

**AMENDMENT TO AGREEMENT 3**  
**FOR CONSULTATION AND OTHER SERVICES**

This Amendment is entered into this 16th day of January, 2008, by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "CITY") and Winzler and Kelly, Consulting Engineers, Inc. (hereafter referred to as "CONSULTANT").

**RECITALS**

WHEREAS, the parties entered into an Agreement for professional Engineering services for Main Sewage Pump Station project, (Project No. 6103), on July 5, 2005; and

WHEREAS, the parties desire to amend the Agreement to allow CONSULTANT to provide additional engineering services for Main Sewage Pump Station project.

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 **December 31, 2008.**
2. The first sentence in Section 2, entitled "COMPENSATION" is amended to read.

City hereby agrees to pay Consultant as set forth in Exhibit A and Exhibit B respectively as follows: An amount not to exceed \$917,435.00 (nine hundred fifteen thousand four hundred fifty four dollars) for all work set forth in Exhibit A and the added work described in Exhibit E attached here to.
3. The second sentence in subsection 2.5 entitled "ADDITIONAL SERVICES" is amended to read "Fees for work performed by Consultant on an hourly basis shall not exceed the amounts shown on the fee schedule attached hereto as Exhibit B-1 rev. 1 which adjusts the fees through December 31, 2008.
5. The Consultant agrees to maintain and pay for all insurance policies as stated in Section 4, entitled "Insurance Requirements" of the Agreement dated **July 5, 2005**, between **Winzler and Kelly, Consulting Engineers, Inc.** and the City of Milpitas. The Consultant shall provide the City with renewal certificates of the current policies upon the expiration of the current policy.
6. 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

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City Engineer as to content

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City Manager

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City Attorney as to Form

ATTESTED BY:

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City Clerk

Exhibit B-1 Rev. 1  
 Main Sewage Pump Station CIP 6103  
 Additional Services - Amendment No. 3  
 Fee Schedule

Effective July 06, 2007

Title		Hourly Rate	
		Low	High
Principle	Levels IX, X	\$180.95	\$253.33
Associate Engineer	Levels VII, VII	\$165.44	\$180.95
Senior Project Engineer	Levels IV thru VI	\$134.42	\$165.44
Staff Engineer	Levels I thru III	\$72.38	\$134.42
Associate Scientist	Levels VII thru IX	\$134.42	\$160.27
Project Scientist	Levels I thru VI	\$82.72	\$129.25
Senior Surveyor	Levels V thru VIII	\$118.91	\$124.08
Staff Surveyor	Levels I thru IV	\$87.89	\$113.74
Construction Inspector	Levels I thru IV	\$82.72	\$113.74
Staff Technician	Levels I thru IV	\$72.38	\$87.89
Designer	Levels I thru IV	\$77.55	\$118.91
CADD	Levels I thru IV	\$82.72	\$108.57
Clerical Support		\$46.53	\$87.89

**Exhibit E**  
**Main Sewage Pump Station CIP 6103**  
**Additional Services - Amendment No. 3**

<b>Amendment No. 3</b>		<b>TASK AMOUNT</b>
<b>TASKS</b>		(\$)
<b>Design Phase</b>		
<b>1.1</b>	<b>Remove and then restore demo of existing pump station to project</b>	\$2,870.00
	<b>Subtotal Additional Design Phase Fee - Lump sum</b>	<b>\$2,870.00</b>
<b>Construction Phase Additional Design and Inspection Services,</b>		
<b>2.1</b>	<b>Review McCarthy survey discrepancy and incorporate into drawings</b>	\$2,020.00
<b>2.2</b>	<b>Develop alternative HVAC control schemes for VFD Room</b>	\$6,090.00
<b>2.3</b>	<b>Modify Card Reader Installation</b>	\$6,080.00
<b>2.4</b>	<b>Rebar Inspection</b>	\$870.00
<b>2.5</b>	<b>Add Genset Fuel Tank Replacement to Project</b>	\$8,520.00
<b>2.6</b>	<b>Additional Landscaping North and South incl. Irrigation</b>	\$8,429.70
<b>2.7</b>	<b>EIR Capacity Letter and Research</b>	\$950.00
<b>2.8</b>	<b>Electrical Inspection support for ATS and Generator Breaker</b>	\$2,140.00
	<b>Subtotal Additional Construction Phase Services - Lump sum</b>	<b>\$35,099.70</b>
<b>3.0</b>	<b>Extension of Construction from 13 to 20 months - Not to Exceed</b>	<b>\$112,030.30</b>
	<b>Total Amendment #3 Not to Exceed</b>	<b>\$150,000.00</b>