

FIRST AMENDMENT TO AGREEMENT

THIS FIRST AMENDMENT TO AGREEMENT ("Amendment") made and entered into as of this ____ day of December, 2020, amends the Agreement heretofore entered into between the CITY OF FRESNO, a municipal corporation ("CITY"), and BKF Engineers, a California corporation ("CONSULTANT").

RECITALS

- A. CITY and CONSULTANT entered into an Agreement, dated March 23, 2017, for services related to the design of plans and general construction contract documents for the Herndon Avenue Widening between Polk and Millburn Avenues ("Agreement").
- B. In response to a request by the CITY to provide positive utility locations (potholing), the CITY has agreed to (1) amend the scope of services described in Exhibit A to the Agreement and (2) compensate CONSULTANT on an actual cost basis not to exceed \$117,923.00 for the additional services.
- C. The Parties desire to memorialize the above-mentioned modifications to the Agreement herein.

AGREEMENT

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

- 1. **Scope.** CONSULTANT shall provide additional services as described in **Exhibit "A"**, attached hereto and incorporated herein by reference. Such additional services as outlined in Exhibit A shall be completed by December 31, 2020.
- 2. **Compensation.** CONSULTANT's sole compensation for satisfactory performance of all services required or rendered pursuant to this Amendment shall be on an actual cost basis not to exceed \$117,923.00.
- 3. **Conflict.** 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.
- 4. **Effect of Amendment.** Except as otherwise provided herein, the Agreement entered into by CITY and CONSULTANT, dated March 23, 2014, as amended, remains in full force and effect.
- 5. **Exhibits.** This Amendment contains one (1) exhibit: Exhibit A.

[SIGNATURES ON 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 California Municipal Corporation

BKF Engineers,
a California Corporation

By: _____
Andrew Benelli, P.E.
Assistant Director
Public Works Department

By: 

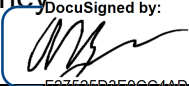
Name: Greg Hurd

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

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: 

Name: Jean Chen

DocuSigned by:
 11/30/2020
For Raj Singh Badhesha Date

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

ATTEST:
YVONNE SPENCE, MMC CRM
City Clerk

REVIEWED BY:

By: _____
Deputy

Jesus Avitia, P.E.
Deputy City Engineer

Addresses:
CITY:
City of Fresno
Attention: Jesus Avitia, P.E.
2600 Fresno Street, 4th Floor
Fresno, CA. 93721-3623
Telephone No. (559) 621-8804
FAX. (559) 457-1277

CONSULTANT:
BKF Engineers
Attention: Chris Rideout, P.E., Principal
4670 Willow Road, Suite 250
Pleasanton, CA 94588
Telephone No. (925) 396-7700
FAX: (925) 396- 7799

Attachments: Exhibit A – Additional Scope of Services

Exhibit A

ADDITIONAL SCOPE OF SERVICES
Consultant Service Second Amendment to Agreement between City of Fresno ("CITY")
and BKF Engineers ("CONSULTANT")



April 10, 2020

Jesus Avita, PE – Deputy City Engineer

City of Fresno – Public Works Department

2600 Fresno Street

Fresno, CA 93721-3600

Transmitted Via Email

**Subject: Addendum Request for Herndon Avenue Widening Project
BKF No. 20180656-10**

Dear Mr. Avita:

After the design was refined to a 60% level, BKF and the City evaluated the potential impacts/conflicts the new improvements might have to existing utilities. The exiting utilities shown in the Project plans were obtained from:

- The City surveyed all above ground and gravity inverts within the Project limits
- BKF coordinated with all utilities within the Project limits and obtained their block maps. BKF then used those block maps to insert into the Project base sheets.

The information from the utility companies that could not be accurately verified by the City during their surveying activities due to no visible above ground structures needed to be verified through sub-surface investigation. BKF developed a Pothole Exhibit (see Exhibit 'A') showing the 50 potholes needing to be investigated.

