

**FIRST AMENDMENT TO
AGREEMENT
CITY OF FRESNO, CALIFORNIA
CONSULTANT SERVICES**

THIS FIRST AMENDMENT TO AGREEMENT (Amendment) made and entered into effect the ____ day of _____ 2017 (Effective Date) amends the Agreement heretofore entered into between the CITY OF FRESNO, a California municipal corporation (City), and PROVOST & PRITCHARD CONSULTING GROUP, a California Corporation (Consultant).

RECITALS

WHEREAS, City and Consultant entered into an agreement, on January 31, 2017 (Agreement) to provide professional civil engineering consulting services for Engineering Design and Feasibility Analysis for Removal of Trichloropropane (TCP) from Groundwater Extraction Wells for a total fee of \$244,000; and

WHEREAS, the parties have negotiated an increase of \$99,000 in Consultant's compensation for additional services to provide engineering design for removal of TCP from groundwater at Water Well PS70 for the City of Fresno; and

WHEREAS, City and Consultant desire to extend time of performance to September 15, 2018; and

WHEREAS, with entry into this Agreement, Consultant agrees Consultant has no claim, demand, or dispute against City.

AGREEMENT

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

1. CONSULTANT shall perform to the satisfaction of CITY the scope of services described in **EXHIBIT A**, including all work incidental to, or necessary to perform, such services even though not specifically described in **EXHIBIT A**.
2. CONSULTANTS sole compensation for satisfactory performance of all services required or rendered for the Project pursuant to this Amendment shall be a total fee increase of \$99,000 for engineering design for removal of TCP from groundwater at Water Well PS70 for the City of Fresno, Department of Public Utilities. Compensation includes all expenses incurred by Consultant in performance of such services. Total Consultant project cost pursuant to this Agreement (includes Initial Agreement and First Amendment to Agreement) is \$343,000.

The Agreement shall be extended to September 15, 2018, to complete the engineering design services at removal of TCP from groundwater at PS70 for the City of Fresno Department of Public Utilities.

3. Except as otherwise provided herein, the Agreement entered into by City and Consultant on January 31, 2017, respectively, remain in full force and effect.

4. [Signatures appear 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

Provost & Pritchard Consulting Group,
A California Corporation

By: _____
Thomas C. Esqueda,
Director of Public Utilities

By: Matthew W. Kemp
Name: MATTHEW W. KEMP

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

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

By: Brandon M. Collet 11/21/17
Deputy City Attorney Date

By: Keith Mortensen
Name: Keith Mortensen

ATTEST:
YVONNE SPENCE, CMC
City Clerk

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

By: _____
Date

Addresses:

CITY:
City of Fresno
Department of Public Utilities
Utilities, Planning & Engineering
Attention: Matthew Bullis, PE
2101 G Street, Building A
Fresno, CA 93706
Phone: (559) 621-1632
FAX: (559) 498-4126

CONSULTANT:

Provost & Pritchard Consulting Group Inc.
Attention: Kevin Berryhill, PE
Principal Project Manager
286 W. Cromwell Avenue
Fresno, CA 93711
Phone: (559) 449-2700
FAX (559) 449-2715

EXHIBIT A
TCP Mitigation Design and Feasibility Analysis
PS70 Design Services
Scope of Services

Project Understanding

On February 2, 2017, the City of Fresno authorized Provost & Pritchard to proceed with feasibility study work as specified in the agreement dated January 31, 2017 titled "Engineering Design and Feasibility Analysis for Removal of Trichloropropane from Groundwater Extraction Wells". The purpose of the study was to provide engineering services needed to define the required mitigation measures associated with the contamination of the synthetic organic chemical (SOC) 1,2,3-trichloropropane (TCP) in forty-five (45) of the City's wells. In advance of completing the Feasibility Study, the City has asked Provost & Pritchard for a separate scope and fee to provide engineering design services for one of the contaminated wells (PS 70).

After preliminary review of the site, it is anticipated that there is enough room to install the necessary TCP treatment improvements (granular activated carbon, GAC) at the well site. The PS 70 flow is approximately 1,200 gpm, which will require two (2) pairs of vessels each operated in series (4 vessels total). PS 70 currently have 3 existing vessels that operate in parallel, but have a piping manifold that would allow for series operation.

