

FIRST AMENDMENT TO AGREEMENT

THIS FIRST AMENDMENT TO AGREEMENT ("Amendment") made and entered into as of this 31st day of March, 2014 amends the Agreement heretofore entered into and between the CITY OF FRESNO, a municipal corporation ("CITY"), and Provost and Pritchard Consulting Group, a California Corporation ("CONSULTANT"). CITY and CONSULTANT are collectively referred to as Parties.

RECITALS

WHEREAS, the CITY and CONSULTANT entered into an agreement, dated June 21st, 2013, for professional engineering services for the Design of New Sewer Lines in Cedar, Orange, East, and Central Avenues for the Southeast Industrial Growth Area, ("Agreement");

WHEREAS, the CITY desires to add the design, bidding services and services during construction of sewer lines in Orange Avenue between Central Avenue and Malaga Avenue, and in Malaga Avenue between Orange Avenue and Cedar Avenue, and in Cedar Avenue between Malaga Avenue and Central Avenue;

WHEREAS, with entry into this Amendment, CONSULTANT agrees that CONSULTANT has no claim, demand or dispute against CITY under the Agreement; and

WHEREAS, due to the need for continuing services, the Parties desire to increase the compensation by \$65,500.00 to complete the original and amended scope of services.

AGREEMENT

NOW, THEREFORE, in consideration of the above recitals, wherein recitals are contractual in nature, the mutual promises herein contained, and for other good and valuable consideration thereby acknowledge the Parties agree that the aforesaid Agreement be amended as follows:

1. CONSULTANT shall provide additional services as described in **Attachment A**, attached hereto and incorporated herein by reference.
2. CONSULTANT'S sole compensation for satisfactory performance of all services required or rendered pursuant to this Amendment shall be a total fee of \$119,100. Such total fee includes all expenses incurred by CONSULTANT in performance of such services. Statements may be rendered monthly and shall be payable in the normal course of CITY business. Such statements shall be for an amount no greater than that attributable to the Task upon which CONSULTANT is then engaged as provided in **Attachment A**.
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 or the Agreement, shall be null and void.
4. Except as otherwise amended herein, the Agreement entered into by CITY and CONSULTANT, dated June 21st, 2013, remains in full force and effect.

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

CITY OF FRESNO,
a California municipal corporation

By: [Signature]
Stephen A. Hogg,
Assistant Director
Department of Public Utilities

ATTEST:
YVONNE SPENCE, CMC
City Clerk

By: [Signature]
Deputy 4/1/2014

APPROVED AS TO FORM:
City Attorney's Office

By: [Signature] 3/11/14
Date
Brandon Collet
Deputy City Attorney

REVIEWED BY: [Signature]
Kevin Norgaard, Supervising Professional
Engineer
Department of Public Utilities

Addresses:
CITY:
City of Fresno
Attention: Orlando Gonzalez,
Engineer II
5607 West Jensen
Fresno, CA 93706
Phone: (559) 621-5294
FAX: (559) 498-1700

Provost and Pritchard Consulting Group,
A California Corporation

By: [Signature]
Name: Randy Horvath

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

By: [Signature]
Name: MICHAEL TAYLOR

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

Any Applicable Professional License:
Number: 39961
Name: Michael Taylor
Date of Issuance: 1985

CONSULTANT:
Provost and Pritchard Consulting Group
Attention: Michael Taylor,
Vice President
286 Cromwell Avenue
Fresno, CA 93711
Phone: (559) 449-2700
FAX: (559) 449-2715

Attachment A – Modifications to Scope of Services

ATTACHMENT A ADDITIONAL SCOPE OF WORK

The City of Fresno has requested that the scope of the planning and design of new sewer lines in the vicinity of Central Avenue, East Avenue, Orange Avenue and Cedar Avenue be amended to include planning and design of new sewer lines in Orange Avenue and Cedar Avenue south of Central Avenue, and in Malaga Avenue between Orange Avenue and Cedar Avenue. An exhibit of the additional sewer line locations is attached.

Unless otherwise specified in the Agreement for Engineering Services, the additional scope of services for the project is more specifically described herein.

It is intended to complete the Construction Documents for all portions of the work in a single set of documents (the new sewer mains north of Central Avenue and the new sewer mains south of Central Avenue).

SCHEMATIC DESIGN PHASE

- Flow Analysis and Validation – completed under separate contract previously
- Perform topographic survey of the project area, including right of way and property line information.
- Prepare Draft Traffic Handling Plan and potential detours
 - Discussion with business owners to determine potential impacts of the construction activities and schedule.
- Perform Geotechnical Investigation of the project area
- Perform Horizontal Alignment Review
 - This work will include consideration of separation from existing and Master Planned utilities. In addition the work will consider impacts of pavement replacement or trench restoration. The work will include confirmation of the existing right of way in the project area.
- Vertical Alignment Review
 - This work will include consideration of trench stability (some trenches will be about 15 feet deep). In addition the work will consider crossing of existing and Master Planned utilities. Review Master Planned Facilities with FMFCD.
- Prepare an Opinion of Probable Construction Cost
- Prepare Basis of Design Memorandum for City Approval
 - The Basis of Design memorandum will include a schematic plan package of preliminary plan and profile documents. Approval by the City is critical prior to proceeding to the Design Development and subsequent phases so that the design process proceeds as directed by the City. City directed design changes subsequent to the approval are a point of discussion for changes of scope and compensation for the project.

- Prepare CEQA documentation for City processing
- Prepare a Dust Control Plan
- Prepare an ISR

DESIGN DEVELOPMENT PHASE

- Prepare Design Details
 - The work includes details of utility crossings, manholes, connection to existing facilities, trench details, etc.
- Coordinate with FMFCD regarding existing and Master Planned facilities.
- Prepare Specifications
- Develop Opinion of Probable Construction Cost
 - Submit Design Development Plans, Specifications, Construction Cost to the City for review and approval.

