

## **FOURTH AMENDMENT TO AGREEMENT**

THIS FOURTH AMENDMENT TO AGREEMENT (Amendment) made and entered into effect the 15<sup>th</sup> day of November 2018, 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 desire to extend the Agreement to September 30, 2019, 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 September 30, 2019.
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, and the third amendment executed on March 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

LIVE OAK ASSOCIATES, INC.,  
A California corporation

By: Michael Carbajal  
Michael Carbajal,  
Director of Public Utilities

By: Rick Hopkins

Name: Rick Hopkins

APPROVED AS TO FORM:  
DOUGLAS T. SLOAN  
City Attorney

Title: President 10-26-2018  
(If corporation or LLC., Board Chair,  
Pres. or Vice Pres.)

By: Brandon M. Collet 11/14/18  
Brandon M. Collet Date  
Senior Deputy City Attorney

By: David Hartesveldt

Name: David Hartesveldt

ATTEST:  
YVONNE SPENCE, MMC  
City Clerk

Title: Treasurer 11-02-2018  
(If corporation or LLC., CFO., Treasurer,  
Secretary or Assistant Secretary)

By: Cindy Bruer 11/15/18  
Deputy Date

Addresses:  
CITY:  
City of Fresno  
Attention: Dejan Pavic  
Supervising Professional Engineer  
2101 G Street, Building A  
Fresno, CA 93706  
Phone: (559) 621-1620  
FAX: (559) 498-4126

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