Approach

In keeping with the typical scope of services for GAC treatment plant designs that Provost & Pritchard has previously worked on or is currently working on, the design services included in this proposal include four parts, following the City's standard consulting agreement:

- Part 1: Schematic Design Phase
- Part 2: Design Development Phase
- Part 3: Construction Document Phase
- Part 4: Bidding Phase

Scope of Services

Our proposed scope of services for this project is segregated into several tasks and sub-tasks. Specific activities included in each task are described below. Recognize that the attached fee estimate reflects budget projections of our time and expenses required to perform the described work; while individual task budgets may be exceeded, the total budget estimate will not be exceeded without prior additional authorization.

Part 1: Schematic Design Phase

- A. PROGRAMMING AND PROJECT MANAGEMENT
 - 1. Project management and administration
 - 2. Prepare and maintain work plan and design schedule
 - 3. Attend kick-off meeting with City staff

4. Prepare and submit monthly billing
 5. Conduct QA/QC program
- B. SURVEYING
1. Conduct right-of-way and boundary research for both pump station sites.
 2. Conduct field survey to locate sufficient monumentation to re-establish the right-of-way and property lines within the project limits.
 3. Conduct topographic ground surveys of the project limits.
- C. AGENCY AND UTILITY COORDINATION
1. City Utility Research – Download record drawings from VIEW Fresno
 2. Utility Notifications – Send utility request letters to utility companies to obtain utility information within the project limits
 3. Contact FMFCD to discuss feasibility of connecting backwash and flush lines to storm drain facilities and identify requirements
 4. Review Record Information and complete utility base mapping
- D. DESIGN PARAMETERS REPORT
1. Prepare Design Parameters Report containing the following information:
 - a. Design flow rates of well
 - b. Estimated head loss through the treatment system
 - c. GAC design parameters (empty bed contact time, hydraulic loading rate, vessel quantity, and series/parallel operation)
 - d. A description of major site features including features to mitigate aesthetic impacts (e.g. pit and walls); chlorination system; carbon delivery access; and backwash water disposal method.
 - e. Vessel procurement method
 - f. Electrical construction responsibilities
 - g. Schematic site plan showing all of the proposed improvements.
 - h. Schematic design level opinion of probable construction cost.
 - i. Submit design parameters report.
 - j. Schedule and conduct workshop review meeting with CITY staff.
- E. GEOTECHNICAL SERVICES
2. None.

Assumptions:

- a) The project management and programming budget is based on total design project duration of 8 months.
- b) Sufficient monumentation will be locatable to determine right-of-way and property limits.
- c) The project is assumed to be GAC wellhead treatment at one existing well site. There are no interconnecting pipelines as would be required for co-treatment of multiple pump stations at a single site.
- d) The treatment plant is being constructed on an established City of Fresno well site.
- e) Improvements to existing wells and pumps are not included in the project.
- f) The City will elect not to conduct a geotechnical investigation of the proposed treatment site and structural design parameters will be based on requirements of the California Building Code.

- g) Easements for the PG&E overhead lines at PS 70 will not prevent the addition of a fourth GAC vessel on the existing concrete pad.
- h) The existing concrete pad at PS 70 is adequately designed to accommodate the addition of a fourth GAC vessel.

Part 2: Design Development Phase

A. PRELIMINARY PLANS, SPECIFICATIONS, AND COST ESTIMATE

- 1. Address any remaining comments on the site design parameters summarized during Part 1.
- 2. Prepare preliminary (60%) plans for wellhead treatment construction project, including the following sheets:
 - i. Cover and index (1 sheet)
 - ii. General notes (1 sheet)
 - iii. Legend and abbreviations (1 sheet)
 - iv. Demolition plan (1 sheet)
 - v. Site plan (1 sheet)
 - vi. Grading plan (1 sheet)
 - vii. Site piping plan (1 sheet)
 - viii. Slab structural details (1 sheet)
 - ix. Miscellaneous details (1 sheet)
 - x. Equipment Building Modifications (1 sheet)
 - xi. Electrical sheets (2 sheets)
 - xii. Title 24 sheet (2 sheet)
- 3. Prepare preliminary technical specifications in CSI format
- 4. Prepare itemized estimate of quantities and cost
- 5. Submit preliminary (60%) plans, specifications and estimate (PS&E)
 - i. Submit 1 full-size and 1 half-size sets
 - ii. Submit 2 full-size sets to FMFCD and DDW for review.
 - iii. Schedule and conduct workshop review meeting separately with FMFCD

Assumptions:

- a) The wellhead treatment construction project will be bid as a single project
- b) City boiler plate front-ends will be used
- c) New GAC vessel will be procured utilizing the City's standard GAC vessel procurement specifications.
- d) No new standby generators are included in the projects. Generators will be shown on CUP exhibits as future.