BKF has reached out to several potholing contractors to solicit bids for the sub-surface investigation. And received bids from:

- Bill Nelson General Engineering Construction, Inc
- Jerry's Trenching Services
- Irish Construction
- Cal Valley Construction

The bids ranged from the Jerry's Trenching Services bid of \$103,715 (see attached Exhibit 'A') to over \$175,000 from Cal Valley Construction. We vetted the bid from Jerry's Trenching Services and recommend moving forward with them.

Additionally, BKF staff has expended efforts for the potholing activities including:

- Coordinating and obtaining bids/vetting bids
- Coordination of the activities with BNSF and City of Fresno
- Prepare/Coordinate Pothole Exhibits (Attachment 'B')
- Coordination with Jerry's Trenching before/after potholing activities
- Conducted site visits for two days to ensure potholing work is coordinated, and successfully completed.



For the efforts mentioned above BKF has the following hours:

Project Manager	12 hrs x \$204/hr = \$	2,448.00
Engineer III	18 hrs x \$174/hr = \$	3,132.00
Engineer II	24 hrs x \$154/hr = \$	3,696.00
Engineer I	36 hrs x \$137/hr = \$	4,932.00
	<hr/>	
	Total BKF Effort	\$14,208

The total addendum fee requested for the potholing activities are:

Jerry's Trenching Services	\$	103,715.00
BKF Engineers	\$	14,208.00
	<hr/>	
Total Addendum Request	\$	117,923.00

Jesus please let me know if you have any questions or need any additional information/clarifications. The best number to reach me at during this quarantine period is 949-526-1042 or via email at samparo@bkf.com. The information gathered will be incorporated in the 90% PS&E. Thanks.

Sincerely,

BKF ENGINEERS

A handwritten signature in blue ink, appearing to read 'Sheila Amparo', is written over a light blue horizontal line.

Sheila Amparo, PE, QSD
Project Manager

Attachment: Exhibit 'A'



Proposal/Quote

from
JERRY'S TRENCHING SERVICE

3096 W Belmont Ave Ste #106
Fresno, CA 93722
Phone (559) 903-0662 Fax (559) 275-1539
E-Mail: c.coleman@jerrystrenching.com
Lic #228083 DIR #14011564

Customer: BKF Engineers
980 9th Street Ste 1770
Sacramento, Ca 95814

Date: 03/07/2019
Quote#: CC3719
Attn: Sejin Oh
Phone:
Fax:

Project: Herndon Pothole

Jerry's trenching Service (JTS) is please to provide you the following proposal for your project.
JTS will use a Hydro Vac system to pothole the identified locations requiring Potholing to verify the depth of utilities and or the current thickness of the existing roadway.
All locations that are in Asphalt or concrete will require JTS to use Air Powered Jack Hammers to break through the initial surface then rely on the Hydro Vac system to finish each Pot Hole. An exploratory Pothole size is considered 24"x24" and 59" deep.
Core Locations #36 (listed 2 times),29,44 and 46. These locations will require written permission and special engineering processes that shall be made available to JTS prior to start of work. Due to the complexity of Engineered Bridges, Customer shall identify and supply JTS with written permissions from all agencies who govern this Bridge, along with a written process covering the collection of Core Samples of this specific Bridge. JTS will use GPR and Core Drilling to Complete the work if acceptable to the governing agency
Location #'s 25,26,34,35,45,47,48,49,50 are also included in this proposal however may have to be charged at a higher rate due to being on the overpass right of way. These locations may also require special engineering processes that are not available to JTS at this time. this location may also require special bonding and insurance requirements for this operation.

