

ATTACHMENT 5

SECOND AMENDMENT TO AGREEMENT

THIS SECOND AMENDMENT TO AGREEMENT (Amendment) made and entered into as of this 14th day of ~~December~~ December 2021, amends the Agreement theretofore entered between the CITY OF FRESNO, a California municipal corporation (City), and CAROLLO ENGINEERS, INC., a Delaware corporation, (Consultant).

RECITALS

WHEREAS, the City and the Consultant entered into an agreement on July 1, 2019, (Agreement) to provide professional consulting engineering services for the North Avenue Sewer Trunk Main Realignment (Project), for a total fee not to exceed \$210,920, inclusive of a \$20,000 contingency; and

WHEREAS, the First Amendment to the Agreement was executed on October 26, 2020, to increase compensation in the amount of \$23,570 for additional design services, and extended the term of the Agreement to December 17, 2021; and

WHEREAS, City and the Consultant jointly acknowledge there was a greater than anticipated time period to secure the necessary Burlington Northern Santa Fe Railroad crossing agreement; and

WHEREAS, the City and the Consultant desire to extend the Agreement to March 31, 2023 to complete the Project; and

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

AGREEMENT

NOW, THEREFORE, the City and the Consultant agree that the aforesaid Agreement be amended as follows:

1. Section 2 of the Agreement is amended in its entirety to read as follows:

“2. Term of Agreement and Time for Performance. This Agreement shall be effective from the date first set forth above and shall continue in full force and effect through the earlier of complete rendition of the services hereunder or March 31, 2023, subject to any earlier termination in accordance with this Agreement. The services of CONSULTANT as described in **Exhibit A** are to commence upon CITY'S issuance of a written "Notice to Proceed." Work shall be undertaken and completed in a sequence assuring expeditious completion, but in any event, all such services shall be completed within 1,369 consecutive calendar days from such authorization to proceed.”

2. Except as otherwise provided herein, the Agreement entered into by the City and the Consultant, dated July 1, 2019, amended on October 26, 2020, remain in full force and effect.

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

CITY OF FRESNO,
A municipal corporation

DocuSigned by:
By: Michael Carbajal 12/13/2021
0DA914AF5B8D44B...
Michael Carbajal, Director
Department of Public Utilities

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

DocuSigned by:
By: Brandon Collet 11/24/2021
1CF65444CAA64DB...
Brandon M. Collet Date
Senior Deputy City Attorney

ATTEST:
TODD STERMER
City Clerk

DocuSigned by:
By: Bernard Canez 12/14/2021
2F1BC37F778C4E1...
Bernard Canez Date
Deputy

CAROLLO ENGINEERS, INC.,
A Delaware corporation

DocuSigned by:
By: Ken Wilkins 11/24/2021
EACD800E8EC04CE...
Name: Ken wilkins

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

DocuSigned by:
By: Michael Barnes 11/24/2021
69704BDD9A5A4CC...
Name: Michael Barnes

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