

THIRD AMENDMENT TO AGREEMENT

THIS THIRD AMENDMENT TO AGREEMENT (Amendment) made and entered into as of this 11th day of June, 2021, amends that certain Consultant Services Agreement entered into between the CITY OF FRESNO, a municipal corporation (City), and BKF Engineers, a California corporation (Consultant), dated January 22, 2019 (the Agreement).

RECITALS

- A. City and Consultant entered into the Agreement for professional engineering services for the design of plans and general construction contract documents for the Mid-Town Trail, Segments 1 and 3.
- B. CITY has reviewed the Segment 3 project, and has determined some project requirements and coordination are beyond the scope of the Consultant Agreement. The City has determined the need for an amendment to the Agreement.
- C. City now desires to modify the scope of work of the Agreement to address the out-of-scope requirements and additional coordination. The City now desires provide payment thereof in the amount of \$58,418.23 to the Consultant.

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. Consultant shall provide additional services as described in **Attachment "A"**, attached hereto and incorporated herein by reference. Such additional service shall commence upon execution of the Third Amendment to Agreement by both parties, and shall end upon termination of the Agreement.
- 2. Consultant's sole compensation for satisfactory performance of all services required or rendered pursuant to this Amendment shall be a total fee of \$58,418.23. The \$58,418.23 is accounted for in the FY2021 budget.
- 3. 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. Except as otherwise provided herein, the Agreement entered into by City and Consultant, dated January 22, 2019, First Amendment, dated February 2, 2021, and Second Amendment, dated February 12, 2021, remain in full force and effect.

[SIGNATURES ON FOLLOWING PAGE

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

DocuSigned by:

Randall Morrison

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Randall W. Morrison, P.E.
Assistant Director
Public Works Department

BKF Engineers,
a California Corporation

DocuSigned by:

Gordon C. Sweet

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By: Gordon Sweet 5/27/2021

Name: Gordon Sweet, PE

Title: Principal/Vice President

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

DocuSigned by:

Raj Singh Badhesha

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By: Raj Singh Badhesha 5/27/2021
Raj Singh Badhesha Date
Senior Deputy City Attorney

DocuSigned by:
David A. Richwood
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By: David A. Richwood 5/27/2021

Name: David Richwood, PE

Title: Principal/Vice President

ATTEST:
YVONNE SPENCE, MMC, CRM
City Clerk

DocuSigned by:

By: Bernard Canes
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Deputy

REVIEWED BY:

DocuSigned by:

Jesus Avitia

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Jesus Avitia, P.E.
Deputy City Engineer

Addresses:
CITY:
City of Fresno
Attention: Jason Miller, P.E.
2600 Fresno Street, 4th Floor
Fresno, CA. 93721-3623
Telephone No. 559-621-8653
FAX: 559-457-1277

CONSULTANT:
BKF Engineers
Attention: Dave Richwood, P.E.
255 Shoreline Drive, #200
Redwood City, CA 94065
Telephone No. 650-482-6300
FAX: 650-482-6399

Attachment: Attachment "A" – Additional Scope of Services
Exhibit 'A' – BKF Team Fee Proposal

Attachment A

ADDITIONAL SCOPE OF SERVICES

Consultant Service Third Amendment to Agreement between City of Fresno ("City") and BKF Engineers, a California corporation ("Consultant")

Mid-Town Trail Segment 3

Project Title

Consultant (BKF Engineers, a California corporation) shall perform each service described below in items 1-9.

The consultant fee to provide additional design services is itemized as follows:

<u>Item</u>	<u>Part 2 Service Description</u>	<u>Total Cost</u>
1.	FID Turnaround Analysis and Design: <ul style="list-style-type: none"> Design and analysis of FID requested turn-around near the intersection of the Herndon Canal and Gould Canal. 	\$3,806.51
2.	FID Opposite Bank Access Driveways: <ul style="list-style-type: none"> Add commercial driveways to FID access points opposite the trail. 	\$5,796.76
<u>Item</u>	<u>Part 3 Service Description</u>	
3.	Additional Coordination and Management:	\$11,370.73
4.	Retaining Wall at Gould Canal: <ul style="list-style-type: none"> Add retaining wall on east side of proposed pedestrian bridge. 	\$8,665.43
5.	FID Opposite Bank Lowboy Access & Surfacing: <ul style="list-style-type: none"> Grading and reprofiling at FID access points along the bank opposite the trail. Add 100 lf of aggregate base at FID access points. 	\$13,545.57
6.	Lighting Redesign (update to new criteria)	\$4,061.13
7.	Landscape Redesign (update to new criteria)	\$2,465.53
8.	Geotech 1 – Revise abutment depth due to soil conditions	\$6,156.17
9.	Geotech 2 – Revise trail for setback/conditions at Michigan Avenue.	\$2,550.40
	Total Cost:	\$58,418.23

The services described above shall commence upon execution of the Third Amendment to Agreement by both parties, and shall end upon termination of said Agreement.

[illegible]

- Description requires the detail of the foundation the structure due to the required excavation site slopes. Reducing the depth of the footing is the most cost effective option as it eliminates the need for shoring, piling or bracing the walls. Advantages include:
 - Concept requires review and comparison.
 - Reduced excavation and foundation.
 - Reduced footing shoring, calculation and detailing.
- Limiting quantities and cost estimate.
- Concept requires review and comparison.
- Greater review and cost estimate.
- Criteria and total surveying required and compatible with City Europe.
- Reduced total width and potential deepened curb may require revisions to typical sections and details.
- Limited quantities and cost estimate.