- Includes Excludes Not Applicable**
- Permit Fee's / Bonds
 - Mobilization
 - Hydrant Meter
 - Staking
 - Rail Road Flaggers
 - Vacuum
 - Compaction Test(s)
 - Bore Log(s)
 - Red line As-Built
 - White Paint "USA Reg"
 - Pothole Utilities "includes 3 "
 - Mandrel
 - Excavate Entry & Exit Pits
 - Backfill Entry & Exit Pits
 - Conduit Splice(s)
 - Traffic Control
 - Concrete Demo
 - Concrete Resurface
 - Asphalt Demo
 - Asphalt Resurface
 - Landscape Restoration
 - Dump Fee's
 - Welding or Fusion
 - X-Ray
 - Select Backfill Labor Only
 - Select Backfill Furnish
 - Saw-cut (Pits & Potholes)
 - Conduit (Materials)
 - Cross Bore Inspections
 - Rock Conditions In Soil
 - Sub grade Obstructions
 - Concrete for Lost Bore
 - Contaminated Soil Work

Item	Description	Quantity	Price	TOTAL
PH Reg	Pothole Utilities 2'x2'x59"	40	\$ 600.00	\$ 24,000.00
Core Deck	Core to top of Deck to 12"	4	\$ 1,200.00	\$ 4,800.00
Core	Core Drill 29,36x2,44,46	5	\$ 1,200.00	\$ 6,000.00
TC	Traffic Control Charge per Day	12	\$ 1,950.00	\$ 23,400.00
Asphalt restoration \$375 per 2x2 location and \$25 per additional sq foot				\$ 18,375.00
Railroad Flagging operations				\$ 19,440.00
RR Application and Insurance				\$5950.00
Administrative costs for application processing				\$1750.00

Customer Signature

JTS Signature



Proposal/Quote

CONTINUATION

JERRY'S TRENCHING SERVICE

3096 W Belmont Ave Ste #106
 Fresno, CA 93722
 Phone (559) 903-0662 Fax (559) 275-1539
 E-Mail: c.coleman@jerrystrenching.com
 Lic #228083 DIR #14011564

Customer: BKF Engineers
 980 9th Street Ste 1770
 Sacramento, Ca 95814

Date: 03/12/2019
Quote#: CC031219
Attn: Sejin Oh
Phone:
Fax:

Project: Herndon Pothole

PRICING:

\$600.00 per Pothole to a depth of 59" there will be an additional charge of \$100.00 per foot after a depth of 59" is reached.
 (If Pothole is for the Sewer System the additional depth charge will only be \$35.00 per foot after 59")

All Core locations listed as Deck Height will be charged at \$1200.00 per location to a depth of 12" then \$100.00 per inch after 12". All Cores will be done with 4" core drill

BNSF Potholes near Railroad and Flagging Operation:

BNSF Flagging estimated for 4 days at 4860.00 per day estimated total \$19440.00

JTS Has included costs for the Application for Permit as well as Insurance for the proposed scope of work as described. The application process will take up to 4 weeks to process and an additional 10 once the permit has been issued and the start date has been accepted by the railroad authority.

Railroad specific Language:

JTS provided pricing for Potholes near any rail-way, Exceptions are Potholes within 5' of ballast, and Potholes inside ROW over 7' deep.

JTS excludes notifications to agencies, inspectors, stand-buys, utility visuals, Private Pipeline and / or Non-USA members. it is the customers responsibility to give notice within the time-frame needed.

Engineering, ground movement, track monitoring and inspection fees are excluded from this proposal.

If required, all training programs exceeding 1 hour are at additional costs. Insurances and Railroad Flaggers will be obtained by JTS, specific for this rail road project, JTS will not be held responsible or liable for any Fees, Fines or Charges including lost revenues of any type for Train stoppage or Train slowing unless caused by JTS negligence. All financial burden shall rest solely on the customer. by signing this agreement the customer agrees to hold Jerry's Trenching Service Inc (JTS) harmless for any such financial responsibility. All work on this project is based on an 8-hour workday. JTS workdays are Monday through Friday during normal business hours. 7am to 4pm.

This bid excludes all Night and weekend work. If night or Weekend work is required, there will be additional charges for Premium time. The customer agrees that any delays to JTS Crews working on this project resulting from Train Passage or Rail Road Flagger operations which shuts down or causes the JTS crews to stop working for 15 Minutes or more will be billed as an additional charge on an hourly basis. Customer agrees that if JTS encounters more than Three (3) 15-minute delays due to train traffic or Flagger Operations per workday the customer will be billed for down time on an hourly basis.

