

**AMENDMENT NO. 3 TO AGREEMENT  
FOR CONTRACT SERVICES BETWEEN  
THE CITY OF FRESNO AND DURHAM CONSTRUCTION COMPANY, INC.**

THIS AMENDMENT NO. 3 TO AGREEMENT (Amendment), is made and entered into effective , 2023, by and between the CITY OF FRESNO, a California municipal corporation (City), and DURHAM CONSTRUCTION COMPANY, INC., a California corporation (Contractor).

**RECITALS**

WHEREAS, City and Contractor entered into an agreement, dated September 24, 2020, incorporated herein (Agreement), for Public Work of Improvement Job Order Contract; and

WHEREAS, City and Contractor entered into an amendment, dated June 24, 2021, increasing the maximum contract value of the Base Term of the Agreement by \$700,000; and

WHEREAS, City and Contractor entered into an amendment, dated March 24, 2022, increasing the maximum contract value of the Base Term of the Agreement by \$700,000; and

WHEREAS, the parties desire to increase the maximum contract value of the Base Term of the Contract by \$1,000,000; and

**AGREEMENT**

NOW THEREFORE, the parties agree as follows:

1. Effective upon execution of this Amendment, the Base Term of the Agreement shall be increased by \$1,000,000 for the current year. The Maximum Contract Value is \$5,400,000 over the potential three one-year terms.
2. All capitalized terms not otherwise defined herein shall have the meaning ascribed to such terms in the Agreement.
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 Contractor, dated September 24, 2020, remains in full force and effect.

**[Signatures follow on the next page.]**

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

CITY OF FRESNO,  
a California municipal corporation

By: \_\_\_\_\_  
Brian Barr,  
General Services Director

APPROVED AS TO FORM:  
ANDREW JANZ  
City Attorney

By:  3/20/23  
Brandon M. Collet Date  
Senior Deputy

ATTEST:  
TODD STERMER, CMC  
City Clerk

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

Addresses:

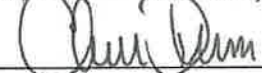
CITY:  
City of Fresno  
Attention: Robin O'Malley  
2101 G Street, Bldg C  
Fresno, CA 93706  
Phone: (559) 621-1212

DURHAM CONSTRUCTION  
COMPANY, INC., a California  
corporation

By: 

Name: Chris Durham

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

By: 

Name: Chris Durham

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

CONTRACTOR:  
Durham Construction Company, Inc.  
Attention: Chris Durham  
1025 E. Holland Ave  
Clovis, CA 93612  
Phone: 559 294-9500  
FAX: 559 294-9200