

FOURTH AMENDMENT TO AGREEMENT

THIS FOURTH AMENDMENT TO AGREEMENT (Amendment) made and entered into as of this 10 day of December, 2020, amends the Agreement heretofore entered into between the CITY OF FRESNO, a municipal corporation (City), and ASCENT ENVIRONMENTAL, INC., (Consultant). City and Consultant are collectively referred to as the "Parties."

RECITALS

WHEREAS, City and Consultant entered into an Agreement, dated November 29, 2018, for professional Environmental Consulting services for the South Industrial Priority Area (SIPA) Specific Plan Environmental Impact Report, now recognized as the South Central Specific Plan Environmental Impact Report, (Project); and

WHEREAS, City and Consultant entered into First Amendment, dated November 14, 2019, to increase the scope of work by requiring additional services beyond those services referenced in the Project; and

WHEREAS, City and Consultant entered into Second Amendment, dated December 10, 2019, to increase the scope of work by requiring additional services beyond those services referenced in the Project; and

WHEREAS, City and Consultant entered into Third Amendment, dated January 1, 2019 to increase the scope of work by requiring additional services beyond those services referenced in the Project; and

WHEREAS, City and Consultant desire to increase the scope of work by requiring additional services beyond those services referenced in the Project, increase the total compensation for satisfactory performance of all services required or rendered pursuant to this amendment to \$750,000, and to increase the contract performance period to December 31, 2021.

AGREEMENT

NOW, THEREFORE, the Parties agree that the 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 his Amendment shall be a total fee of \$750,000 as described in Attachment "A".
3. Contract performance period shall be extended to December 31, 2021.

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 November 29, 2018 and amended on November 19, 2019, December 10, 2019, and January 1, 2020 remain in full force and effect.

/// [Signatures follow on the next page.]

CITY OF FRESNO,
A California municipal corporation

DocuSigned by:
Jennifer Clark 12/2/2020
7460A2000E1A4DF...
By: _____
Jennifer K. Clark, AICP
Director, Planning and Development
Department

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

DocuSigned by:
Brandon Collet 12/2/2020
1CF65444CAAG4DB...
By: _____
Brandon M. Collet
Senior Deputy City Attorney

ATTEST:
YVONNE SPENCE, CRM MMC
City Clerk

By: _____
Deputy
Date

Addresses:
CITY:
City of Fresno
Attention: Summer Cecil,
Project Manager
2600 Fresno Street, Suite 3065
Fresno, CA 93721
Phone: (559) 621-8166
Email: Summer.Cecil@fresno.gov

ASCENT ENVIRONMENTAL, INC.,

DocuSigned by:
Gary Jakobs 12/2/2020
32A6C8C7E4D0403...
By: _____

Name: Gary Jakobs
Title: CEO/President/Chairman
(If corporation or LLC., Board Chair,
Pres. or Vice Pres.)

DocuSigned by:
Amanda Olekszulin
By: _____
128B805CD728484...

Name: Amanda Olekszulin
Title: CFO
(If corporation or LLC., CFO,
Treasurer, Secretary or Assistant
Secretary)

REVIEWED BY:

DocuSigned by:
Summer Cecil
By: _____
7000F0E0F70043D...

CONSULTANT:
Ascent Environmental, Inc.
Attention: Chris Mundhenk,
Principal
455 Capitol Mall, Suite 300
Sacramento, CA 95814
Phone: 916-444-7301
FAX: 916-444-3927

Attachment A - Amendment to Scope of Work

ATTACHMENT A



November 16, 2020

Jennifer Clark, Director
Development & Resource Management
City of Fresno
2600 Fresno Street, Room 3065
Fresno, CA 93721

Subject: Contract Amendment #3 to Ascent Contract to provide Environmental Impact Report (EIR) Services for the South Central Specific Plan (SCSP) - Community Engagement

Dear Ms. Clark:

Ascent Environmental, Inc. appreciates the opportunity to serve the City of Fresno in support of the South Central Specific Plan (SCSP). Pursuant to your request, we have prepared the following amendment request to the executed scope and cost for the SCSP to cover additional services requested by Staff from June through October 2020 to revise the proposed land use map and suggested policies and development standards. Specific work tasks are detailed below.

