

Project Name: 2006 Sewer Capacity Review

**FIRST AMENDMENT TO AGREEMENT
FOR CONSULTATION AND OTHER SERVICES**

This Amendment is entered into this _____ day of March, 2007, by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "CITY") and RMC Water and Environment, Inc. (hereafter referred to as "CONSULTANT").

RECITALS

WHEREAS, the parties entered into an Agreement for professional engineering services for Developers Impact Fee Analysis and Connection Fee Update, on November 8, 2006; and

WHEREAS, the parties desire to amend the Agreement to allow CONSULTANT to provide additional wastewater capacity and fee analysis.

NOW THEREFORE, in consideration of the mutual covenants and conditions herein contained, the parties agree to amend the Agreement as follows:

1. The first sentence in Subsection 1.1, entitled "Term of Services" is amended to read:

The term of this Agreement shall begin on the date first noted above and shall end on **June 30, 2007**.

2. Section 1, entitled "Services" is amended by adding Exhibit "**A-1**", which is attached hereto and incorporated by reference herein.
3. Section 2, entitled " Compensation " is amended to add \$9,812 in Exhibit "**B-1**", which is attached hereto and incorporated by reference herein. Section 2 is further amended by changing the following at the beginning of the Section:

CITY hereby agrees to pay CONSULTANT a guaranteed maximum price not to exceed \$48,592 for all services to be performed and reimbursable costs incurred under this Agreement.

4. The CONSULTANT agrees to maintain and pay for all insurance policies as stated in Section 4, entitled "Insurance Requirements" of the Agreement dated **November 8, 2006**, between CONSULTANT and the CITY. The CONSULTANT shall provide the CITY with renewal certificates of the current policies upon the expiration of the current policy.

5. All other provisions of the Agreement shall remain in full force and effect.

This Amendment is executed as of the date written above.

APPROVED BY:

CITY OF MILPITAS

CONSULTANT

City Engineer as to content

City Manager

City Attorney as to Form

ATTESTED BY:

City Clerk

**First Amendment to the
DEVELOPERS IMPACT FEE ANALYSIS
And
CONNECTION FEE UPDATE**

Task 6 – Developers Sewer and Water Impact Fees for the New Transit Area Land Use.

Update City's Hydra sewer collection system model and City's H2OMap water distribution system model with information for the new land uses in the Transit Area obtained from the City. Develop a table showing the flows and demands for each proposed development and the increase in flow from the estimates in the 2004 Sewer Master Plan Revision and the 2002 Water Master Plan.

Using the updated sewer collection system model (with new design flow files), analyze the collection system for compliance with existing City of Milpitas velocity and depth-of-flow criteria. Update the list of areas failing to comply with City's design criteria developed in the 2004 Sewer Master Plan Revision. Updated potential improvements identified will be incorporated into the model for revised analysis. Update the long-term Capital Improvement Program presented in the 2004 Sewer Master Plan Revision. Budgetary cost estimates will be updated for each of the proposed facility improvements and expressed in FY2006/2007 dollars based on the latest Engineering News Record Construction Cost Index. Update the required main pump station capacity (Peak Wet Weather Flow) using the New Development information. Update the capacity of City of Milpitas's average dry weather flow capacity to the WPCP using the New Development information. RMC will determine impact fees and incorporate the summarized findings, basis of the impact fees and recommendations in the TM being prepared under the original agreement.

Using the updated water distribution system model (with new design flow files), analyze the distribution system for compliance with existing City of Milpitas velocity and head loss criteria. Update the list of areas failing to comply with City's design criteria developed in the 2002 Water Master Plan. Updated potential improvements identified will be incorporated into the model for revised analysis. Update the long-term Capital Improvement Program presented in the 2002 Water Master Plan. Budgetary cost estimates will be updated for each of the proposed facility improvements and expressed in FY2006/2007 dollars based on the latest Engineering News Record Construction Cost Index. Determine the amount of additional supply

that must be purchased from the Santa Clara Valley Water District (SCVWD) or San Francisco Public Utilities Commission (SFPUC) to accommodate new demands as a result of the new developments. RMC will determine impact fees and incorporate the summarized findings, basis of the impact fees, and recommendations in the technical memorandum (TM) being prepared under the original agreement.

Task 7 – Developers Treatment Plant Fee Update

Update the Treatment Plant Fee for Residential, Commercial, Industrial, and Institutional based on the value from the *Wastewater Treatment Capacity Purchase Assessment TM* (March 2006) by RMC. Develop TM documenting the basis of the Treatment Plant Fee Update.

All work shall be completed by June 30, 2007.

**Amendment to the
DEVELOPERS IMPACT FEE ANALYSIS
And
CONNECTION FEE UPDATE**

BUDGET

Task/ Rate					Total RMC Hours	Total Costs
	Marc	Project Engineer 2	Project Engineer 1	Admin/ Graphics		
	\$184	\$145	\$130	\$105		
Developers Impact Fee Analysis Amendment						
Task 6 -Transit Area Impact Fees	8	24	20	4	56	\$7,972
Task 7 – Treatment Plant Fee Update	10				10	\$1,840
Total Hours	8	24	20	4	56	\$9,812