

FIRST AMENDMENT TO AGREEMENT

THIS FIRST AMENDMENT TO AGREEMENT (First Amendment) made and entered into as of this 21st day of ~~June~~^{July}, 2017, amends the Agreement heretofore entered into between the CITY OF FRESNO, a municipal corporation, (CITY), and Provost and Pritchard Engineering Group, Incorporated, (CONSULTANT).

RECITALS

WHEREAS, CITY and CONSULTANT entered into an agreement, dated June 7, 2016, for professional engineering services for the design of plans and general construction contract documents for Pump Stations 117 and 284 Well Head Treatment Improvements ("Project") for a total fee of \$262,473;

WHEREAS, CITY has amended the scope of services, from design of Granular Activated Carbon treatment facility to low profile air strippers in order to properly evaluate said systems for use in future similar treatment projects and their ability to address carbon dioxide issues;

WHEREAS, the parties have negotiated an increase of \$65,946 in CONSULTANT'S compensation to add to the current Part 2-Design Development Phase, Part 3-Construction Document Phase, Part 4-Bidding Phase, Part 5-Construction Phase and Supplemental Services scope of services;

WHEREAS, CONSULTANT agrees it has no claim, demands, or disputes against CITY.

AGREEMENT

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

1. Subsection (a) of Section 3 Compensation of the Agreement is amended in its entirety to read as follows:

CONSULTANT's sole compensation for satisfactory performance of all services required or rendered for the Project pursuant to this Amendment shall be a total fee of \$65,946. The fees include all expenses incurred by CONSULTANT in performance of such services. Total CONSULTANT Project costs pursuant to this Amendment are \$328,419.

2. Work related to the Agreement and this Amendment assured implementation and expeditious completion of Part 2-Design Development Phase and Part 3-Construction Document Phase on or before the expiration of the respective limits as set forth in the Agreement as amended herein.

3. Except as otherwise provided herein, the Agreement entered into by CITY and CONSULTANT on June 7, 2016 remain in full force and effect.

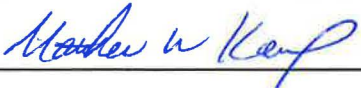
[SIGNATURES FOLLOW ON THE NEXT PAGE.]

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


By: 
Thomas C. Esqueda, Director
Department of Public Utilities

dba Provost and Pritchard Engineering
Group, Inc., a California corporation

By: 
Name: MATTHEW W. KEMP

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

ATTEST:
YVONNE SPENCE, CMC
City Clerk

By: 
Name: KEITH M. MORTENSEN

By:  7.21.17
Deputy Date

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

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By:  6/12/17
Brandon M. Collet Date
Deputy

May 18, 2017

Mr. Lito Bucu
Supervising Engineering Technician
City of Fresno
2101 G. Street, Bldg A
Fresno, CA 93706

Subject: **Proposal for Additional Services for the PS 117 PCE Well Head Treatment Project**

Dear Mr. Bucu:

At your request, Provost & Pritchard is submitting this proposal to provide additional services related to the PS 117 PCE Well Head Treatment Project (Project). Provost & Pritchard's original agreement, associated Scope of Services and fee for the Project, dated June 7th, 2016, explicitly assumed that granular activated carbon (GAC) would be the only treatment technology evaluated and designed. In November 2016 Provost & Pritchard was directed by the City to revise the previously submitted *Draft Pumping Station 117 & 284 PCE Treatment Design Parameters Report* to include a full evaluation of the air stripping treatment technology. The City has since directed Provost & Pritchard to proceed with Part 2 of the work (design development) based on use of air stripping treatment. This amendment request describes modifications to the Scope of Services and corresponding fee to modify the project from GAC treatment to air stripping treatment.

Scope of Services

The following revisions to the Scope of Services included as Exhibit A to the June 7th, 2016 agreement are proposed. These revisions are consistent with the air stripping project recommended in the revised *Draft Pumping Station 117 & 284 PCE Treatment Design Parameters Report* submitted to the City on February 6th, 2017. Revisions are highlighted with underlining and strikethrough.

PART 1 SCHEMATIC DESIGN PHASE

At the Direction of the City, the Design Parameters Report has been revised to incorporate an evaluation of shallow tray and diffused aeration air stripping technologies. The revised Design Parameters Report also includes a schematic site layout and building layout for a treatment plant incorporating one shallow tray treatment unit, one diffused aeration treatment unit, and space for the addition of a third treatment unit of either configuration.

At the direction of the City, the cost of revising the report has been applied to Part 6 (Supplemental Services) of the original project budget.

