

**AMENDMENT NO. 5 TO AGREEMENT
FOR CONSULTATION AND OTHER SERVICES**

This Amendment No. 5 is entered into this 3RD day of August 2010, by and between the City of Milpitas and the Milpitas Redevelopment Agency (collectively referred herein as "CITY"), and Sugimura Finney Architects (hereafter referred to as "CONSULTANT").

RECITALS

WHEREAS, the parties entered into an Agreement for professional services for the Tasman Extension – Great Mall Parkway Median Landscape and Irrigation, (Project 4133), on February 19, 2002; and

WHEREAS, the parties have previously amended the agreement to allow the CONSULTANT to provide additional services, including design of an 8 inch recycled water pipeline; and

WHEREAS, the parties desire to amend the Agreement to allow the CONSULTANT to provide additional professional services necessary, including additional construction support during Phase I.

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

1. Section 1, entitled "Term of Services" is amended by adding Exhibit "A-5," entitled "Additional Scope of Services," which is attached herein and incorporated by reference herein.
2. Section 2, entitled "Compensation" is amended by adding Exhibit "B-5," entitled "Additional Compensation Schedule" which is attached hereto and incorporated by reference herein. Section 2 is further amended with the addition of the following new paragraph at the end of the existing text, but before Section 2.1: "City hereby agrees to pay Consultant for the additional work set forth in Exhibit A-5 for an amount not-to-exceed Thirty Thousand One Hundred Thirty Two Dollars (\$30,132.00). The total not-to-exceed contract amount is increased to Six Hundred Thirty Thousand Six Hundred Ninety Two Dollars (\$630,692.00)."
3. The Consultant agrees to maintain and pay for all insurance policies as stated in Section 4, entitled "Insurance" of the Agreement dated February 19, 2002, between Sugimura & Associates and the City of Milpitas. The Consultant shall provide the City with renewal certificates of the current policies upon the expiration of the current policies.
4. The term of this Agreement shall be extended to begin on August 3, 2010, and shall end on June 30, 2011, the date of scheduled completion of all work specified in Exhibit A and its amendments, unless the term of the agreement is otherwise terminated or extended as provided in Section 8 of the Original Agreement.
5. All other provisions of the Agreement shall remain in full force and effect.

This Amendment is executed as of August 3, 2010.

APPROVED BY:

CITY OF MILPITAS

CONSULTANT

Thomas C. Williams
City Manager/RDA Director

Reed C. Grandy, Principal
Sugimura Finney Architects

ATTESTED BY:

Mary Lavelle
City Clerk/Agency Secretary

APPROVED AS TO FORM:

Michael J. Ogaz
City Attorney/Agency Consultant

APPROVED AS TO CONTENT:

Greg Armendariz
Public Works Director/City Engineer

APPROVED:

Emma Karlen
Finance Director/Risk Manager

Project No: CIP 2001 (formerly 4133)
Project Name: Light Rail Median Landscaping

EXHIBIT A-5

ADDITIONAL SCOPE OF SERVICES

TASK A5-1: Phase I Construction Support Services

- Respond to Requests for Information
- Prepare exhibits for Construction Change Directives and Change Orders
- Perform construction site field visits
- Provide additional surveying as needed
- Provide geotechnical services as needed
- Provide exhibits for additional Union Pacific Railroad permits
- Attend meetings as needed

All work shall be completed by June 30, 2011.

Project No: CIP 2001 (formerly 4133)
Project Name: Light Rail Median Landscaping

EXHIBIT B-5
ADDITIONAL COMPENSATION SCHEDULE

TASK A5-1: Phase I Construction Support	\$30,132.00
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GRAND TOTAL AMENDMENT NO. 5	\$30,132.00
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