

### THIRD AMENDMENT TO AGREEMENT

THIS THIRD AMENDMENT TO AGREEMENT ("3<sup>rd</sup> Amendment") made and entered into as of this \_\_\_\_ day of \_\_\_\_\_, 2014, amends the Agreement heretofore entered into between the CITY OF FRESNO, a municipal corporation, hereinafter referred to as "CITY", and Sharp Inspection Group, Inc. a California corporation, hereinafter referred to as "CONSULTANT".

### RECITALS

WHEREAS, CITY and CONSULTANT entered into an Agreement, dated July 26, 2012 and as amended on December 20, 2012 ("1<sup>st</sup> Amendment") and October 29, 2013 ("2<sup>nd</sup> Amendment") for professional Construction Management services on the City of Fresno Commercial Meter Retrofit program, hereinafter referred to as "Agreement;" and

WHEREAS, CITY now desires to modify the scope of work, therein, by requiring additional services.

### AGREEMENT

NOW, THEREFORE, in consideration of the foregoing and of the covenants, conditions, and premises hereinafter contained, to be kept and performed by the respective parties, the parties agree that the aforesaid Agreement be amended as follows:

1. CONSULTANT shall provide the construction management services as described in Agreement dated July 26, 2012 hereto and incorporated herein by reference. Such services shall be completed after September 1, 2014 when the initial contract ends to April 27, 2015 following execution of this Amendment by both parties.

2. CONSULTANT'S sole compensation for satisfactory performance of all services required or rendered pursuant to this Amendment shall be a total fee of \$ 626,968.00.

3. In the event of any conflict between the body of this 3<sup>rd</sup> Amendment and any Exhibit or Attachment hereto, the terms and conditions of the body of this 3<sup>rd</sup> Amendment shall control and take precedence over the terms and conditions expressed within the Exhibit or Attachment. Furthermore, any terms or conditions contained within any Exhibit or Attachment hereto which purport to modify the allocation of risk between the parties, provided for within the body of this Amendment, shall be null and void.

4. Except as otherwise provided herein, the Agreement entered into by CITY and CONSULTANT, dated July 26, 2012 and as amended on December 20, 2012 and October 29, 2013 remains in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment at Fresno, California, the day and year first above written.

CITY OF FRESNO,  
a municipal corporation

By \_\_\_\_\_

Name \_\_\_\_\_

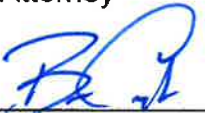
Title \_\_\_\_\_

ATTEST:

YVONNE SPENCE, CMC  
City Clerk

By: \_\_\_\_\_  
Deputy Date

APPROVED AS TO FORM:  
DOUGLAS SLOAN  
City Attorney

By:  7/29/14  
Brandon M. Collet Date  
Deputy

Sharp Inspection Group, Inc.,  
a California corporation

By 

Name FRED SHARP

Title CEO  
(if corporation or LLC, Board  
Chair, Pres. or Vice Pres.)

By 

Name Rob Sharp

Title CFO  
(if corporation or LLC, CFO, Treasurer,  
Secretary or Assistant Secretary)

REVIEWED BY:

\_\_\_\_\_  
Robert N. Andersen  
Assistant Director of the  
Department of Public Utilities

Attachment:

Exhibit "A" – Scope of Services



## Exhibit "A"

### Sharp Inspection Group, Inc.

#### Tasks and Responsibilities Summary

#### City of Fresno

#### Commercial Water Meter Implementation Project

##### Introduction

Sharp Inspection Group, Inc. is providing the following tasks and responsibilities summary for the contract administration, project management and inspection of the City of Fresno's Commercial Water Meter Implementation Project. Cost proposal spreadsheets outlining tasks and projected hours for each year of the project are also provided.

##### Project Management

Sharp Inspection Group, Inc. will provide a full-time construction operations manager throughout the course of the 18 month project. The construction operations manager will be responsible for the day-to-day construction management of the project. He will be responsible for conducting weekly construction meetings, preparing weekly progress reports to the City, maintain the construction schedule, track and respond to contractor request for information (RFI) and change order requests, mitigate claims and verify meter inventory. The construction operations manager will review all contractor's invoicing for work performed, respond to customer complaints/concerns, verify/facilitate meter installation information into the City billing software, and act as the City's ambassador for the project.

