



AMENDMENT NO. 1

This Amendment ("Amendment") to the January 27, 2026 Refugio and Foxboro Park Improvements Project No. 63061, PR2501, 63088 ("Agreement"), by and between the City of Hercules ("City") and BKF Engineers ("Consultant"), is entered into and effective as of July 28, 2026.

Recitals

A. On January 27, 2026, the Parties entered into an Agreement for Refugio and Foxboro Park Improvements Project No. 63061, PR2501, 63088 . The Agreement, including any amendments thereto, are incorporated herein by reference.

B. The Parties now wish to amend the Agreement as set forth below.

Terms

1. Modifications to Agreement. The Parties agree to amend the Agreement as follows:

1.1. **Compensation.** The not-to-exceed amount for the Agreement, as set forth in the Agreement and as modified by any subsequent amendments thereto, is hereby increased by an additional \$51,855.07, for a total not-to-exceed amount for the Agreement of \$233,925.07.

1.2. **Changes.** The Services under the Agreement are modified as set forth in Attachment A, which is attached hereto and incorporated herein.

1.3. **Additional Services.** Consultant will provide to City the Additional Services specified in Attachment A, which is attached hereto and incorporated herein.

2. General Provisions.

2.1. **Recitals.** The Recitals are true and correct and hereby made part of this Amendment.

2.2. **Limitations.** Except as expressly modified by this Amendment, all provisions of the Agreement, including any attachments and amendments thereto, remain in full force and effect.

2.3. **Defined Terms.** Any capitalized terms not otherwise defined in this Amendment have the meaning specified in the Agreement.

2.4. **Interpretation.** The terms of this Amendment have been negotiated by the Parties and the language used in this Amendment is deemed to be the language chosen by the Parties to express their mutual intent. This Amendment supersedes all prior negotiations,

understandings, and agreements between the Parties pertaining to the subject matter of this Amendment, whether written or oral. This Amendment will be construed without regard to any presumptions or rules of construction against the drafting Party.

- 2.5. **Approval.** This Amendment was approved by the City Council or the City Manager, if the City Manager is authorized to approve the Amendment, on July 28, 2026.
- 2.6. **Authorization.** Each individual signing below warrants that he or she is authorized to do so by the Party that he or she represents, and that this Amendment is legally binding on that Party. If Consultant is a corporation, signatures from two officers of the corporation are required pursuant to California Corporations Code § 313.
- 2.7. **Electronic Signatures.** Each Party acknowledges and agrees that this Agreement may be executed by electronic or digital signatures, which will be deemed an original signature for all purposes and will have the same force and effect as an original signature.

[Signatures are on the following page.]

The Parties agree to the terms of this Amendment as witnessed by the signatures below:

CITY OF HERCULES – City Signer

CITY ATTORNEY – Approved as to Form

By: _____
Name: _____
Title: _____
Date: _____

By: _____
Name: _____
Title: _____
Date: _____

CITY OF HERCULES – Attest

By: _____
Name: _____
Title: _____
Date: _____

BKF ENGINEERS

By: _____
Name: _____
Title: _____
Date: _____

BKF ENGINEERS - Second Signer

By: _____
Name: _____
Title: _____
Date: _____

Please upload completed Insurance Form here:

Attachment(s):

Attachment A

Attachment A

SUBJECT: CM Amendment Request for Refugio & Foxboro Park Improvement Project, City Projects 63061, PR2501, 63088; Agreement No. 26-002

This letter is a follow up to our telephone call on June 25, 2026 regarding an increase in our contract amount to cover additional expenses incurred as a result an increase of services required to keep the project progressing and for the extended duration of the construction work.

The cause(s) for this request to increase the contract amount include: unanticipated minor changes to the scope of the construction contract including replacement of sand base beneath new playground equipment, additional time and costs associated with inspection of delayed and weekend work, and project scheduling issues with the contractor

As you are aware, the original construction completion date was June 22, 2026. With the approved contract changes, as well as delays caused by the Contractor, the new anticipated completion date is now on or just after July 17, 2026.

The following is a summary of BKF costs to date with anticipated costs to complete the work through July 8, 2026. Any work beyond July 8, 2026 is not included and will be absorbed by BKF as a gesture of goodwill in getting this project to completion. Prolonged punch list completion durations have now extended the anticipated completion date to July 17, 2026

							Total Hours	Hourly	Total
	June	July							
Resident Engineer	432	16					59	\$285	\$16,815
Construction Inspector	96	24					86	\$230	\$27,600
Project Manager	2	2					4	\$145	\$ 580
Materials Testing									\$ 6,860
Total									\$51,855

Previously Invoiced	
March	40,090.00
April	41,835.00
May	64,365.00
June	70,450.07
July	17,185.00
Total	\$233,925.07
Contract Amount	\$182,070
Requested Increase	\$51,855.07

We estimate the additional costs, above the current authorized contract amount, associated with the work described above in June and July for closeout to be \$51,855.07. BKF respectfully requests that the City of Hercules prepare a contract amendment to cover the above described increased costs so we can continue work through completion of the project. Please contact me with any questions at 510-932-4621 or james.wilcenski@bkf.com.