

FIFTH AMENDMENT TO AGREEMENT

THIS FIFTH AMENDMENT TO AGREEMENT (Amendment) made and entered into effect the 1 day of October 2019, between the CITY OF FRESNO, a California municipal corporation (City), and LIVE OAK ASSOCIATES, INC., a California corporation (Consultant).

RECITALS

WHEREAS, the City and the Consultant entered into an agreement on May 2, 2016, (Agreement) to provide professional Biological Resources Monitoring services for Friant Kern Canal Pipeline (Project); and

WHEREAS, the City and the Consultant amended the Agreement on May 15, 2017, to increase compensation for services by \$191,000 and extend the Agreement to October 31, 2017, to complete Project; and

WHEREAS, the City and the Consultant amended the Agreement on October 31, 2017, to extend the Agreement to March 31, 2018, to complete Project; and

WHEREAS, the City and the Consultant amended the Agreement on March 15, 2018, to extend the Agreement to August 31, 2018, to complete Project; and

WHEREAS, the City and the Consultant amended the Agreement on November 15, 2018, to extend the Agreement to September 30, 2019, to complete Project; and

WHEREAS, the City and the Consultant desire to extend the Agreement to June 30, 2020, to complete 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 parties agree that the aforesaid Agreement be amended as follows:

1. The recitals to this Amendment are incorporated and made a part of this Amendment.
2. The Agreement is extended to June 30, 2020.
3. Except as otherwise provided herein, the Agreement entered into by the City and the Consultant on May 2, 2016, and the first amendment executed on May 15, 2017, the second amendment executed on October 31, 2017, the third amendment executed on March 15, 2018, and the fourth amendment executed on November 15, 2018, 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 municipal corporation

By: 
Michael Carbajal, Director
Department of Public Utilities

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By:  9/27/19
Brandon M. Collet Date
Senior Deputy City Attorney

ATTEST:
YVONNE SPENCE, CRM MMC
City Clerk

By:  10/1/19
Deputy Date

Addresses:
CITY:
City of Fresno
Attention: Dejan Pavic, PE
Public Utilities Manager
2101 G Street, Building A
Fresno, CA 93706
Phone: (559) 621-1620
FAX: (559) 498-4126

LIVE OAK ASSOCIATES, INC.,
A California corporation

By: 

Name: Rick Hopkins

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

By: 

Name: David J. Hartesveldt

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

CONSULTANT:
LIVE OAK ASSOCIATES, INC.
Attention: Dave Hartesveldt
President
39930 Sierra Way, Suite B
Oakhurst, CA 93644
Phone: (559) 642-4880
FAX: (559) 642-4883