

SECOND AMENDMENT TO AGREEMENT

THIS SECOND AMENDMENT TO AGREEMENT (Amendment) made and entered into effect the 1st day of January 2021 (Effective Date), amends the Consultant Services Agreement entered into between the CITY OF FRESNO, a California municipal corporation (the City), and CDM Smith, Inc., a Massachusetts Corporation (the Consultant).

RECITALS

WHEREAS, the City and the Consultant entered into a Consultant Services Agreement on March 11, 2016 (Agreement), to provide professional consulting Groundwater Remedial Action Services for the Fresno Sanitary Landfill Superfund Site; and

WHEREAS, the Agreement has the option to exercise three one-year extensions; and

WHEREAS, on February 24, 2020, the City and the Consultant exercised their right to extend the Agreement to December 31, 2020 (first one-year extension), to continue Groundwater Remedial Action Services; and

WHEREAS, the City and the Consultant desire to extend the Agreement to December 31, 2021, (second one-year extension) to continue Groundwater Remedial Action Services; and

WHEREAS, with entry into this Amendment, the Consultant agrees it has no claim, demand, or dispute against the 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. The recitals to this Amendment are incorporated and made a part of this Amendment.
2. The Agreement is extended to December 31, 2021
3. Except as otherwise provided herein, the Agreement entered into the City and the Consultant on March 11, 2016, remains in full force and effect.

[SIGNATURES FOLLOW ON 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

CDM Smith, Inc.,
A Massachusetts Corporation


By: 
Michael Carbajal,
Director of Public Utilities

By: 
Name: Hala Titus

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney


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

By:  1/21/21
Date
Deputy City Attorney

By: 
Name: Servando Molina

ATTEST:
YVONNE SPENCE, MMC CRM
City Clerk

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

By:  1/24/21
Date

Addresses:

CITY:
City of Fresno
Attention: Rosa Lau-Staggs
Wastewater Manager
5607 W Jensen Avenue
Fresno, CA 93706
Phone: (559) 621-5130
FAX: (559) 498-1700

CONSULTANT:
CDM Smith, Inc.
Attention: John (Yash) Nyznyk,
Associate
2300 Clayton Road, Suite 950
Concord, CA 94520
Phone: (925) 296-8065
FAX: (925) 933-4174