The construction operations manager will be responsible for scheduling and conducting bi-monthly meetings with City staff to discuss project performance. He will also perform periodic site visits and quality control audits to ensure contract compliance throughout the course of the project.

##### Contract Administration

Sharp Inspection Group, Inc. will provide a fulltime contract administrator throughout the course of the project whom will work closely with the construction operations manager, administrative assistant, inspection staff, City project representatives and City water customers. The contract administrator duties will include assisting in the facilitation of contractor weekly meetings, participate in City bi-weekly meetings, handle and resolve meter install issues, oversee rescans & corrections, manage meter install inspectors, act as a liaison with the City of



Fresno, inspection and tracking information for collector sites, trouble-shoot problems that may arise during the course of the project; assist in the writing of change orders and additional bid items if needed, and use Meter GIS website to ensure "No Business Left Behind".

### **General Administrative**

Beginning in May 2012 and throughout the remainder of the project, Sharp Inspection Group, Inc. will provide one full-time administrative assistant for overall project support. Administrative responsibilities will include, but are not limited to: process of daily construction journals and project photographs, dealing with and tracking of customer complaints, documenting weekly construction meeting minutes, maintaining organized project files, and providing overall construction office management and support.

### **Pre Construction Survey**

Sharp Inspection Group, Inc. will perform a partial pre-construction survey at select commercial industrial areas throughout the City to obtain a representative sample of existing locations. The survey can take place prior to the review of the contract bid documents. Sharp Inspection Group, Inc. will be available, at the request of the City, to review contract bid documents and assist in the evaluation of their ability to encompass as many of the potential variables as possible, in the hopes of reducing the possibility of excessive change orders at a later date. However, as with most contracts, change orders are inevitable. In addition, Sharp Inspection Group, Inc. will be available at the request of the City to help schedule and estimate the work to be performed in the different areas as well as help determine the most efficient route throughout the City.

### **Pre Construction Phase**

Sharp Inspection Group, Inc. is experienced with all aspects of preconstruction activities. We will assist the City in the review of the proposed plans and specifications and bid items in an effort to identify any specification language and/or construction details that may require revision prior to the construction bid process. At the request of the City, Sharp Inspection Group, Inc. will be available to assist the City in reviewing the contractor's pre-qualification requirements.

### **Contract Documents/Bid Document Review**

- **Standard Specifications/Project Specifications/Construction Details** – Review and comment on adequacy of installation specifications that should address project purpose/overview, scope of services, deployment and installation, accounting data, account data installation scheduling, installation procedures,



quality assurance/quality control plan, project administration, warranties, payment/invoicing and training by system vendor.

- **Bid Items** – Assist in the formulation of bid items with the goal of addressing all bid item situations as might be encountered in the field. The verblage within descriptions of the bid items and their interpretation are key to their impact and ability to direct the construction process.
- **Locations to be Metered** – A detailed plat map must be provided showing the locations of all areas to be metered. Sharp Inspection Group, Inc. shall be available to assist the City in verifying currently developed information, and will conduct a partial pre-construction survey of areas affected by the program.
- **AMR/Software Requirements** – The final contract needs to address the contractor's responsibility for supplying the City with meter installation information in a timely manner.
- **Notification Letters** – Review and address verblage of notification letters.
- **Construction Schedule** - The contractor will provide a construction schedule with a detailed timeline for performing installations.
- **Public Notifications** – Blanket letters shall be mailed to every business at the beginning of the job as well as a 48 and or 72 hour water shut down notification in advance to the commencement of the work.
- **Billing System Updates** – Verify and facilitate that meter, register, and transmitter information is being sent electronically into the City's billing system in a format that is compatible with the City's billing system.
- **Procedure for Submittal Review and RFI's**
- **Procedures for Progress Payments**
- **Procedures for Change Orders**
- **Local Emergency Services Notifications and Access**
- **Public Outreach and Concerns**

Upon the City awarding the contract to the installation contractor, Sharp Inspection Group, Inc. will initiate a pre-construction conference. For this meeting, Sharp Inspection Group, Inc. will prepare an outline of key topics and issues to be discussed, including what is expected of the contractor as related to every aspect of the job. Sharp Inspection Group, Inc. will communicate what is expected in a professional manner and guide the project in the proper direction from the first day of construction. Example of preconstruction agenda meeting topics are as follows, but not limited to:

- **Introductions/Project Organization/Roles and Responsibilities**
- **Project Schedules/Locations**



- Contract Documents/Requirements
- Coordination with System Vendor
- Meter Configuration
- AMR System Equipment
- Implementation Issues
- Coordination with Install Contractor
- Training Program
- Project Administration
- City Field Operations/Support
- Construction Management Plan
- City Support
- Warranty Management

Other Issues will be added to the list if needed following our first meeting with City representatives.

