

## **FIRST AMENDMENT TO AGREEMENT**

THIS FIRST AMENDMENT TO AGREEMENT ("Amendment") made and entered into as of this \_\_\_\_\_ day of \_\_\_\_\_, 2016, amends the Agreement entered into between the CITY OF FRESNO, a municipal corporation ("City"), and CDX WIRELESS TECHNOLOGIES, INC., a California corporation ("Consultant"). The City and the Consultant are collectively referred as the "Parties" in this Amendment.

This Amendment shall become part of and subject to the terms and conditions of the Agreement, which except as modified herein, remains unchanged and in full force and effect. However, to the extent that the terms and conditions expressly set forth in this Amendment conflict with the terms and conditions of the Agreement, the terms and conditions expressly set forth in this Amendment will prevail. Unless otherwise defined in this Amendment, capitalized terms used herein shall have the meanings assigned to such terms in the Agreement.

### **RECITALS**

WHEREAS, City and Consultant entered into an Agreement, dated December 7, 2015, for a Radio Systems Needs Evaluation.

WHEREAS, due to numerous delays on the part of Consultant, City and Consultant now desire to extend the project completion date, upon terms and conditions herein.

### **AMENDMENT**

NOW, THEREFORE, in consideration of the above recitals, which recitals are contractual in nature, the mutual promises herein, and for good and valuable consideration hereby acknowledged, the Parties hereby agree that the aforesaid Agreement is amended as follows:

1. Section 1.4 of Exhibit A Scope of Services, Project Schedule completion date shall be extended up to and including September 30, 2016.
2. The Project Schedule attached to the Agreement as part of Exhibit A, Scope of Services is hereby stricken and replaced with the Revised Project Schedule (Attachment C) attached hereto and incorporated herein.

By signing below, the undersigned certify that they have read and understand, and agree to be legally bound by, this Amendment.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the Parties have executed this First Amendment to Agreement at Fresno, California, on the day and year first above written.

CITY OF FRESNO,  
a California municipal corporation

By: \_\_\_\_\_

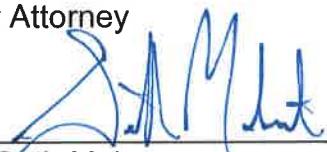
Name: \_\_\_\_\_

Title: \_\_\_\_\_

ATTEST:  
YVONNE SPENCE, CMC  
City Clerk

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

APPROVED AS TO FORM:  
DOUGLAS T. SLOAN  
City Attorney

By:   
Seth Mehrten  
Deputy City Attorney

6/16/16  
Date

CDX WIRELESS, INC.,  
a California corporation

By:   
Steven Surwillo

Name: \_\_\_\_\_  
Title: Vice President & Principal  
(If corporation or LLC, Board Chair, Pres.  
or Vice Pres.)

By:   
Robert Sherman

Name: \_\_\_\_\_  
Title: Treasurer & Principal  
(If corporation or LLC, CFO, Treasurer,  
Secretary or Assistant Secretary)

Addresses:

CITY:  
City of Fresno  
Attention: Bryon Horn  
Assistant CIO  
2600 Fresno Street, Room 1059  
Fresno, CA 93721  
Phone: (559) 621-7119  
FAX: (559) 457-1045

CONSULTANT:  
CDX Wireless, Inc.  
Attention: Steven Surwillo  
Principal  
1434 Spruce Street, Suite 100  
Boulder, CO 80302  
Phone: (847) 774-7102  
FAX: (928) 752-0954

Attachments:

Attachment C – Revised Project Schedule