

**AMENDMENT NO. 1 TO AGREEMENT
FOR CONTRACT SERVICES BETWEEN
THE CITY OF FRESNO AND DURHAM CONSTRUCTION COMPANY, INC.**

THIS AMENDMENT NO. 1 TO AGREEMENT (Amendment), is made and entered into effective December 10th, 2020, by and between the CITY OF FRESNO, a California municipal corporation (CITY), and Durham Construction Company, Inc., a California corporation (CONTRACTOR).

RECITALS

WHEREAS, CITY and CONTRACTOR entered into an agreement, dated October 19, 2018, incorporated herein (Agreement), for Public Work of Improvement Job Order Contract; and

WHEREAS, the parties desire to extend the term provided in the Agreement for (1) additional Option Term; and

WHEREAS, the parties desire to increase the Maximum Contract Value of the Agreement to \$6,000,000.

AGREEMENT

NOW THEREFORE, in consideration of the above recitals, which recitals are contractual in nature, the mutual promises herein contained, and for other good and valuable consideration hereby acknowledged, the parties agree as follows:

1. Effective upon execution of this Amendment, (1) additional Option Term will be added to the original agreement dated October 19, 2018.
2. Effective upon execution of this Amendment, the Maximum Contract Value will be increased to \$6,000,000.
3. All capitalized terms not otherwise defined herein shall have the meaning ascribed to such terms in the Agreement.
4. 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.
5. Except as otherwise provided herein, the Agreement entered into by CITY and CONSULTANT, dated October 19, 2018, remains in full force and effect.

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

CITY OF FRESNO,
a California municipal corporation

DURHAM CONSTRUCTION
COMPANY, INC.,
A California corporation

By: _____
Kevin Meikle
Director of Aviation

DocuSigned by:
By: Chris Durham 11/23/2020
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Name: Chris Durham

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

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

DocuSigned by:
By: Brandon Collet 11/23/2020
1CFCS444CA864DB
Brandon M. Collet Date
Senior Deputy

DocuSigned by:
By: Chris Durham 11/23/2020
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Name: Chris Durham

ATTEST:
YVONNE SPENCE, MMC CRM
City Clerk

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

By: _____
Deputy

Addresses:

CITY:
City of Fresno
Attention: Richard L. Madrigal
4995 East Clinton Way
Fresno, CA 93727
Phone: (559) 621-4528

CONTRACTOR:
Durham Construction Company, Inc.
Attention: Chris Durham
President
1025 Holland Ave
Clovis, CA 93612
Phone: 559 294-9500
FAX: 559 294-9200