A. Amended Scope of Work

Task 5 Community Engagement

Subtask 5I SCSP Land Use Designations and Development Standards *(new subtask)*

Ascent, in coordination with City staff, revised the proposed land use map for the SCSP to reflect feedback received from the Advisory Committee, advocate groups, and community representatives. Ascent provided City Staff with revised versions of the land use map to share with the community and receive feedback. Ascent also revised development standards and policy suggestions for the SCSP based on feedback received. We assume no further revisions to the land use map and development standards sent to City Staff on October 22, 2020.

Deliverables

Land Use Map and Development Standards – Submitted October 22, 2020

SCSP Land Use Contingency

Depending on community review, City Staff may receive additional feedback requiring further revisions to the land use map and/or development standards. Although this is not anticipated, a contingency in the amount of \$2,500 is included to cover up to two rounds of revisions to the proposed land use map and development standards.

B. Key Assumptions and Exclusions:

This scope amendment assumes all key assumptions previously outlined in the executed contract amendment #1, dated November 26, 2019. No changes or additional assumptions and exclusions are proposed at this time.

C. Timeline

The Scope of Work described above is anticipated to be performed within the same timeline outlined in the executed contract amendment #1, dated November 26, 2019, beginning in early December and to be completed by end of December 2020.

D. Cost Estimate

Ascent's proposed cost to complete the tasks described above including contingency is **\$5,910** as shown in the attached spreadsheet. The proposed price is based estimated hours, labor rates provided in our EIR contract and supplemented with labor rates for planning staff, and direct costs. Monthly invoices will be submitted based on hours billed and other direct costs incurred during each billing period. Ascent reserves the right to move cost allocations between tasks so long as the overall estimate is not exceeded.

If executed, this amendment request would result in a total contract price of **\$696,130** as shown in the attached spreadsheet.

Attachment A: Cost Spreadsheet



PRICE PROPOSAL

SCSP Community Engagement Update - Amendment #3

November 16, 2020

hourly rate:

Task 5I	Additional Land Use Modifications and Standard Recommendations	Price	Hours
		\$ 3,410	22
Subtotal, Task 5I		\$ 3,410	22

LABOR SUBTOTAL	\$ 3,410	22
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REIMBURSABLE EXPENSES	\$ 2,500
SCSP Land Use Contingency	\$ 2,500

AMENDMENT #3 TOTAL PRICE	\$ 5,910
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CONTRACT PRICE	Price
Original Contract (signed 12/3/2018)	\$ 500,000
Amendment #1 Price (request dated 11/7/2019)	\$ 145,000
Revised Amendment #1 Price (request dated 11/26/2019)	\$ 168,000
Initial Amendment #1 Price Removed (11.26.2019 request replaced initial amendment #1 amount)	\$ (145,000)
Subtotal Contract Price	\$ 668,000

Amendment #2 Price	\$ 22,220
Amendment #3 Price	\$ 5,910
TOTAL CONTRACT PRICE (includes all amendments to date)	\$ 696,130

*Contingency per City of Fresno	\$ 53,870
Total Contract Price with Contingency	\$ 750,000

Principal in Charge	Senior Planner/Director	Project Manager	Urban Designer	Planner	Admin	GIS/Graphics
\$255	\$220	\$185	\$160	\$130	\$115	\$125
2	4	0	0	12	4	0
2	4	0	0	12	4	0

2	4	0	0	12	4	0
\$ 510	\$ 880	\$ -	\$ -	\$ 1,560	\$ 460	\$ -

* Consultant must provide written documentation and justification to City Project Manager to request use of additional contingency funding.