B. PERMITTING ASSISTANCE

- 1. Assist City with applying for and obtaining approval for a new or revised Conditional Use Permit (CUP) for the site.
 - i. Prepare CUP exhibits consisting of Site Plan, and Elevation Views
 - ii. Assist Water Division with preparation of Planning & Development Department Master Application Form
 - iii. Submit application to Planning & Development Department
 - iv. Participate in up to three meetings or Planning & Development Department counter visits after the initial application to assist the City in obtaining an approved CUP
- 2. Coordinate with the State Water Resources Control Board – Division of Drinking Water (DDW) regarding the project.

3. Coordinate with Fresno Metropolitan Flood Control District (FMFCD) regarding acceptable location of backwash and flush-to-waste water discharge.
4. Establish whether project is subject to SJVAPCD Indirect Source Rule.

Assumptions:

- a) City will pay for all permit fees directly
- b) No permits will be required other than those specifically identified above
- c) City will provide Preliminary Title Report and supporting Deed documents; Letter of Owner Authorization; and Operational Statement required for CUP application
- d) The City will handle coordination with adjacent property owners to new treatment sites regarding aesthetic impacts, and construction activities.
- e) Our fee assumes that no SJVAPCD permitting will be required.

Part 3: Construction Document Phase

A. DRAFT FINAL (90%) DESIGN

1. 60% submittal review meeting with City
2. Address Design Development Phase review comments
3. Prepare draft final plans, including the same sheets listed in the previous phase.
4. Prepare draft final technical specifications
5. Incorporate City up-front contract documents
6. Prepare draft final cost opinions
7. Submit draft final plans, specifications and estimate
 - i. Submit 1 full-size and 1 half-size set. Submit 1 set to FMFCD for review.
 - ii. Schedule and conduct workshop review meeting with CITY staff. It is assumed that the utilities department will circulate plans to all CITY departments and obtain consolidated comments for the workshop meeting.

B. FINAL (100%) PLANS, SPECIFICATIONS AND ESTIMATES

1. 90% submittal review meeting with City
2. Address draft final review comments
3. Prepare final plans
4. Prepare final technical specifications
5. Prepare final opinion of probable construction costs
6. Submit final plans, specifications and estimate
 - i. Submit 1 full-size and 1 half-size set
 - ii. Submit 1 full-size set to FMFCD for review.

C. BUILDING & SAFETY DEPARTMENT PLAN CHECK

1. Submit two full-size plan sets and one set of structural calculations for Building & Safety Department Plan check
2. Complete back check process to obtain Building & Safety Department approval
3. Obtain FMFCD plan approval and signatures

Assumptions:

- a) The contractor will prepare and implement Storm Water Pollution Prevention Plan and Dust Control Plan if required.

Part 4: Bidding Phase

A. BIDDING SERVICES

1. Attending pre-bid conference
2. Prepare addenda and clarifications as necessary during the bid period

SPECIFIC EXCLUSIONS

The following engineering services are specifically excluded from the scope of services but may be provided if requested by the City and following adjustment to this Scope of Services and corresponding fee estimate:

1. Support of any services related to litigation including, but not limited to, expert witness services, responding to subpoenas, participating in depositions, and testifying at trial.
2. Legal descriptions and exhibits
3. Applying for plan amendment, rezoning, or code variances
4. Geotechnical investigations and reports
5. Construction staking
6. Services associated with property acquisition
7. Preparation of dust control plans and storm water pollution prevention plans
8. Payment of agency plan check and permit fees
9. Payment of fees for outside laboratory, equipment, and testing services
10. Potholing and utility locating services
11. Environmental permitting assistance
12. Landscape improvements or modifications
13. Hydraulic modeling and/or surge analysis
14. Traffic control plans
15. Preparation of water treatment Operations Plan and Hazardous Materials Business Plan
16. Bidding assistance
17. Contractor prequalification
18. Engineering services during construction

ESTIMATED FEE SUMMARY

We will perform these services on a time and materials basis, in accordance with our Standard Fee Schedule in effect at the time services are rendered. These fees will be invoiced monthly as they are accrued, and our total fees, including reimbursable expenses, will not exceed our estimate without additional authorization.

Fee Estimate – PS 70 TCP Design Services	
Task	Estimated Fee
Task 1 - Schematic Design	\$25,000
Task 2 - Design Development	\$30,000
Task 3 - Construction Documents	\$35,000
Task 4 - Bidding	\$9,000
Total Estimated Fee:	\$99,000