PART 2 DESIGN DEVELOPMENT PHASE

A. PRELIMINARY PLANS, SPECIFICATIONS AND ESTIMATES

1. Address Schematic Design Phase review comments and submit final version of Design Parameters Report to City
2. Prepare preliminary (60%) plans for wellhead treatment construction project, including the following sheets:
 - i. Cover and index (1 sheet)
 - ii. Legend and notes (1 sheet)
 - iii. Demolition plan (1 sheet)
 - iv. Site plan (1 sheet)
 - v. Grading plan (1 sheet)
 - vi. Site piping plan (1 sheet)
 - vii. ~~Pit~~ Building piping details (1 sheet)
 - viii. ~~Pit structural details (2 sheets)~~
 - ix. Miscellaneous details (2 sheets)
 - x. ~~Equipment~~ Building details and sections (3 sheets)
 - xi. Electrical sheets (2 sheets)
 - xii. Title 24 sheet (1 sheet)
 - xiii. Landscape plan (1 sheet)
 - xiv. Irrigation plan (1 sheet)
 - xv. Landscaping details (1 sheet)
 - xvi. Design criteria sheet (1 sheet)
 - xvii. Process flow diagram (1 sheet)
 - xviii. Hydraulic profile (1 sheet)
 - xix. Booster pump details (1 sheet)
 - xx. Treatment equipment details and sections (2 sheets)
 - xxi. Architectural floor plan, elevations, and building sections
 - xxii. Building structural foundation and framing plans
 - xxiii. Building electrical power and lighting plans
 - xxiv. Building mechanical plans
 - xxv. Building plumbing plans
3. Prepare preliminary technical specifications
4. Prepare itemized estimate of quantities and cost
5. Submit preliminary (60%) plans, specifications and estimate (PS&E)
 - a. Internal QA/QC review prior to submittal
 - b. Three 11 x 17 and one electronic (.PDF) copy

Assumptions:

- a) City will provide record drawings for existing well site
- b) The treatment project (6027 Glenn site) will be bid as a separate project from the raw water pipeline project.
- c) Acquisition of the 6027 Glenn Avenue parcel is complete. No services associated with property acquisition have been included.
- d) City up-front contract documents (Div 0 and 1) will be used
- e) No new standby power generator is included in the project. It will be shown on the CUP exhibits as future.
- f) The air strippers will be located inside of an approximately 70' x 30' decorative/textured CMU building
- g) The building will include floor drains, but will not include water service, gas service, or a restroom.

- h) The building will not be ADA compliant.
- i) The building will not include a hoist.
- j) SCADA/telecommunications system design, specification, and construction will be accomplished by the City and will not be included in the plans and specifications.
- k) The building will not be sprinklered or include a fire alarm

B. PERMITTING ASSISTANCE

1. Assist City with applying for and obtaining approval for a Development Permit (DP) for the 6027 Glenn Avenue site.
 - i. Prepare DP exhibits consisting of Site Plan, Landscape Plan, and Elevation Views
 - ii. Assist Water Division with preparation of Planning & Development Department Master Application Form
 - iii. Submit application to Planning & Development Department
 - iv. Participate in up to three meetings or Planning & Development Department counter visits after the initial application to assist the City in obtaining an approved DP
2. Submit off-site improvements plans to City & County of Fresno Public Works Department for review and approval
3. Coordinate with the State Water Resources Control Board – Division of Drinking Water (DDW) regarding the project and submit Design Parameters Report to DDW for their review.
4. ~~Coordinate with Fresno Metropolitan Flood Control District (FMFCD) regarding acceptable location of backwash and flush-to-waste water discharge. It has been assumed that backwash water will be surface flowed to a curb inlet two blocks to the west of the site.~~
5. Establish whether project is subject to SJVAPCD Indirect Source Rule
6. Contact the San Joaquin Valley Air Pollution Control District regarding the permitting requirements for the air stripping treatment plant and assist the City with applying for a permit to construct.

Assumptions:

- a) City will pay for all permit fees directly
- b) Even though the PS 6027 Glenn Avenue property is within a County island, a City of Fresno DP will be required.
- c) City will provide Preliminary Title Report and supporting Deed documents; Letter of Owner Authorization; and Operational Statement required for application
- d) The City will handle coordination with residences adjacent to new PS 117 site regarding aesthetic impacts, construction activities, and construction of masonry wall along property lines.
- e) The treatment plant will not include off-gas treatment
- f) The two air stripping systems will be procured by the general contractor (i.e. not pre-purchased).