### **Construction Phase**

Sharp Inspection Group, Inc. will provide full-time construction management, project administration and inspection for the project. These duties will include but not be limited to the following:

#### **Construction Management/Administration/Inspection**

- Safety - Address any safety concerns. Promote safety awareness at all times! Although the contractor will be responsible for jobsite safety, Sharp Inspection Group, Inc. inspection staff will continually monitor the project for adherence to the safety requirements per the contract, document any deficiencies in a safety journal as well as notify contractor to remedy the issue immediately.
- Monitor approved traffic control.
- Monitor equipment and manpower utilization.
- Review & approve submittals.
- Bid items tracking and quantities.
- Maintain construction schedule.
- Process requests for information (RFI's), change orders, and assist in mitigating claims.
- Organize and conduct weekly construction meetings and develop meeting minutes, including an issues list for all parties (Operations Manager).



## **SHARP INSPECTION GROUP, INC.**

**Construction Management Consultants**

- **Prepare weekly progress reports to the City (Operations Manager).**
- **Ensure contract compliance. Conduct on-site inspection for conformance to the plans and specifications and document all work through daily construction Journals and photographs. Inspectors will be instructed to, and will, *Document, Document, and Document!***
- **Advise and provide solutions for areas under construction.**
- **Inspect for proper installation by the contractor.**
- **Verify shut-off notifications**
- **Coordinate shut-downs for areas of construction.**
- **Search ahead for potential problems and conflicts.**
- **Deal with customer concerns/complaints.**
- **Provide as-built drawings (Serve as an ambassador for the City in regards to the construction project).**
- **Coordinate BAC-T tests when required.**
- **Obtain and process certified payroll information.**
- **Maintain photographic records of all construction operations.**
- **Ensure SWPPP compliance.**
- **Verify prevailing wage compliance.**
- **Verify meter inventory and work completed.**
- **Transfer project documents over to the City and assist with project closeout.**
- **Verify work completed through bid item tracking.**
- **Provide contractor with punch list of items that need to be addressed as the project progresses.**

### **Post Construction Phase**

Sharp Inspection Group, Inc. shall perform the following duties during the post construction phase:

- "No Business Left Behind" Issues
- Meter rescans/corrections
- Punch list/clean-up items
- Reconciliation of meter inventory
- Project Involving/contractor/System Vendor
- Notice of completion
- Release retentions



### **Project Close-out**

Sharp Inspection Group, Inc. shall provide the appropriate staffing to adequately manage the project throughout the close-out phase of the project.

- Organize and relinquish project files to the City of Fresno
- Address post construction warranty issues

### **Schedule of Fees**

All costs are outlined in our attached Project Budget spreadsheets. Overall costs shall not exceed the total cost set forth in attached summary. All expenses are included in the hourly rates and inspection equipment costs have been included in the hourly rates to cover the costs for computers, cameras and other necessary equipment for improving overall productivity during the construction phase.



# Exhibit "A"

**Project Budget for City of Fresno Department of Public Utilities  
Water Division -**

***Construction Management Services for the Duration of the  
Commercial Water Meter Implementation Project***  
**Project Budget Summary June 2014 - April 2015**

TASK	June 2014 to April 2015	Total Cost
Project Management	\$ 201,420.00	\$ 201,420.00
Contract Administration	\$ 201,420.00	\$ 201,420.00
Construction Phase	\$ 402,840.00	\$ 402,840.00
General Administrative	\$ 100,320.00	\$ 100,320.00
Verizon Internet	\$ 12,000.00	\$ 12,000.00
Projected Remaining Costs June 2014 to April 2015		\$ 918,000.00
Total Invoiced Amounts Aug 2012 to May 2014		\$ 1,232,968.00
<i>total Projected Remaining Cost plus Invoiced Amounts</i>		\$ 2,150,968.00
Original Approved Project Budget Summary		\$ 1,524,000.00
<b>Additional Monies Requested</b>		<b>\$ 626,968.00</b>