

**ATTACHMENT B**  
**CM CONSTRUCTION AMENDMENT # 3**

**Agreement # 2006  
AMENDMENT NO.3**

**AMENDMENT NO. 3 TO AGREEMENT BETWEEN THE KINGS COUNTY  
AREA PUBLIC TRANSIT AGENCY AND CM CONSTRUCTION SERVICES,  
INC.**

**THIS AMENDMENT** is made and entered into the 24<sup>th</sup> day of September 2025 by and between the KINGS COUNTY AREA PUBLIC TRANSIT AGENCY, an entity established by a joint powers agreement entered into between the County of Kings and the Cities of Avenal, Hanford, and Lemoore (hereinafter referred to as "AGENCY" or "KCAPTA"), and CM Construction Services, Inc., (hereinafter referred to as the "FIRM", "CONTRACTOR", "BIDDER" OR "VENDOR"

W I T N E S S E T H

**WHEREAS**, pursuant to that certain agreement between AGENCY and CONTRACTOR dated April 22, 2020, CONTRACTOR agreed to perform services related to the Construction of the KART Transit Center ("PROJECT") (said agreement is hereafter referred to as the "AGREEMENT") and is attached hereto and incorporated herein by this reference; and

**WHEREAS**, the AGREEMENT was previously amended by Amendment No.1, executed on August 23, 2023, and by Amendment No. 2, executed on January 22, 2025, copies of which are attached hereto and incorporated herein by this reference; and

**WHEREAS**, due to continued delays in PROJECT delivery, thereby affecting the Construction Services, the AGREEMENT needs to be further amended to increase the compensation provided hereunder by Seventy-Four Thousand Six Hundred Dollars (\$74,600) as described more particularly in the "Amendment #3 – August 2025" submitted by CONTRACTOR, attached hereto and incorporated herein by this reference.

**NOW, THEREFORE, IT IS MUTUALLY AGREED** that the AGREEMENT shall remain in full force and effect, except that Section III(B) in the AGREEMENT shall be restated as follows:

**III. COMPENSATION**

- B. AGENCY's maximum cumulative payment obligation under this Agreement shall not exceed One Million One Hundred Sixty-Nine Thousand Six Hundred Dollars (\$1,169,600), including all amounts payable to CONTRACTOR for all costs, including but not limited to direct labor, other direct costs, subcontracts, indirect costs including, but not limited to, leases, materials, taxes, insurance, and profit.

**IN WITNESS WHEREOF**, this Amendment is executed on the day and year first above written.

KINGS COUNTY AREA PUBLIC TRANSIT AGENCY

CM CONSTRUCTION SERVICES, INC.

\_\_\_\_\_  
Joe Neves  
Chairman

\_\_\_\_\_  
Monique Miron  
President



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**AMENDMENT #3 – August 2025**

Per Article XIII MISCELLANEOUS PROVISIONS of the Construction Management Agreement 1920-02 this Amendment #3 makes changes to Paragraph F Integration/Modification changes. The changes are itemized on the Attached Exhibit B – Price Proposal.

**CONSTRUCTION MANAGEMENT AGREEMENT**

**Article III Compensation**

**III. COMPENSATION**

- A. In accordance with the terms and condition of this Contract, KCAPTA shall pay CONTRACTOR on a FIXED PRICE bases at the fully burdened fixed rates stated herein in accordance with the provisions, of this Section and subject to the maximum, cumulative payment.
- B. KCAPTA's maximum cumulative payment obligation under this Agreement shall not exceed One Million, Two Hundred and Five Thousand Five Hundred Dollars (\$1,205,500.00), including all amounts payable to CONTRACTOR for all costs, including but not limited to direct labor, other direct costs, subcontracts, indirect costs including, but not limited to, leases, materials, taxes, insurance, and profit.

**Phase 2 – Construction Services:**

Additional Work Related to extended administration - \$110,500.00

**Modification - Extra Months (4) (August 6 to December 6, 2025)**

2	General Administration	\$	40,000.00
3	Review/Process Progress Payments	\$	6,000.00
4	Comm/Corres (A/E, Owner, GC)	\$	13,000.00
5	Onsite Inspections / Photo Document	\$	13,000.00
6	RFI Review and Processing	\$	7,500.00
8	Change Order Management	\$	15,500.00
9	Claims Review and Analysis	\$	15,500.00
		\$	110,500.00
Original Contract Plus Amendment #2 Total:		\$	1,095,000.00
Amendment #3:		\$	\$74,600.00
<b>New Contract Total</b>		<b>\$</b>	<b>1,169,600.00</b>

The above fees correlate with the monthly approved payment schedule. The breakdown is anticipated breakdown of work activities. Anticipated hours are as follows:

*\*CMCS fees have increased from December 2020 rates by 20%.*

Principal:	\$210/hr. (1 hr/wk for 17 weeks):	\$ 3,570
PM:	\$150/hr. (40 hrs/wk for 17 weeks):	\$102,000
Admin:	\$72.50/hr. (4 hrs/wk for 17 weeks):	\$ 4,930
		<u>\$110,500</u>



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Credit for Sr. PM to PM for Amendment #2:	(\$6,000)
Reduction for 4 weeks:	<u>\$29,900.</u>
CREDIT:	(\$35,900)
 Amendment #3:	 \$74,600

The parties have executed this Amendment in Kings County, California.

**Kings County Area Public Transit Agency**

**CM Construction Services, Inc.**

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**Angie Dow, Executive Director - Date**

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**Monique Miron, President – Date**