

**THIRD AMENDMENT TO
PLAN REVIEW AND CONSTRUCTION
MANAGEMENT SERVICES AGREEMENT**

This Third Amendment to Plan Review and Construction Management Services Agreement (Amendment) is effective as of _____, 2024, (Effective Date) and entered into by and between the City of Fresno, a municipal corporation (City), and Tutor Perini/Zachary/Parsons, as a Joint Venture (Contractor).

RECITALS

- A. City and Contractor are parties to that certain Plan Review and Construction Management Services Agreement, dated June 25, 2019 (the Agreement).
- B. Pursuant to the Agreement, City provides plan review and construction management services (Services) to Contractor and is compensated for said services.
- C. On October 13, 2022, City and Contractor executed a First Amendment, increasing the total compensation from an amount not to exceed \$1.8 million to an amount not to exceed \$3.6 million and extending the term to March 31, 2024.
- D. On April 16, 2024, City and Contractor executed a Second Amendment, extending the term of the Agreement to June 30, 2024.
- E. City and Contractor now desire to further amend the Agreement to again increase the total compensation and extend the term, as set forth below.

AGREEMENT

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

- 1. **Compensation; Additional Funds.** The parties acknowledge that total compensation beyond \$3.6 million is required for the City to continue to provide Services under the Agreement. The compensation (not to exceed \$3.6 million), as set forth in Section 4 of the Agreement, as modified by the First Amendment, is hereby increased by an additional \$4.1 million, for total compensation not to exceed \$7.7 million.
- 2. **Term.** The term of the Agreement, as set forth in Section 3 of the Agreement, is hereby extended to December 31, 2026.
- 3. **Effect of Amendment.** Except as expressly modified by this Amendment, the Agreement is hereby reaffirmed and ratified. In the event of any conflict between the Agreement and this Amendment, this Amendment shall control.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties have executed this Agreement on the date set forth above.

CITY OF FRESNO,
a California municipal corporation

TUTOR PERINI, ZACHARY, and
PARSONS, a Joint Venture

By: _____
Scott Mozier, PE
Public Works Director

By: _____
Name: GILBERT TRIOT
Title: EVP
(If corporation or LLC., Board Chair,
Pres. or Vice Pres.)

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: Jennifer M. Quintanilla 6/17/24
Date
Senior Deputy City Attorney

By: _____
Name: _____
Title: _____
(If corporation or LLC., CFO,
Treasurer, Secretary or Assistant
Secretary)

ATTEST:
TODD STERMER, CMC
City Clerk

By: _____
Deputy _____ Date _____