

**AMENDMENT NO. 1
TO
CITY OF BROKEN ARROW
PROFESSIONAL SERVICES AGREEMENT
DATED: 07/31/2025**

**PROJECT NAME: LIBERTY TRAIL RETAINING WALL
PROJECT LOCATION: BROKEN ARROW LIBERTY TRAIL RETAINING WALL
BETWEEN S ASPEN AVE AND S ELM PL, NORTH OF THE CREEK TURN PIKE
PROJECT NUMBER: SW26050**

1. Professional Service Provider:

- a. Name: Building & Earth
- b. Telephone No.: 918.439.9005
- c. Address: 1403 South 70th East Ave., Tulsa, OK 74112

Amendment(s):

The contract identified above ("Original Agreement") is amended as follows:

Paragraph 4, titled Compensation, is amended to read as follows:

Professional Service Provider shall be compensated with lump sum payments and the total compensation under this contract is Not to Exceed Ten Thousand Eight Hundred Seventy Five and No/100 (\$10,875.00) for the entire Scope of the Professional Services rendered. The parties agree that the Professional Service Provider's position is not a traditional City employee position; therefore, the foregoing constitutes all the benefits and other forms of compensation due the Professional Service Provider, acting in the role of an independent contractor, and therefore ineligible for all other benefits paid to regular full-time City employees. The Professional Service Provider shall be responsible for his own vehicle expenses and any other indirect costs incurred in fulfilling the stated contract requirements. The Professional Service Provider agrees to abide by and comply with all of the City's Administrative Policies.

3. Entirety of Agreement: Except as amended herein and pursuant to all other properly executed amendments, the terms and provisions of the Original Agreement continue in full force and effect.

4. Effective Date: This Amendment No. 1 is effective upon signature of both parties.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment No. 1 to be executed by their duly authorized officers or representatives on the dates set forth below.

City of Broken Arrow, a municipal corporation:

Professional Service Provider:
Building & Earth

By: Michael Spurgeon
Michael L. Spurgeon, City Manager

By: [Signature]
Signature Principal
Title: Marco Vicente Silvestre

Date: 12/9/2025

Name:
Office: Tulsa, OK
Date: Dec 1, 2025

Attest: Curtis Green
City Clerk [Seal]



Attest: [Signature]
By: [Signature]
Signature or Corporate Seal

Date: 12/9/2025

Title: Assistant Branch Manager
Name: Spencer Harris
Office: Tulsa, OK
Date: 12/1/2025

Approved as to form:

D. Graham Parker 12/9/2025
Assistant City Attorney

VERIFICATIONS

State of Oklahoma)
County of Logans) §

Before me, a Notary Public, on this 1st day of December 2025, personally appeared Marco Vicente Silvestre, known to me to be the (President, Vice-President, Corporate Officer, Member, Partner or Other: Principal (Please circle or specify)) of Building & Earth to be the identical person who executed the within and foregoing instrument, and acknowledged to me that s/he executed the same as his/her free and voluntary act and deed for the uses and purposes therein set forth.

[Signature]
Notary Public

