

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

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

RECITALS

WHEREAS, the parties entered into an Agreement for consulting services on June 9, 2006; and

WHEREAS, the parties desire to amend the Agreement to allow CONSULTANT to provide additional consulting services.

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, 2009**.

2. Section 1, entitled "Services" is amended by adding Exhibit "A-1, Scope of Consultant Duties and Services", which is attached hereto and incorporated by reference herein.
3. The first sentence in Section 2, entitled "Compensation" is amended to read:

City hereby agrees to pay Consultant an amount not to exceed \$259,303 for all serviced to be performed and reimbursable costs incurred under this agreement.

4. Section 2, entitled "Compensation" is amended by adding Exhibit "B-1, Milpitas – S Main St Streetscape Phase I – Fee Estimate", which is attached hereto and incorporated by reference herein.
5. All other provisions of the Agreement shall remain in full force and effect.

This Amendment is executed as of the date written above.

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APPROVED BY:

CITY OF MILPITAS

CONSULTANT

Greg Armendariz,
Public Works Director/City Engineer
as to content

Mark Spencer,
Principal,
DKS Associates., Inc.

Thomas C. Williams,
City Manager

Michael J. Ogaz
City Attorney
as to Form

ATTESTED BY:

Mary Lavelle,
City Clerk

EXHIBIT A-1
Scope of Consultant Duties and Services

Draft

Scope of Work

Task 1 - Preparation of Construction Documents of Improvements Plans

This task will consist of the preparation of the full set of construction documents as identified below. The process will include submittal at 65% complete, 95% complete and 100% complete (ready for bid) documents. The process cycle includes the consultant plan preparation, specifications preparation and cost estimate preparation. During the 100% submittal, the consultant will prepare a bid sheet and assist the City in the preparation of the General Conditions. Both 65% and 95% submittals will be followed by agency reviews and receipt of comments. City will be responsible for the agency review cycle time duration. Upon receipt of comments from all agencies, consultant will prepare a response to comments letter and meet with the City Staff to discuss the comments where appropriate. During the preparation of the 95% design stage, DKS will maintain a formal QA/QC process that includes independent review of the documentation. During the Construction Document task we will be coordinating with the City and the utilities on any relocation of utilities as may be required. Our involvement will include the preparation of Notice to Owners, identification on the Plans and Specifications the utility relocations and the identification of which utilities will be moved prior to construction, during construction and by contractor. At the end of the construction document phase, we will develop a file that will identify the pending status of utility relocation.

- Meetings – as part of this task the DKS Project Manager will attend the following meetings:*
- *Kick Off Meeting*
 - *Comment Review Meeting 65% PS&E*
 - *Preconstruction Meeting*

EXHIBIT A-1
Scope of Consultant Duties and Services
(Continued)

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	<ul style="list-style-type: none">• <i>Meeting on Utility Coordination</i>
<i>Deliverables: 65% Submittal –</i>	<i>Draft Roadway Improvement Plans</i> <i>Draft Utility relocation plans</i> <i>Title Sheet, Notes, Abbreviations, and Index.</i> <i>Draft Signing and Striping Plans</i> <i>Draft Landscape Plans</i> <i>Draft Irrigation Plans</i> <i>Draft Details</i> <i>Draft Special Provisions</i> <i>Cost Estimates, with line item documentation</i>
<i>95% Submittal</i>	<i>Final Roadway Improvement Plans</i> <i>Final Utility Relocation Plans</i> <i>Title Sheet, Notes, Abbreviations, and Index</i> <i>Final Signing and Striping Plans</i> <i>Final Landscape Plans</i> <i>Final Irrigation Plans</i> <i>Final Geotechnical Design Report</i> <i>Final Details</i> <i>Final Special Provisions</i> <i>Final Construction Cost Estimates</i> <i>Independent Structural Check Calculations</i> <i>Independent Structure Quantity Check Calculations</i> <i>90% Cost Estimates, with line item documentation</i>
<i>100% Submittal</i>	<i>Camera Ready Plans (full size and half size)</i> <i>Approved Special Provisions</i> <i>Bid Sheet and updated cost engineer's estimate</i> <i>Electronic files (AutoCAD) of all documents</i> <i>QA / QC Documentations</i> <i>Utility Pending Files</i>

Task 2 - Project Construction Assistance

The City will manage the construction of the project. The consultant team will be responsible for review of requests for information, review of project submittals and assistance for change orders as may arise during the course of construction. This aspect of the project can include attendance at up to two meetings in the field as directed by the Resident Engineer. It will also include attendance at the Pre-bid Conference by the project manager, assistance to the City during the bid phase, and attendance to the pre-construction meeting. Record drawings will be based upon red line markups provided by the City.

Deliverables: Notes from meetings, written responses to Requests for Information, Stamped reviews of submittals, Record drawings (Mylar).

