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FIRST AMENDMENT TO AGREEMENT

THIS FIRST AMENDMENT TO AGREEMENT (First Amendment) is made and entered into this 4th day of August, 2020, by and between the County of Fresno (OWNER or COUNTY) and Kitchell Capital Expenditure Managers, Inc. (CONSULTANT).

WITNESSETH:

WHEREAS, the COUNTY and CONSULTANT entered into an Agreement dated December 16, 2014 identified as Agreement No. 14-736, incorporated herein by reference (the Agreement), for CONSULTANT to provide construction management services for the West Annex Jail project; and

WHEREAS, the Agreement provided for a maximum compensation amount of \$4,800,247, with \$3,723,852 of that amount allocated to Basic Fee Services, and \$1,076,395 allocated to Extra Services; and

WHEREAS, OWNER and CONSULTANT now desire to increase the maximum Extra Services allocation payable under the Agreement by an additional \$579,739; and

WHEREAS, the increase is required in order to provide adequate compensation to CONSULTANT to provide construction management staff for an additional 29 week extension of the construction schedule and anticipated project completion date contemplated by the parties at the time the Agreement was entered into by CONSULTANT; and

WHEREAS, approval of this First Amendment will increase the maximum amount payable to CONSULTANT for Extra Services to \$1,656,134, and will increase the maximum Total Fee amount payable to CONSULTANT to \$5,379,986; and

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties agree as follows:

- 1. That existing County Agreement No. 14-736, Article IV, Section A, Page twenty-three (23), Lines twenty-one (21) through twenty-three (23) is hereby deleted in its entirety and replaced with the following paragraph:

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1 “Notwithstanding any other provision in this Agreement, the Total Fee (Basic Fee and
2 Extra Services Allocation) for the services required under this Agreement shall not exceed a
3 total amount of \$5,379,986.”

4 2. That existing County Agreement No. 14-736, Article IV, Section C, Page twenty-
5 four (24), Line twenty-four (24) beginning with the word “There” and ending on Page twenty-five
6 (25), Line three (3) with the word “exceeded” is hereby deleted in its entirety and replaced with
7 the following paragraph:

8 “There will be an additional maximum allocation of \$1,656,134 to pay for authorized
9 Extra Services. Payment of Extra Services in excess of \$1,656,134 is unauthorized and can
10 only be made pursuant to a prior written amendment to this Agreement when the cumulative
11 total of the Basic Fee and Extra Services allocation would thereby be exceeded. The COUNTY
12 Representative shall have the discretion to adjust in writing the Basic Fee and Extra Services
13 limits as long as the total Agreement amount of \$5,379,986 is not exceeded”.

14 All other terms, conditions, mutual covenants, and promises contained in the
15 Agreement, shall remain in full force and effect, except as hereinabove amended by this First
16 Amendment. COUNTY and CONTRACTOR agree that this First Amendment is sufficient to
17 amend the Agreement and that upon execution of this First Amendment, the Agreement and
18 this First Amendment shall together be considered the Agreement.

19 The Agreement, as hereby amended, is ratified and continued. All provisions, terms,
20 covenants, conditions and promises contained in the Agreement, and not amended herein,
21 shall remain in full force and effect.

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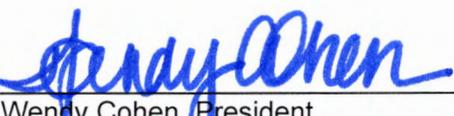
28 ///

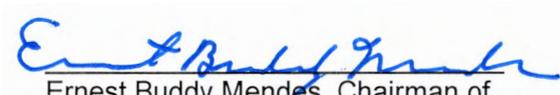
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EXECUTED AND EFFECTIVE as of the date first above set forth.

CONSULTANT

COUNTY OF FRESNO

BY: 
Wendy Cohen, President,
Kitchell Capital Expenditure Managers, Inc.
2450 Venture Oaks Dr., Suite 500
Sacramento, CA 95833


Ernest Buddy Mendes, Chairman of
the Board of Supervisors of the
County of Fresno

ATTEST:
Bernice E. Seidel
Clerk of the Board of Supervisors
County of Fresno, State of California

By 
Deputy

FOR ACCOUNTING USE ONLY

ORG No. 43601150, 8845, 8846, 8847
Account No. 7295, 8150
Fund No. 0001, 0400
Subclass No. 10000, 11000