

## **SECOND AMENDMENT TO AGREEMENT**

THIS SECOND AMENDMENT TO AGREEMENT (Amendment) made and entered into as of this \_\_\_\_ day of \_\_\_\_\_, 2019, amends the Agreement entered into between the CITY OF FRESNO, Fresno Area Express (FAX), a municipal corporation (City), and California State University, Fresno (FSU).

### **RECITALS**

WHEREAS, City and FSU entered into a Transit Agreement dated August 3, 2017, for FAX to provide transit services for FSU students, faculty, and staff (Agreement); and

WHEREAS, the parties entered into a First Amendment to Agreement on August 27, 2018, for the purpose of extending the term of the agreement; and

WHEREAS, City and FSU now desire to further extend the term of the Agreement with this Second Amendment.

### **AMENDMENT**

NOW, THEREFORE, the Parties hereby agree the Agreement is amended as follows:

1. Section 3 of the Agreement is revised so the Term of the Agreement is August 3, 2017, through October 31, 2020.

2. This Amendment shall become part of and subject to the terms and conditions of the Agreement, which except as modified herein, remains unchanged and in full force and effect.

3. Should any term or condition expressly set forth in this Amendment conflict with the terms and conditions of the Agreement, the terms and conditions expressly set forth in this Amendment will prevail.

4. By signing below, the undersigned certify that they have read and understand, and agree to be legally bound by, this Amendment.

[Signatures follow on the next page.]

IN WITNESS WHEREOF, the Parties have executed this First Amendment to Agreement at Fresno, California, on the day and year first above written.

CITY OF FRESNO,  
a California municipal corporation

CALIFORNIA STATE UNIVERSITY,  
FRESNO

By: \_\_\_\_\_  
Gregory Barfield, Director of  
Transportation

By:  \_\_\_\_\_  
Brian Cotham, Director of  
Procurement


Date: \_\_\_\_\_

Date: 9/10/19

APPROVED AS TO FORM:  
DOUGLAS T. SLOAN  
City Attorney

By: \_\_\_\_\_

Name: \_\_\_\_\_

By:  \_\_\_\_\_  
Amanda B. Freeman  
Senior Deputy City Attorney

Title: \_\_\_\_\_

Date: 9/25/19

Date: \_\_\_\_\_

ATTEST:  
YVONNE SPENCE, CRM MMC  
City Clerk

By: \_\_\_\_\_

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