CONSTRUCTION DOCUMENTS PHASE

- Finalize Plans
- Finalize Specifications
- Finalize Opinion of Probable Construction Cost
 - Submit Construction Document Plans, Specifications, Construction Cost to the City for review and approval, as specified in the Agreement for Design Services.

BIDDING PHASE

- Participate in Pre-bid Meeting.
- Provide to the City responses to Contractor Questions
- Assist City with Evaluation of Bids

CONSTRUCTION SUPPORT PHASE

- Participate in the Preconstruction Meeting
- Perform Submittal Review
- Periodic Field Review for Design Intent confirmation
- Preparation of As-Built Plans at the end of construction based on information provided by Contractor

EXHIBIT

Additional Scope of Work

The City of Fresno has requested that the scope of the planning and design of new sewer lines in the vicinity of Central Avenue, East Avenue, Orange Avenue and Cedar Avenue be amended to include planning and design of new sewer lines in Orange Avenue and Cedar Avenue south of Central Avenue, and in Malaga Avenue between Orange Avenue and Cedar Avenue. An exhibit of the additional sewer line locations is attached.

Unless otherwise specified in the Agreement for Engineering Services, the additional scope of services for the project is more specifically described herein.

It is intended to complete the Construction Documents for all portions of the work in a single set of documents (the new sewer mains north of Central Avenue and the new sewer mains south of Central Avenue).

Schematic Design Phase

Flow Analysis and Validation – previously completed

Perform topographic survey of the project area, including right of way and property line information.

Prepare Draft Traffic Handling Plan and potential detours

Discussion with business owners to determine potential impacts of the construction activities and schedule.

Perform Geotechnical Investigation of the project area

Perform Horizontal Alignment Review

This work will include consideration of separation from existing and Master Planned utilities. In addition the work will consider impacts of pavement replacement or trench restoration. The work will include confirmation of the existing right of way in the project area.

Vertical Alignment Review

This work will include consideration of trench stability (some trenches will be about 15 feet deep). In addition the work will consider crossing of existing and Master Planned utilities. Review Master Planned Facilities with FMFCD.

Prepare an Opinion of Probable Construction Cost

Prepare Basis of Design Memorandum for City Approval

The Basis of Design memorandum will include a schematic plan package of preliminary plan and profile documents. Approval by the City is critical prior to proceeding to the Design Development and subsequent phases so that the design process proceeds as directed by the City. City directed design changes subsequent to the approval are a point of discussion for changes of scope and compensation for the project.

Prepare CEQA documentation for City processing

Prepare a Dust Control Plan

Prepare an ISR

Design Development Phase

Prepare Design Details

The work includes details of utility crossings, manholes, connection to existing facilities, trench details, etc.

Coordinate with FMFCD regarding existing and Master Planned facilities.

Prepare Specifications

Develop Opinion of Probable Construction Cost

Submit Design Development Plans, Specifications, Construction Cost to the City for review and approval.

Construction Documents Phase

Finalize Plans

Finalize Specifications

Finalize Opinion of Probable Construction Cost

Submit Construction Document Plans, Specifications, Construction Cost to the City for review and approval, as specified in the Agreement for Design Services.

Bidding Phase

Participate in Pre-bid Meeting.

Provide to the City responses to Contractor Questions

Assist City with Evaluation of Bids

Construction Support Phase

Participate In the Preconstruction Meeting

Perform Submittal Review

Periodic Field Review for Design Intent confirmation

Preparation of As-Built Plans at the end of construction based on information provided by the Contractor

Level of Effort

The anticipated additional level of effort for the project in terms of man hours is as follows:

Schematic Design

Man hours: 220

The man hour estimate does not include surveys or geotechnical investigation.

Design Development

Man hours: 140

Construction Documents

Man hours: 120

Bidding Phase

Man hours: 25

Construction Phase

Man hours: 25

Schedule of Fees

Schematic Design

Fees: \$37,700 additional

Design Development

Fees: \$12,200 additional

Construction Documents

Fees: \$9,900 additional

Bidding Phase

Fees: \$2,100 additional

Construction Phase

Fees: \$3,600 additional

Project Schedule

Schematic Design

Calendar Days from Notice to Proceed: 40 – 60

Calendar Days to Resubmit from receipt of City comments: typically 7

Design Development

Calendar Days from Notice to Proceed: 30 - 40

Calendar Days to Resubmit from receipt of City comments: typically 7

Construction Documents

Calendar Days from Notice to Proceed: 15 - 20

Calendar Days to Resubmit from receipt of City comments: typically 7

Bidding Phase

Calendar Days from Notice to Proceed: dependent upon advertisement period

Construction Phase

Calendar Days from Notice to Proceed: dependent upon construction period

The intent is to proceed quickly with all phases of the additional work so that the end product is a single set of Construction Documents that includes the original and additional scope of work.

Project Description

The proposed Project would include the construction of new sanitary sewer lines within Cedar Avenue from Central Avenue south approximately 768 feet, within Orange Avenue from Central Avenue south to Malaga Avenue, within Malaga Avenue from Orange Avenue to Cedar Avenue, lastly within Cedar Avenue north approximately 1,688 feet from Malaga Avenue. The Project would provide City sewer service to the areas tributary to said sewer lines. Project elements include the construction of new sewer lines within the existing rights of way of Cedar Avenue, Orange Avenue, and Malaga Avenue. The project will include pavement restoration of the existing roadways disturbed by the construction. The project will include temporary road closures and detours during construction. Construction activities include consideration of existing and master planned utilities.