is dated for reference purposes \_\_\_\_\_ 2022. It is by and between the City of Everett, a municipal corporation under the laws of the State of Washington (“City”) and Otak, Inc. (“Service Provider”).

**RECITALS**

A. The City and Service Provider are parties to the Professional Services Agreement dated AUGUST 15, 2016 (the “Agreement”).

B. The City and the Service Provider desire to amend the Agreement for the purpose of extending the time for completion from December 31, 2022 to December 31, 2024. The maximum allowable compensation under the agreement is not changed by this amendment.

**AGREEMENT**

The City and Service Provider agree as follows:

1. The Agreement is modified so that time of beginning and completion are as follows:

Time of Beginning and Completion of Performance: This Agreement shall commence as of the date of execution of this Agreement and shall be completed December 31, 2024.

2. Regardless of the date(s) on which this Amendment is signed by the parties, the parties agree that the Agreement has been continuously in effect since August 15, 2016.
3. This Amendment may be signed in counterparts, each of which shall be deemed an original, and all of which, taken together, shall be deemed one and the same document. Execution of this Amendment by a party shall be legally valid and effective by (i) executing a paper copy, (ii) execution by AdobeSign or DocuSign or other e-signature method, or (iii) transmitting an executed copy by email or otherwise in pdf format or other electronically scanned format.
4. All provisions in the Agreement shall remain in effect except as expressly modified by this Amendment.

**CITY OF EVERETT  
WASHINGTON**

**OTAK, INC.**

By: \_\_\_\_\_  
Cassie Franklin, Mayor

Signature: Russell Gaston  
Typed/Printed Name: Russell Gaston  
Title: Principal

\_\_\_\_\_  
Date

11/16/22  
\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
Office of the City Clerk  
\_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
Office of the City Attorney