

**City and County of San Francisco
Airport Commission
P.O. Box 8097
San Francisco, California 94128**

Modification No. 5

**Contract No. 10072.41
Project Management Support Services for
the Courtyard 3 Connector Project**

THIS MODIFICATION (this “Modification”) is made effective as of June 1, 2020, in San Francisco, California, by and between **PGH Wong & Partners JV**, a joint venture between PGH Wong Engineering, Inc. and Avila and Associates Consulting Engineers, Inc. (“Contractor”), and the City and County of San Francisco, a municipal corporation (“City”), acting by and through its Airport Commission, hereinafter referred to as “**Commission**.”

RECITALS

A. City and Contractor have entered into the Agreement for the San Francisco International Airport (the “Airport” or “SFO”) (as defined below); and

B. The Commission is authorized to enter into all contracts which relate to matters under its jurisdiction; and

C. On December 19, 2017, by Resolution No. 17-0321, the Commission awarded this Agreement to the Contractor for an amount not to exceed \$3,250,000 for the first year of services; and

D. On September 1, 2018, City and Contractor administratively modified the Agreement to update the Contractor’s overhead rates through Modification No. 1; and

E. On February 19, 2019, by Resolution No. 19-0030, the Commission approved Modification No. 2 to increase the contract amount by \$5,000,000, for a new not-to-exceed amount of \$8,250,000, to extend the term of the contract through March 12, 2020; and

F. On August 1, 2019, City and Contractor administratively modified the Agreement to amend Appendix B, Calculation of Charges and to update the direct labor rates through Modification No. 3; and

G. On November 5, 2019, by Resolution No. 19-0273, the Commission approved Modification No. 4 to increase the contract amount by \$9,000,000, for a new total not-to-exceed amount of \$17,250,000, to extend the term of the contract for services through June 30, 2022, and to seek Board of Supervisors approval of Modification No. 4; and

H. After the Commission adopted Resolution No. 19-0273, PGH Wong & Partners JV informed the Airport that CFWright Consulting, LLC had resigned from the joint venture, and therefore, Staff neither executed nor sought Board of Supervisors approval of Modification No. 4; and

I. On February 18, 2020, by Resolution No. 20-0028, the Commission approved a revised Modification No. 4 to increase the contract amount by \$1,500,000, for a new total not-to-exceed amount of \$9,750,000 and to extend the term of the contract for services through June 30, 2022, and to recognize

CFWright Consulting, LLC withdrawal as a member of the joint venture that is the Contractor for this Agreement; and

J. City and Contractor desire to modify the Agreement on the terms and conditions set forth herein to increase the contract amount; and

K. On February 18, 2020, by Resolution No. 20-0029, the Commission approved this Modification No. 5 to increase the contract amount by \$7,500,000, for a new total not-to-exceed amount of \$17,250,000, and to seek Board of Supervisors approval of Modification No. 5; and

L. On _____, by Resolution No. _____, the Board of Supervisors approved this Modification No. 5 under San Francisco Charter Section 9.118; and

M. Approval for this Agreement was obtained when the Civil Service Commission approved PSC No. 47501-16/17 on August 7, 2017; and

N. The Contractor represents and warrants that it is qualified to perform the services required by City under this Agreement;

Now, THEREFORE, City and the Contractor agree as follows:

1. Article 1. Definitions are amended as follows:

a. Section 1.1. Agreement has been revised. The definition “Agreement” shall mean the Agreement dated December 19, 2017, between Contractor and City, as amended by the:

Modification No. 1,	dated September 1, 2018,
Modification No. 2,	dated February 19, 2019,
Modification No. 3,	dated August 1, 2019, and
Modification No. 4,	dated March 1, 2020.

2. Article 3. Financial Matters, 3.3. Compensation, Section 3.3.1 Payment is hereby amended to increase the total compensation payable by Seven Million Five Hundred Thousand Dollars **(\$7,500,000)** for a new total not-to-exceed amount of Seventeen Million Two Hundred Fifty Thousand Dollars **(\$17,250,000)**.

3. Legal Effect. Except as expressly changed by this Modification, all of the terms and conditions of the Agreement shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, Contractor and City have executed this Modification as of the date first referenced above.

CITY AIRPORT COMMISSION CITY AND COUNTY OF SAN FRANCISCO	
By: _____ Ivar C. Satero, Airport Director	_____ Authorized Signature Clifford S. M. Wong President PGH Wong Engineering, Inc. 182 2 nd Street, Suite 500 San Francisco, California 94105 (415) 566-0800
Attest:	
By _____ C. Corina Monzón, Secretary Airport Commission	_____ Authorized Signature Ernesto A. Avila President Avila and Associates Consulting Engineers, Inc. 490 Post Street, Suite 1415 San Francisco, CA 94102 (415) 576-1230
Resolution No: 20-0029	
Adopted on: <u>February 18, 2020</u>	
Approved as to Form:	
Dennis J. Herrera City Attorney	City Supplier Number: 0000029434 Federal Employer ID Number: 82-3487026
By _____ Daniel A. Edington Deputy City Attorney	