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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

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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
7AAF4C791256469...

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

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

DocuSigned by:
Raj Singh Badhesha
B72271D0B0F6443...
5.27.21

By: _____
Raj Singh Badhesha Date
Senior Deputy City Attorney

ATTEST:
YVONNE SPENCE, MMC, CRM
City Clerk

DocuSigned by:
Bernard Caney
2F1BC67F778C4E1...

By: _____
Deputy

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

BKF Engineers,
a California Corporation

DocuSigned by:
Gordon C. Sweet
6CAFC06DA4844A5...
5/27/2021

By: _____

Name: Gordon Sweet, PE

Title: Principal/Vice President

DocuSigned by:
David A Richwood
85931524114A4FA...
5/27/2021

By: _____

Name: David Richwood, PE

Title: Principal/Vice President

REVIEWED BY:

DocuSigned by:
Jesus Avitia
75A78C04DFC14B8...

Jesus Avitia, P.E.
Deputy City Engineer

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

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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:

Item	Part 2 Service Description	Total Cost
1.	FID Turnaround Analysis and Design: • 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: • Add commercial driveways to FID access points opposite the trail.	$5,796.76
Item	Part 3 Service Description	
3.	Additional Coordination and Management:	$11,370.73
4.	Retaining Wall at Gould Canal: • Add retaining wall on east side of proposed pedestrian bridge.	$8,665.43
5.	FID Opposite Bank Lowboy Access & Surfacing: • 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.

CITY OF FRESNO
MID-TOWN TRAIL PROJECT

EXHIBIT A - BKF TEAM FEE PROPOSAL - SEGMENT 3 - AMENDMENT 3_r4

Task	BKF							BORO LANDSCAPE CONSULTANT						BCA						AEC						Total Hours	Total Cost
	Principal, QA/QC	Project Manager	Engineer III	Engineer II	Engineer I	Subtotal Hours	Subtotal Cost*	Project Landscape Architect	Landscape Architect	CADD Draftsman		Subtotal Hours	Subtotal Cost	Principal, QA/QC	Engineering Manager	Assistant Engineer	Senior Computer Drafter	Subtotal Hours	Subtotal Cost*	Principal, QA/QC	Senior Electrical Engineer	Electrical Designer	Technical Support	Subtotal Hours	Subtotal Cost*		
Original Rate	$283	$198	$167	$148	$128			$129	$103	$77				$248	$171	$115	$126			$175	$144	$113	$102				
AMENDMENT 1 - Part 2																											
FID Turnaround Analysis/Design		4		16		20	$ 3,717					0	$ -		2	2		4	$ 680					0	$ -	24	$ 3,896.51
FID Opposite Bank Access Driveways		4	8	24		36	$ 5,797					0	$ -					0	$ -					0	$ -	36	$ 5,796.78
Part 2 Subtotal Hours	0	8	8	40	0	56		0	0	0	0	0		0	2	2	0	4		0	0	0	0	0		60	
Part 2 Subtotal ($)	$ -	$ 1,566	$ 1,336	$ 5,850	$ -		$ 9,013	$ -	$ -	$ -	$ -		$ -	$ -	$ 342	$ 231	$ -		$ 680	$ -	$ -	$ -	$ -		$ -		$ 9,693.27
AMENDMENT 3 - Part 3																											
Additional coordination and PM (2 submittals)		30	8	8		48	$ 8,827	8				8	$ 798		8			8	$ 1,657		8			8	$ 891	64	$ 11,370.73
Retaining Wall @ Gould Canal (2 submittals)		2		8		10	$ 1,808					0	$ -		12	22	18	52	$ 7,882					0	$ -	62	$ 9,865.43
FID Opp. Bank Surfacing & LowBoy Access Grading Design (2 Submittals)		8	16	40	24	88	$ 13,546					0	$ -					0	$ -					0	$ -	88	$ 13,545.87
Lighting redesign (update to new criteria)		2		4		6	$ 1,006					0	$ -					0	$ -					0	$ -	6	$ 1,006.00
Landscaping redesign (update to new criteria)		1		2		3	$ 503	2	4	16		22	$ 3,063					0	$ -			18		24	$ 3,066	30	$ 4,081.13
Geotech 1 - Revised abutment depth due to soil conditions[1]			2	2		4	$ 648					0	$ -	1	8	28	18	40	$ 5,811					0	$ -	44	$ 6,158.17
Geotech 2 - Revised trail for setback/conditions at Michigan Ave[2]	1	2	4	8		15	$ 2,560					0	$ -					0	$ -					0	$ -	15	$ 2,559.40
						0	$ -					0	$ -					0	$ -					0	$ -	0	$ -
						0	$ -					0	$ -					0	$ -					0	$ -	0	$ -
Part 3 Subtotal Hours	1	45	30	72	24	172		8	4	16	0	28		1	27	42	26	96		0	14	18	0	32		328	
Part 3 Subtotal ($)	$ 247	$ 8,907	$ 5,006	$ 10,531	$ 3,066		$ 28,485	$ 1,030	$ 412	$ 1,236	$ -		$ 2,758	$ 248	$ 4,619	$ 4,845	$ 3,516		$ 13,825	$ -	$ 2,015	$ 1,813	$ -		$ 3,947		$ 48,814.95
Amendment 3 Total	$ 247	$ 10,372	$ 6,341	$ 16,381	$ 3,066		$ 37,499	$ 1,030	$ 412	$ 1,236	$ -		$ 2,758	$ 248	$ 4,960	$ 5,076	$ 3,516		$ 14,215	$ -	$ 2,019	$ 1,813	$ -		$ 3,947	388	$ 58,418.23

*Subtotal cost includes 3% increase in original rates agreed to in Amendment

1 - Geotech 1 requires that the depth of the foundation be decreased due to the required excavation side slopes. Reducing the depth of the footing is the most cost effective option as it eliminate the need for sheet piling or lengthening the bridge. Activities include;
- -Geotech report review and coordination
- -Preparation of an exhibit for FID approval
- -Revised footing drawing, calculation and detailing
- -Updated quantities and cost estimate

2 - Geotech 2 requires revisions to the trail geometry near Michigan Avenue due to minimum setback recommendations and existing channel edge conditions. Activities include;
- -Geotech report review and coordination
- -Create and additional survey request and coordinate with City surveyor
- **-Preparation of an exhibit for FID approval**
- -Revised trail width and potential depressed curb may require revisions to layout, typical sections and details
- -Updated quantities and cost estimate

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