PART 3 CONSTRUCTION DOCUMENT PHASE

- A. DRAFT FINAL (90%) DESIGN
 - 1. 60% submittal review meeting with City
 - 2. Address Design Development Phase review comments
 - 3. Prepare draft final plans, including the same sheets listed in the previous phase.
 - 4. Prepare draft final technical specifications
 - 5. Incorporate City up-front contract documents
 - 6. Prepare draft final cost opinions
 - 7. Submit draft final plans, specifications and estimate
 - a. Internal QA/QC review prior to submittal
 - b. Three 11 x 17 and one electronic (.PDF) copy

- B. FINAL (100%) PLANS, SPECIFICATIONS AND ESTIMATES
 - 1. 90% submittal review meeting with City
 - 2. Address draft final review comments
 - 3. Prepare final plans
 - 4. Prepare final technical specifications
 - 5. Prepare final opinion of probable construction costs
 - 6. Submit final plans, specifications and estimate
 - c. Internal QA/QC review prior to submittal
 - d. Three 11 x 17 and one electronic (.PDF) copy

Assumptions:

- a) The contractor will prepare and implement Storm Water Pollution Prevention Plan and Dust Control Plan as required

- C. BUILDING & SAFETY DEPARTMENT PLANCHECK
 - 1. Submit four full-size plansets and two sets of structural calculations for Building & Safety Department Planchek
 - 2. Complete backcheck process to obtain Building & Safety Department approval
 - 3. Obtain FMFCD plan approval and signatures

Assumptions:

- a) Planchek is only required for the wellhead treatment (6027 Glenn Avenue) construction project.

PART 4 BIDDING PHASE

- A. BIDDING SERVICES
 - 1. Attend pre-bid conference

2. Prepare addenda and clarifications as necessary during the bid period

PART 5 CONSTRUCTION PHASE AND GENERAL CONSTRUCTION CONTRACT ADMINISTRATION

A. CONSTRUCTION SERVICES

1. Attend pre-construction conference
2. Review shop drawings and other contractor submittals
3. Provide general consultation and interpretation of construction documents
4. Respond to Requests for Information
5. Provide periodic site visits / construction observation
6. Prepare and submit record drawings based on contractor field record drawings
7. Conduct as-graded survey and prepare as-graded survey plan (6027 Glenn Avenue site)

Assumptions:

- a) Estimated three site visits.

PART 6 OPTIONAL SUPPLEMENTAL SERVICES

Throughout the project, upon approval by the City, other needed services will be provided. This scope includes up to \$9,246 (5% of the project budget for Tasks 1 through 5) to perform this task on a T&M basis, as approved by the City.

The supplemental services budget has been depleted by the revisions that Provost & Pritchard was required to make to the Design Parameters Report and schematic site plan in order to switch from GAC treatment to air stripping. Provost & Pritchard recommends that the City replenish the budget for supplemental services, particularly since unexpected conditions are more likely to occur during the air stripping project as compared to the GAC project, with which the City has more experience.

SPECIFIC EXCLUSIONS

The following engineering services are specifically excluded from the scope of services but may be provided if requested by the City and following adjustment to this Scope of Services and corresponding fee estimate.

- A. Applying for plan amendment, rezoning, or code variances
- B. Construction staking
- C. Legal descriptions and exhibits
- D. Preparation of a Dust Control Plan and Stormwater Pollution Prevention Plan
- E. Payment of agency plan check and permit fees
- F. Construction management and inspection

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- G. Potholing and utility location other than review of plats provided by utilities
- H. Coordination and permitting associated with the California Department of Toxic Substances Control.
- I. Environmental permitting
- J. Hydraulic modeling and/or surge analysis
- K. Traffic control plans
- L. Contractor prequalification
- M. Bench scale treatment testing and pilot studies (e.g. rapid small scale column testing)
- N. Preparation of water treatment Operations Plan and Hazardous Materials Business Plan
- O. Design of air stripping off-gas treatment
- P. Off-gas plume analysis and other specialized services that may be requested by the San Joaquin Valley Air Pollution Control District.
- Q. Specialized acoustic engineering services

Fee

Provost & Pritchard Consulting Group will perform these services on a lump sum basis, in accordance with the terms of the existing project agreement. Our proposed revised fee budget for the project is as follows:

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Proposed Fee – PS 117 PCE Treatment		
Task	Original Fee	Revised Fee
Task 1: Schematic Design	\$26,284	\$26,284
Task 2: Design Development	\$58,853	\$86,036
Task 3: Construction Documents	\$72,229	\$92,088
Task 4: Bidding Phase	\$8,523	\$11,686
Task 5: Construction Phase	\$19,033	\$22,828
Subtotal	\$184,922	\$238,922
Task 6: Supplemental Services	\$9,246	\$21,192
Total Estimated Fee:	\$194,168	\$260,114

Please feel free to contact me directly should you have any questions regarding this request.

Sincerely Yours,

Provost & Pritchard Consulting Group


Kevin Berryhill, RCE 70415
Project Manager


Matthew W. Kemp, RCE 66088
Vice President