

## **FIRST AMENDMENT TO AGREEMENT**

THIS FIRST AMENDMENT TO AGREEMENT (Amendment) made and entered into as of this \_\_\_\_\_ day of January 2024, amends the Agreement theretofore entered between the CITY OF FRESNO, a California municipal corporation (CITY), and CENTURYLINK COMMUNICATIONS LLC., a Delaware limited liability company, (CONSULTANT).

### **RECITALS**

WHEREAS, the CITY and the CONSULTANT entered into a Utility Relocation, Adjustment, and/or Protection Agreement on March 30, 2023, (Agreement) to provide utility relocation services for the North Avenue Sewer Trunk Main Realignment (Project), for an estimated fee of \$675,081.78; and

WHEREAS, at the time of the Agreement, the CITY and the CONSULTANT jointly acknowledged there may be a greater than anticipated cost to relocate the telecommunications facilities; and

WHEREAS, the CITY and the CONSULTANT desire to increase the total project cost from \$675,081.78 to \$778,037.57, for a net increase of \$102,955.79; and

WHEREAS, with entry into this Amendment, the CONSULTANT agrees it has no claim, demand, or dispute against the CITY.

### **AGREEMENT**

NOW, THEREFORE, the CITY and the CONSULTANT agree that the aforesaid Agreement be amended as follows:

1. The total project cost is \$778,037.57.
2. Except as otherwise provided herein, the Agreement entered into by the CITY and the CONSULTANT, dated March 31, 2023, remain in full force and effect.

[SIGNATURES FOLLOW ON NEXT PAGE.]

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

CITY OF FRESNO,  
A municipal corporation

CENTURYLINK COMMUNICATIONS,  
LLC  
A Delaware limited liability company

By: \_\_\_\_\_  
Brock D. Buche, PE, PLS  
Director of Public Utilities

DocuSigned by:  
By: Gary L Nelson 1/3/2024  
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Name: Gary L Nelson  
Director - Enterprise - West Region  
Title: \_\_\_\_\_  
(If corporation or LLC., Board  
Chair, Pres. Or Vice Pres.)

APPROVED AS TO FORM:  
ANDREW JANZ  
City Attorney

DocuSigned by:  
By: Angela M. Karst 1/3/2024  
0A8F88F889DD447... Date  
Senior Deputy City Attorney

DocuSigned by:  
By: Robert Novak 1/3/2024  
0CD332F6AE5E47C...

Name: Robert Novak  
Vice President, Enterprise Field Operations  
Title: \_\_\_\_\_  
(If corporation or LLC., CFO,  
Treasurer, Secretary or Assistant  
Secretary)

ATTEST:  
TODD STERMER, CMC  
City Clerk

By: \_\_\_\_\_  
Deputy Date  
Clerk Attesting