

FIRST AMENDMENT TO AGREEMENT

THIS FIRST AMENDMENT TO AGREEMENT (Amendment) made and entered into as of this 14th day of August 2023, amends the Agreement heretofore entered into between the City of Fresno, a municipal corporation (City), and PCubed Associates, Inc., (Consultant).

RECITALS

WHEREAS, City and Consultant entered into an Agreement, dated November 17, 2022, for professional architectural and engineering consulting services for the FAX HVAC and Building Improvements Project (Agreement); and

WHEREAS, the parties now seek to revise the original scope of work of the Agreement to include additional services related to the revised scope and design to upgrade the existing ventilation exhaust system for the CNG detection system and add new ventilation exhaust components and ducting for the required H2 detection system, the addition of a fire pump and upgrade to the existing emergency generator from 125kW to 300kW, and

WHEREAS, Consultant desires to perform such additional services as set forth herein.

AGREEMENT

NOW, THEREFORE, in consideration of the above recitals, the parties now agree that the Agreement be amended as follows:

1. Consultant shall provide additional services as described in Attachment A, attached hereto and incorporated herein by reference. The time to complete the services is outlined in Attachment A.

2. Consultant's sole compensation for satisfactory performance of all services required or rendered pursuant to this Amendment shall be a total fee not to exceed \$99,300.00. The revised Agreement total amount is \$632,900.

3. In the event of any conflict between the body of this Amendment and any exhibit or attachment hereto, the terms and conditions of the body of this 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 remains in full force and effect.

[Signatures follow on the next page.]

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

CITY OF FRESNO,
A California municipal corporation

By: Gregory Barfield 8/15/2023
A0E56A2521814C7...
Gregory A. Barfield, Interim Director
Department of Transportation

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: Brandon Collet 8/2/2023
1CFC344CAB4B1B...
Brandon M. Collet Date
Supervising Deputy City Attorney

ATTEST:
TODD STERMER, CMC
City Clerk

By: Tina Hour 8/15/2023
6CA1388820964E3...
Deputy

Addresses:
CITY:
City of Fresno
Attention: Shelle O'Brien,
Project Manager
2223 G Street
Fresno, CA 93706-1675
Telephone: (559) 621-1420

Attachment:
Attachment A: Additional Scope of Services

PCubed Associates, Inc.,
a California corporation

By: Pawan R. Gupta 8/1/2023
9A2E275C67AA423...
Name: Pawan R. Gupta

Title: President/Principal
(If corporation or LLC., Board Chair,
Pres. or Vice Pres.)

By: Prabha Gupta 8/1/2023
41D4CCB29CAB40B...
Name: Prabha Gupta

Title: Secretary
(If corporation or LLC., CFO, Treasurer,
Secretary or Assistant Secretary)

REVIEWED BY:

CONSULTANT:
PCubed Associates, Inc.
Attention: Pawan Gupta,
President/Principal
221 E Lexington Dr., #304
Los Angeles, CA 91206
Telephone: (818) 920-8001

Attachment A

Additional Scope of Services Consultant Service Forth Amendment to Agreement between City of Fresno (City) and PCubed Associates, Inc. (Consultant)

FAX HVAC and Building Improvements Project

Consultant shall perform each of the tasks described below.

Scope of Work

The below scope of work reflects the redesign needs of FAX as well as the proposal letters from PCubed Associates dated June 7, 2023 to provide:

Revised Scopes of Work and Redesign of These Areas:

- Redesign of plans for CNG and H2 gas detection system ventilation exhaust system per NFPA 2
- Revised electrical and electrical panel requirements
- Fire pump and generator upgrades

Compensation

- Compensation for the completion of the scope of work associated with the additional scopes and plan revisions is not to exceed \$99,300.00.

Period of Performance

Completion of the above scope of work is to coincide with existing deliverables and timeline for the design and execution of the project. After NTP, 95% Plan Design, 100% Plan Design, Construction Plan Check.

Deliverables

- 95% Construction Document Package (drawings and technical specification) for FAX to review and comments. All review comments should be issued as one consolidated document. This package will also be submitted to Authorities Having Jurisdiction (AHJ) for plan check and approval.
- 100% Bid Package (drawings and technical specification). PCubed Associates will not proceed to 100% until all comments are received and addressed.
- PCubed Associates will provide one probable construction cost estimate based on the 95% Construction Document Package
- PCubed Associates will provide responses to contractor Requests for Information (RFI's) during procurement and construction phases

- PCubed Associates will provide Record Drawings based on the contractor generated construction as-built document.