Dust control is excluded from this proposal, any fines due to Dust/ SWPP /Traffic Control/ or any other, shall not be billed too or deducted from money owed to JTS for this or any other project. All Utilities within USA markings or unmarked / mis-marked utilities shall be customers responsibility. JTS will not be held responsible or liable for the striking or damaging of ANY unmarked or UNIDENTIFIED utilities or Subsurface obstructions.

The pricing provided in this proposal is based upon site conditions being conducive to Potholing. (This includes the parameters of the permit issued / staging areas as well as traffic Control required to perform this work.

All locations that are mis marked or located through exploration will be charged as an additional location using the same pricing schedule on page 1.

This includes all locations on the provided prints, whether the utility is located or not. This project is estimated to take 12 working days. M-F excluding night work and weekends. If the projects extends past the estimated 12 days, The customer will be charged the daily rate for Traffic Control for the duration of the project. If the project takes less than the estimated 12 days you will only be charged for the number of days Traffic control is required.

JTS will restore all Potholes we expose. This agreement is solely between JTS and BKF Engineers, in the event BKF Engineers can not get compensated for additional Potholes or additional restoration required do to the locations needing either additional or larger potholes, it will be the responsibility of BKF Engineers to pay Jerry's Trenching Service for the additional work.

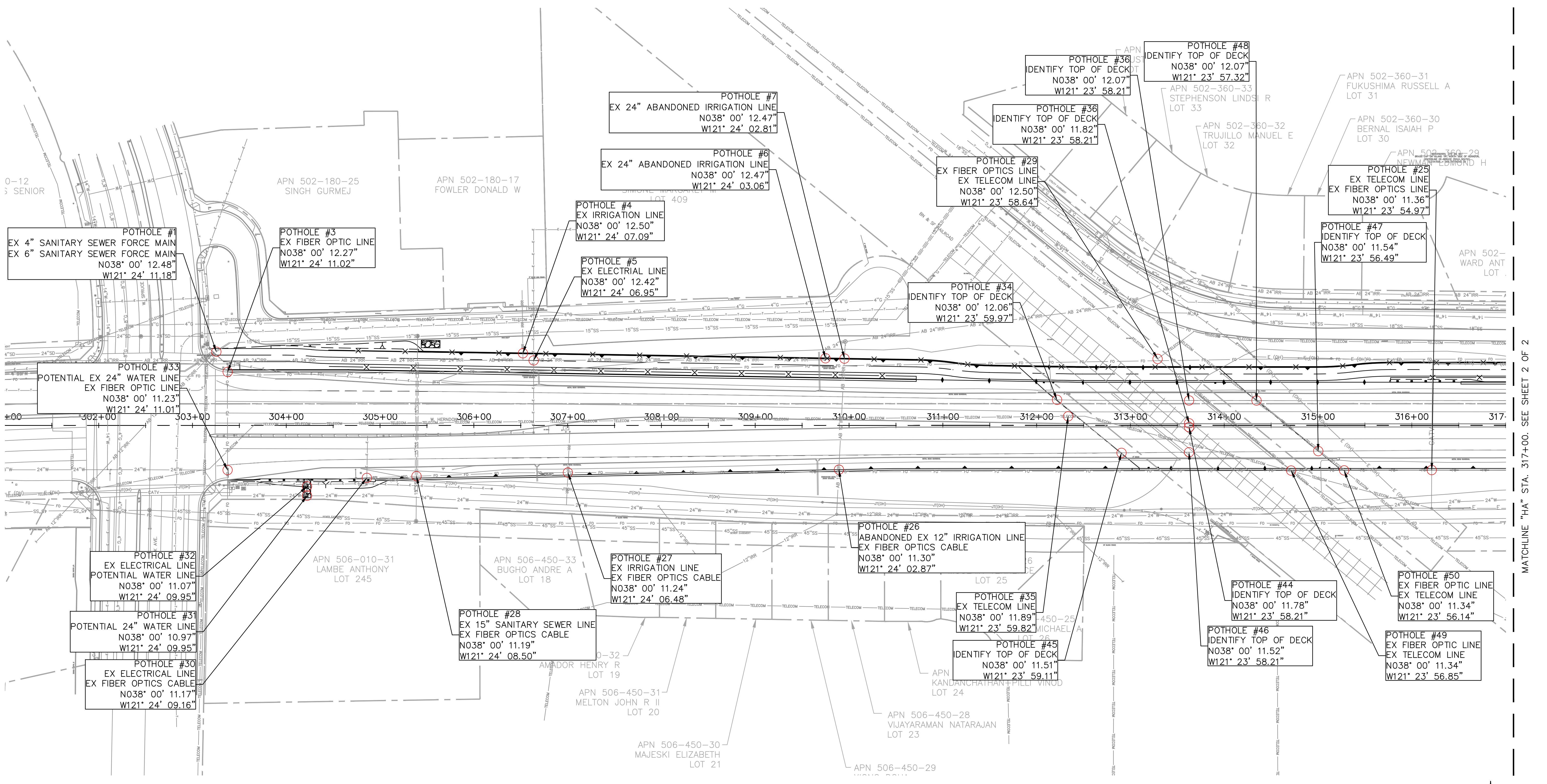
ESTIMATED PRICE

\$ 103,715.00

Customer Signature

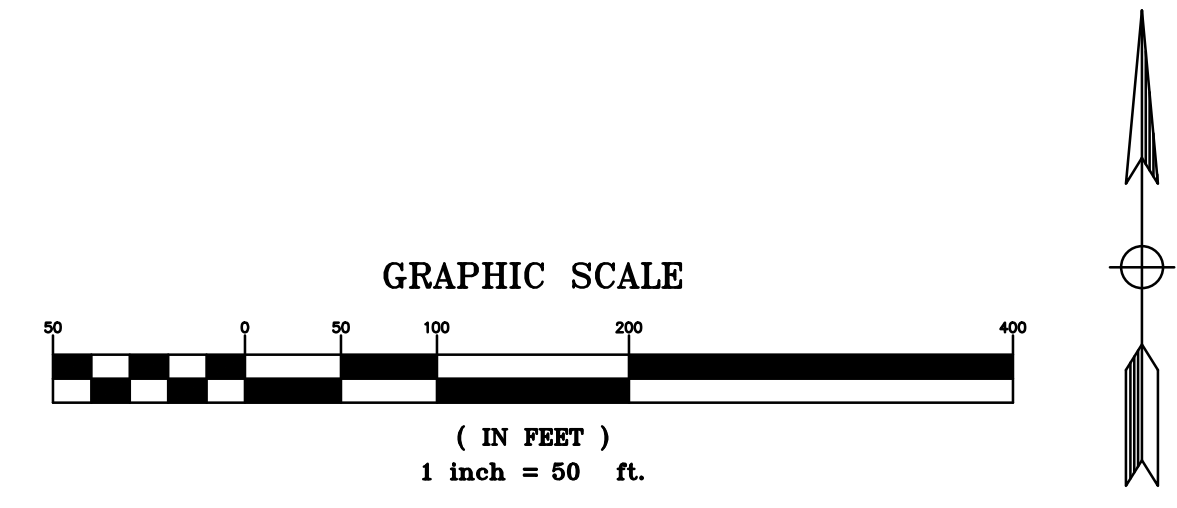
JTS Signature

Page 2 of 2




NOTES:
 1. UTILITY LOCATIONS ARE APPROXIMATE BASED ON THE INFORMATION PROVIDED TO THE DESIGN TEAM AND SITE OBSERVATIONS. FACILITIES MAY NOT BE AT THE PRECISE LOCATION INDICATED ON THIS PLAN. CONTRACTOR TO POSITIVELY LOCATE EXISTING UTILITIES AT THE APPROXIMATE LOCATIONS NOTED. REPORT ANY DISCREPANCIES FROM THIS PLAN TO THE DESIGN ENGINEER.

