

## SECOND AMENDMENT TO AGREEMENT

THIS SECOND AMENDMENT TO AGREEMENT (Amendment) made and entered into this \_\_\_\_ day of \_\_\_\_\_ 2023 (Effective Date), amends the agreement entered into between the City of Fresno, a California municipal corporation (City), and Carollo Engineers, Inc., a Delaware corporation (Consultant).

### RECITALS

WHEREAS, in May 2020, the City's Wastewater Management Division received a Notice to Comply with the requirements of the Nitrate Control Program which was adopted by the Central Valley Regional Water Quality Control Board in an effort to protect drinking water; and

WHEREAS, the City and Consultant entered into an agreement on June 19, 2020, to provide professional consulting services for the preparation of a Nitrate Initial Assessment for the Fresno-Clovis Regional Wastewater Reclamation Facility and the North Fresno Wastewater Reclamation Facility as required by the Central Valley Regional Water Quality Control Board for a total fee of \$913,740 which included a contingency of \$83,100; and

WHEREAS, the City and Consultant entered into a first amendment on October 4, 2021, to expand the Scope of Services to include implementation of certain components of the Nitrate Initial Assessment; and

WHEREAS, the Consultant completed the Nitrate Initial Assessment and submitted it to the Central Valley Regional Water Quality Control Board for review and comment, but has not received a letter of determination from the Central Valley Regional Water Quality Control Board illustrating the City's compliance with the Nitrate Control Program; and

WHEREAS, the extent of comments and revisions the Central Valley Regional Water Quality Control Board will have regarding the Nitrate Initial Assessment is unknown and, as such, the City and Consultant desire to extend the original completion date from June 30, 2023, to December 31, 2024; and

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

### AGREEMENT

NOW, THEREFORE, the parties agree that the agreement be amended as follows:

1. The Recitals listed above are incorporated by reference herein.
2. The Term of Agreement is extended from June 30, 2023, to December 31, 2024, and Time for Performance is extended to 1060 days.


3. Except as otherwise provided herein, the agreement remains in full force and effect.

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

CITY OF FRESNO,  
a California municipal corporation

CAROLLO ENGINEERS, INC.,  
a Delaware corporation

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

DocuSigned by:  
By:  \_\_\_\_\_ 5/15/2023  
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Name: Paul Amico

APPROVED AS TO FORM:  
ANDREW JANZ  
City Attorney

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

DocuSigned by:  
By:  \_\_\_\_\_ 5/16/2023  
50694044FD79438  
Name: Jamie Kalebijan Date  
Deputy City Attorney

DocuSigned by:  
By:  \_\_\_\_\_ 5/16/2023  
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Name: Michael Barnes

ATTEST:  
TODD STERMER, CMC  
City Clerk

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

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