

FIFTH AMENDMENT TO
AGREEMENT BETWEEN THE CITY OF ANN ARBOR
AND BODMAN PLC FOR LEGAL SERVICES

The City of Ann Arbor, a Michigan municipal corporation, with offices at 301 E. Huron St. Ann Arbor, Michigan 48107-8647 (“City”) and BODMAN PLC, a Michigan Professional Liability Company, with offices at 1901 St. Antoine Street, 6th Floor at Ford Field, Detroit, Michigan 48226 (“Firm”), agree to amend the professional services agreement for legal services related to environmental matters associated with Gelman Sciences, Inc., dba Pall Life Sciences that was effective March 26, 2016, as amended by First Amendment executed December 21, 2016, Second Amendment executed April 21, 2017, Third Amendment executed June 25, 2018, and Fourth Amendment executed December 23, 2019, as follows:

- 1) Article 4, Paragraph A, to reflect the addition of \$92,500 for attorney fees, is amended to read as follows:
 - A. The Firm shall be paid as described in Fifth Amended Exhibit B. Payment shall be made following receipt of monthly invoices submitted by the Firm. The invoices shall include a detailed report of the Firm’s activities for the month.
- 2) Fourth Amended Exhibit B, Schedule of Fees and Costs, is replaced with the attached Fifth Amended Exhibit B, Schedule of Fees and Costs:

All terms, conditions, and provisions of the original agreement between the parties that was effective March 26, 2016, as amended by the First Amendment executed December 21, 2016, Second Amendment executed April 21, 2017, Third Amendment executed June 25, 2018, and Fourth Amendment executed December 23, 2019, unless specifically amended above, are to apply to this amendment and are made a part of this amendment as though expressly rewritten, incorporated, and included herein.

This amendment to the agreement between the parties shall be binding on the heirs, successors and assigns of the parties.

Dated this _____, 2020.

BODMAN PLC

By _____
Fredrick J. Dindoffer, Member

CITY OF ANN ARBOR

By _____
Christopher Taylor, Mayor

By _____
Jacqueline Beaudry, City Clerk

Approved as to form and content

Stephen K. Postema, City Attorney

Approved as to substance

Tom Crawford, Interim City Administrator

FIFTH AMENDED EXHIBIT B

Schedule of Fees and Costs

General

The Firm shall be paid for those services performed pursuant to this Agreement inclusive of all reimbursable expenses, in accordance with the terms and conditions herein and with Exhibit A in particular. The total amount for the legal services portion of the Services shall not exceed Five Hundred Seventy-Two Thousand Five Hundred Dollars and 00/100 Cents (\$572,500.00).

In addition, for expert witnesses retained by the Firm, the City shall be responsible for up to Twenty Thousand Dollars and 00/100 Cents (\$20,000.00) as its share of those expert witness costs.

Including the amount for expert witness services, the total amount for the Services shall not exceed Five Hundred Ninety-Two Thousand Five Hundred Dollars and 00/100 Cents (\$592,500.00).

Fee Schedule for Legal Services

\$300.00 per hour

Reimbursable Expenses

Normal and customary expenses necessary to perform the services are included in the not to exceed fee amount.