PLAN VIEW
 SCALE: 1" = 50'



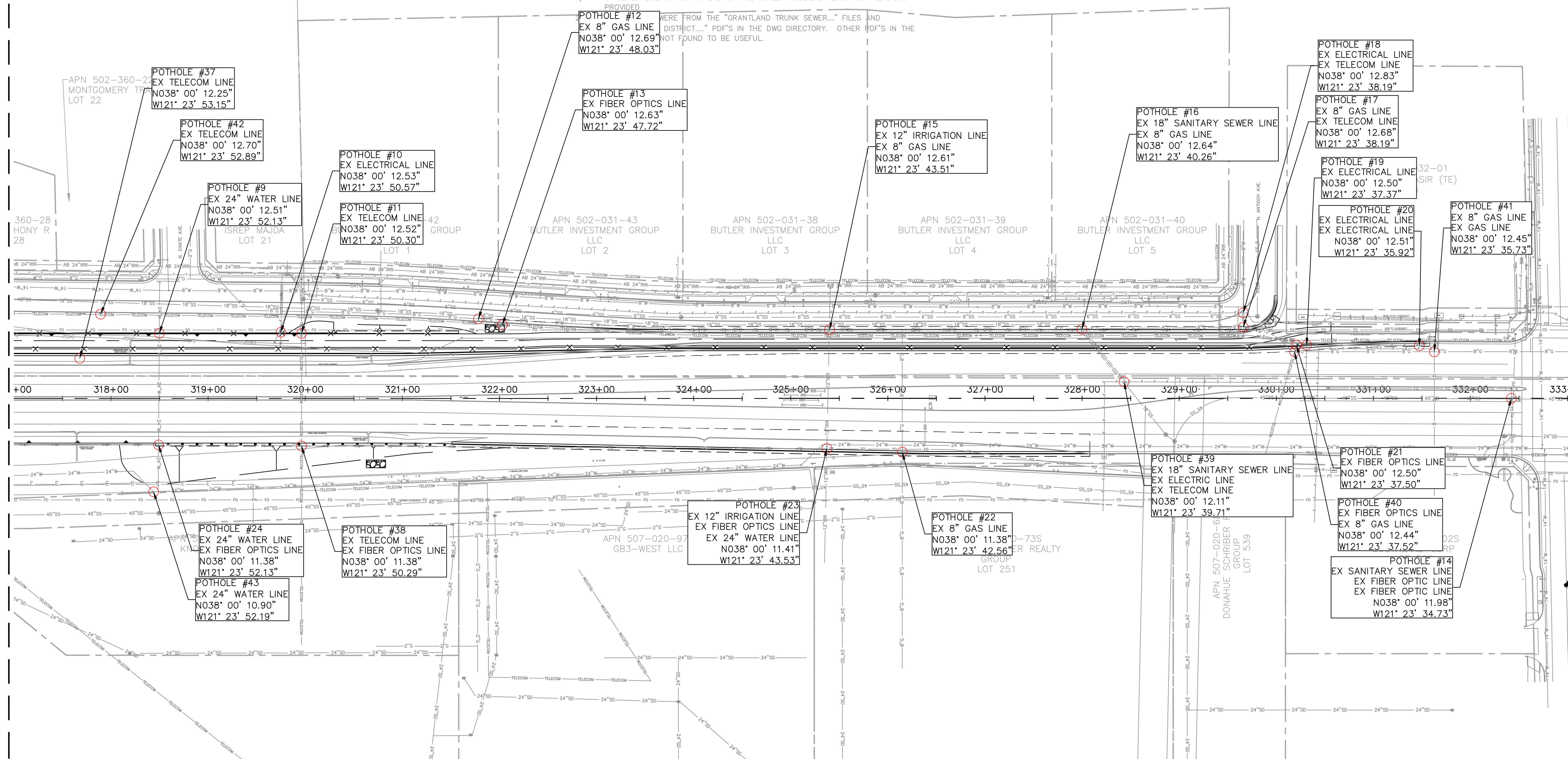
MATCHLINE "HA" STA. 317+00. SEE SHEET 2 OF 2

