

### THIRD AMENDMENT TO AGREEMENT

THIS THIRD AMENDMENT TO AGREEMENT (Amendment) made and entered into this \_\_\_\_ day of \_\_\_\_\_ 2024 (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 (CVRWQCB) 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 CVRWQCB 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 to the Agreement on October 4, 2021, to expand the Scope of Services to include implementation of certain components of the Nitrate Initial Assessment; and

WHEREAS, the City and Consultant entered into a Second Amendment to the Agreement on June 15, 2023, to extend the agreement to December 31, 2024, to allow CVRWQCB to review and comment on the Nitrate Initial Assessment and for the City to respond to comments as needed; and

WHEREAS, while the City has received initial comments from CVRWQCB, more time is needed to receive and respond to additional comments as well as negotiate a schedule for implementation of the regulatory requirements and, as such, the City and Consultant desire to extend the original completion date from December 31, 2024, to December 31, 2026; and

WHEREAS, the City and the Consultant desire to use new labor rates as outlined in the Carollo Engineers, Inc. Fee Schedule starting January 1, 2025; 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 December 31, 2024, to December 31, 2026, and Time for Performance is extended to 1790 days.

3. **Exhibit A** of the Agreement is amended to update the schedule of fees as indicated in **Exhibit A2** attached hereto and incorporated herein by reference.

4. 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 municipal corporation

Carollo Engineers, Inc., a Delaware Corporation

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

Signed by: Anne E. Prudhel 11/27/2024  
F4460416554445A...  
Name: Anne E. Prudhel

APPROVED AS TO FORM:  
ANDREW JANZ  
City Attorney

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

Signed by: Darcy Brown 12/2/2024  
B006ECD1CC96462...  
By: \_\_\_\_\_ Date  
Deputy City Attorney

Signed by: Ryan Sellman 11/27/2024  
9D93B5F27EBA447...  
By: \_\_\_\_\_  
Name: Ryan Sellman

ATTEST:  
TODD STERMER, CMC  
City Clerk

Title: Vice President  
(If corporation or LLC., CFO.,  
Treasurer, Secretary or Assistant  
Secretary)

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

Addresses:  
CITY:  
City of Fresno  
Attention: Peter Maraccini, PE, PhD  
Licensed Engineering Manager  
1626 E Street  
Fresno, CA 93706  
Telephone No: (559) 621-1609

CONSULTANT:  
Carollo Engineers, Inc.  
Attention: Ryan Sellman,  
Vice President  
1401 Fulton Street, Suite 802  
Fresno, CA 93721  
Telephone No.: (559) 436-6616  
FAX: (559) 436-1191

**EXHIBIT A2**

**CAROLLO ENGINEERS, INC.  
FEE SCHEDULE**

**As of January 1, 2025**

	<u>Hourly Rate</u>
<b>Engineers/Scientists</b>	
Assistant Professional	\$218.00
Professional	\$275.00
Project Professional	\$323.00
Lead Project Professional	\$340.00
Senior Professional	\$367.00
<b>Technicians</b>	
Technicians	\$163.00
Senior Technicians	\$238.00
<b>Support Staff</b>	
Document Processing / Clerical	\$139.00
<b>Project Equipment Communication Expense (PECE) Per DL Hour</b>	
	\$16.00
<b>Other Direct Expenses</b>	
Travel and Subsistence	at cost
Mileage at IRS Reimbursement Rate Effective January 1, 2025	\$0.67 per mile
Subconsultant	cost + 10%
Other Direct Cost	cost + 10%
Expert Witness	Rate x 2.0

This fee schedule is subject to annual revisions due to labor adjustments.