

## FIRST AMENDMENT TO AGREEMENT

THIS FIRST AMENDMENT TO PROJECT LABOR AGREEMENT (Amendment) made and entered into as of this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, amends the Project Labor Agreement entered into between the City of Fresno, a municipal corporation (City), and the Fresno, Madera, Tulare, Kings Building and Construction Trades Council (Council) and all of its affiliate signatory craft councils and unions (collectively, Union or Unions).

### RECITALS

City and Council entered into a Project Labor Agreement, on December 15, 2016, to complete certain public works projects funded by the Transformative Climate Communities program (Agreement); and

City and Council desire to amend the Agreement to update the side letter for the Sheet metal and Air Conditioning Contractors National Association's Sacramento Valley Chapter, Northern San Joaquin Chapter and Central Valley Chapter; and

City and Council desire to add a Side Letter to Attachment G for International Union of Ironworkers and the Sheet Metal Workers' International Association, Local Union No. 162.

### AGREEMENT

NOW, THEREFORE, in consideration of the above recitals, which recitals are contractual in nature, the mutual premises herein contained, and for other good and valuable consideration hereby acknowledge, the parties agree that the aforesaid Agreement be amended as follows:

1. Attachment D is amended as described in **Exhibit A**.
2. The Side Letter to Attachment G is amended as described in **Exhibit B**.
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 entered into by City and Permittee, dated February 25, 2016, 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 municipal corporation

LYFT, INC.,  
a Delaware Corporation

By: \_\_\_\_\_  
Bruce Rudd  
City Manager

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

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

ATTEST:  
YVONNE SPENCE, CMC  
City Clerk

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

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

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

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

APPROVED AS TO FORM:  
DOUGLAS T. SLOAN  
City Attorney

By: \_\_\_\_\_  
Brandon M. Collet

Attachments:  
Side letter to PLA sheetmetal  
Side letter to PLA ironworkers

# **EXHIBIT A**



**Side Letter To The Project Labor Agreement Covering Projects  
Funded By The Transformative Climate Communities Program**

Notwithstanding Section 2.4 (c) of this Project Labor Agreement between the City of Fresno (City) and Fresno, Madera, Tulare, Kings Building and Construction Trades Council and the Signatory Craft Councils and Unions Covering Projects Funded by the Transformative Climate Communities Program, the City and all its Contractors shall be bound by the provisions relating to off-site fabrication as provided in the labor agreement between Sheet Metal Workers' International Association, Local Union No. 104 and Sheet Metal And Air Conditioning Contractors National Association's Sacramento Valley Chapter, Northern San Joaquin Chapter And Central Valley Chapter in effect as of the execution date of this Agreement and over which the City possesses the right of control, as well as any applicable local addenda to a National Agreement in effect as of the execution date of this Agreement and over which the City possesses the right of control. This Agreement also covers all on-site fabrication work over which Employer(s) possess the right of control (including work done for the Project in any temporary yard or area established for the Project).

Signatories

\_\_\_\_\_  
Bruce Rudd, City Manager  
City of Fresno

\_\_\_\_\_  
Rick Werner  
Sheet Metal Workers' International  
Association, Local Union No. 104

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

# **EXHIBIT B**



**Side Letter To Attachment G  
Of The Project Labor Agreement Covering Projects  
Funded by The Transformative Climate Communities Program**

Joint Labor Management Substance Abuse Policy

The International Union of Ironworkers has an established ten (10) panel drug screen program for all of its members for pre-hire, post-accident, and random testing. All Ironworker signatory contractors in the United States and Canada are already required by contract to abide by the provisions of the IMPACT program. Accordingly, this program shall be recognized for all Ironworkers employed on Project Work covered by this Agreement. The cost of such program will be covered through the Ironworkers IMPACT fund, saving cost to the project, while providing the same or greater level of required testing.

Signatories

\_\_\_\_\_  
Bruce Rudd, City Manager  
City of Fresno

\_\_\_\_\_  
Don Savory  
Ironworkers, Local #155

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_