 ENGINEERS . SURVEYORS . PLANNERS <small>980 9TH ST., STE 1770 SACRAMENTO, CALIFORNIA 95833</small>	POTHOLING EXHIBIT HERNDON AVENUE WIDENING BETWEEN POLK & MILBURN AVENUES (1 OF 2)
	CITY OF FRESNO, CALIFORNIA SEPTEMBER 2018

NOTES

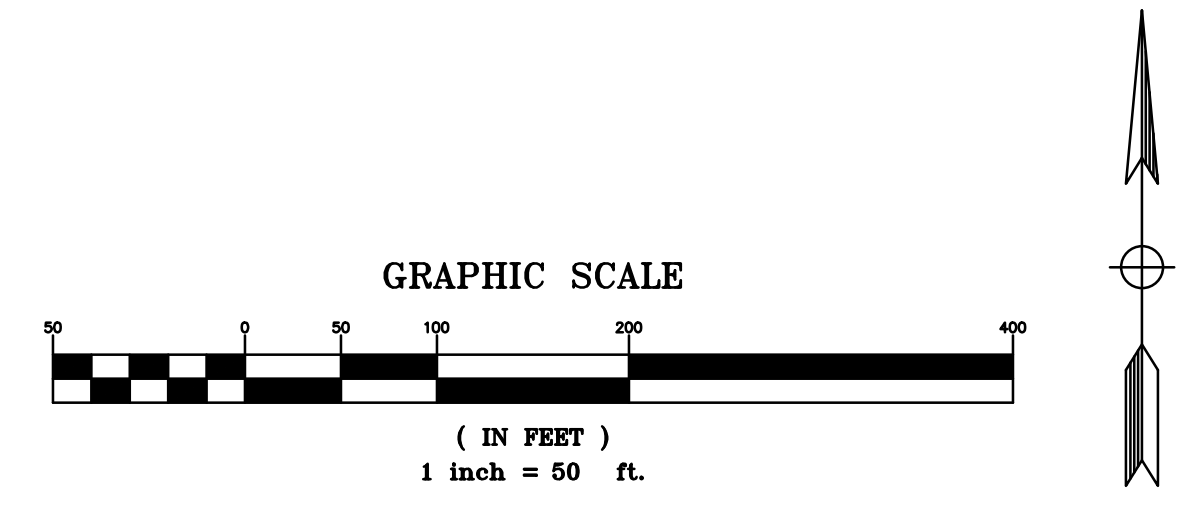
1) 6" SEWER LINE ON NORTH END OF THE STREET SUDDENLY ENDS ON THE DOCS PROVIDED WERE FROM THE "GRANTLAND TRUNK SEWER..." FILES AND DISTRICT..." PDF'S IN THE DWG DIRECTORY. OTHER PDF'S IN THE NOT FOUND TO BE USEFUL.


MATCHLINE "HA" STA. 317+00. SEE SHEET 1 OF 2



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1. UTILITY LOCATIONS ARE APPROXIMATE BASED ON THE INFORMATION PROVIDED TO THE DESIGN TEAM AND SITE OBSERVATIONS. FACILITIES MAY NOT BE AT THE PRECISE LOCATION INDICATED ON THIS PLAN. CONTRACTOR TO POSITIVELY LOCATE EXISTING UTILITIES AT THE APPROXIMATE LOCATIONS NOTED. REPORT ANY DISCREPANCIES FROM THIS PLAN TO THE DESIGN ENGINEER.

PLAN VIEW
SCALE: 1" = 50'



 <p>ENGINEERS . SURVEYORS . PLANNERS 980 9TH ST., STE 1770 SACRAMENTO, CALIFORNIA 95833 916.556.5800</p>	<p>POTHOLING EXHIBIT HERNDON AVENUE WIDENING BETWEEN POLK & MILBURN AVENUES (2 OF 2) CITY OF FRESNO, CALIFORNIA SEPTEMBER 2018</p>
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