

# **FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT BETWEEN CITY OF APACHE JUNCTION AND KAREN NICELY FOR MUNICIPAL COURT CRIMINAL INDIGENT DEFENSE**

THIS AMENDMENT is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2018, ("the Execution Date") by and between the CITY OF APACHE JUNCTION, ARIZONA, an Arizona municipal corporation ("City"), and KAREN NICELY, Attorney at Law ("Attorney"), sometimes collectively referred to as the "Parties" or individually as the "Party".

## **RECITALS**

A. On September 13, 2017, the Parties entered into a professional services agreement to provide legal representation services to indigent defendants with the term of services ending June 30, 2018.

B. In the spring of 2018, City advertised a request for proposals ("RFPs") which resulted in only one response due to procurement process irregularities. City needs time to reexamine and improve its process so that it can re-bid the services.

C. In order to fully implement another RFP attempt, the term of this Agreement needs to be extended until December 31, 2018.

## **AGREEMENT**

NOW, THEREFORE, in consideration of mutual promises contained herein and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the Parties agree to amend the September 13, 2017 Agreement as follows:

A. Section 4, TERM/RENEWAL shall be modified in its entirety as follows:

"This Agreement shall be effective beginning on July 1, 2018 and shall remain in full force and effect until December 31, 2018, subject to the Termination provisions set forth in Section 9 of the September 13, 2017 Agreement."

B. Except as expressly amended herein, all other terms and provisions of the Agreement executed by the Parties on or about September 13, 2017, shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties have caused this Amendment to be signed by their duly authorized representatives as of the day and year first above written.

ATTORNEY:

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By: Karen Nicely

CITY OF APACHE JUNCTION,  
an Arizona municipal corporation:

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By: James W. Hazel  
Presiding Magistrate

APPROVED AS TO FORM:

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RICHARD J. STERN  
City Attorney