

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

This Amendment is entered into this 18<sup>th</sup> day of November, 2008, by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "CITY") and Landtech Consultants, (hereafter referred to as "CONSULTANT").

**RECITALS**

WHEREAS, the parties entered into an Agreement for professional structural design review services for BART Extension Coordination and Planning Project No. 8164, on August 5, 2008; and

WHEREAS, the parties desire to amend the Agreement to allow CONSULTANT to provide additional professional structural design review and construction oversight services for the BART Extension Coordination and Planning Project No. 8164.

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

1. The second sentence in Section 2, entitled "Term" is not amended.
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 Exhibit "**A-1**", which is attached hereto and incorporated by reference herein. Section 2 is further amended by adding the following to the end of the Section:

The compensation for the services set forth in Exhibit "**A-1**" is a "not to exceed" amount. The total maximum amount of compensation to be paid for tasks outlined in Exhibit "**A-1**" shall be **\$41,000.00**.

4. The Consultant agrees to maintain and pay for all insurance policies as stated in Section 12, entitled "Insurance" of the Agreement dated August 5, 2008, between Landtech Consultants 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.

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

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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 A-1



**Landtech Consultants**  
Civil & Structural Engineers

November 3, 2008

Julie Waldron, PE  
City of Milpitas  
455 E Calaveras Blvd  
Milpitas, CA 95035-5411

Via: email:

Re: Abel Street Bridge, Seismic Retrofit-VTA BART Extension project  
Structural Engineering Services

Dear Ms. Waldron,

Since we prepared our proposal for the plan check, our scope of work had been expanded to include:

(1) Conducting additional analyses to evaluate certain components of the existing structure and VTA retrofit adequacy. These include:

- (a) Foundation and pile analyses, including un-retrofitted pile caps.
- (b) Additional analysis and calcs for the hinge as well as strut stability calcs.
- (c) Pile ductility analysis per Caltrans special program PSSEC or equivalent.

(2) Review multiple additional analyses submitted by Nolte and Biggs.

(3) Contacts with Caltrans engineers.

(4) Advising City on alternatives and courses of action.

(5) Attend meetings as necessary.

(6) technical services support during construction

We propose to perform services on a time and materials basis with a proposed additional budget of \$41,000.

Review hourly rate at \$175/hr for SE and \$150/hr for Sr eng.

Very truly yours,

Kamal S. Obeid, SE  
Structural Engineer

3845 Beacon Avenue, Suite D  
Fremont, CA 94538  
(510) 505-9501  
Fax (510) 505-9503

City of Milpitas, California

**BUDGET CHANGE FORM**

| Type of Change   | From              |          | To               |          |
|--|-------------------|----------|------------------|----------|
|  | Account           | Amount   | Account          | Amount   |
| Check one:   |                   |          |                  |          |
| <input checked="" type="checkbox"/> Budget Appropriation | 391-9518164153899 | \$75,000 | 391-951816414800 | \$41,000 |
|  | 390-2931          | 75,000   | 391-951816424800 | 17,000   |
| <input type="checkbox"/> Budget Transfer                 |                   |          | 391-951816444800 | 17,000   |
|  |                   |          | 390-3999         | 75,000   |

**Explain the reason for the budget change:**

On August 5, 2008, the Agency approved an agreement with Landtech Consultants in the amount of \$18,000 to provide structural review services for Bay Area Rapid Transit (BART) Extension Project. Santa Clara Valley Transportation Authority (VTA) has completed the design and received bids for the BART phase C210, which includes a seismic retrofit of the Abel Street overcrossing bridge within Milpitas. This is a City owned and maintained bridge structure. Because it goes over the future BART tracks, VTA is seismically retrofitting the bridge to a "no collapse" design standard. Construction will be completed by the VTA's contractor.

Because the bridge is a City-owned structure, the work will be done under a City Permit and oversight inspection of the bridge construction will be performed by City representatives. Staff recommends that Landtech perform structural construction-related support services. An amendment to the agreement with Landtech is proposed for these additional services. Staff has negotiated a scope and fee for these additional services not to exceed \$41,000. An additional \$34,000 is estimated for City staff administration and inspection.

A budget appropriation of \$75,000 from the RDA fund to the BART Extension Project No. 8164 for additional bridge construction-related support services and City staff administration and inspection is required to approve this change order.

Check if City Council Approval required.

Meeting Date: November 18, 2008

| Itemization of funds, if needed:            |                   |               | Amount   |
|---|-------------------|---------------|----------|
|   |                   |               |          |
| Requested by:                               | Division Head:    | Date:         |          |
|   | Department Head:  | Date:         | 11/12/08 |
| Reviewed by:                                | Finance Director: | Date:         | 11/10/08 |
| Approved by:                                | City Manager:     | Date:         |          |
| Date approved by City Council, if required: |                   | Confirmed by: |          |