

**AMENDMENT NO. 6 TO AGREEMENT
FOR CONSULTATION AND OTHER SERVICES**

This Amendment No. 6 is entered into this 21st day of June 2011, by and between the City of Milpitas and the Milpitas Redevelopment Agency (collectively referred to herein as the "CITY") and Sugimura Finney Architects (hereafter referred to as "CONSULTANT") as of June 21, 2011.

RECITALS

WHEREAS, the parties entered into an Agreement, and subsequent amendments, for professional services for the Tasman Extension – Great Mall Parkway Median Landscape and Irrigation, (Project 4133), on February 19, 2002; November 4, 2003; September 2, 2008; April 21, 2009; September 15, 2009; and August 3, 2010; and

WHEREAS, the parties desire to further amend the Agreement to allow the CONSULTANT to provide additional professional Engineering services and extend time of services for Light Rail Median Landscaping, Phase II.

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, 2012. The Consultant shall complete all the work described in the agreement and its amendments prior to that date, unless the term of the Agreement is otherwise terminated or further extended, as provided for in Section 8.

2. Section 1, entitled "Services" is amended by adding "Exhibit A-Amendment 6", which is attached hereto and incorporated by reference herein.
3. Section 2, entitled "Compensation" is amended to add "Exhibit B-Amendment 6", 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-Amendment 6" is a "not to exceed" amount. The total maximum amount of compensation to be paid for tasks outlined in "Exhibit B-Amendment 6" shall be \$55,645.00.

4. The Consultant agrees to maintain and pay for all insurance policies as stated in Section 4, entitled "Insurance Requirements" of the Agreement dated February 19, 2002, between Sugimura & Associates, now Sugimura Finney Architects, 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 first date written on Page 1.

APPROVED BY:

CITY OF MILPITAS

CONSULTANT

Thomas C Williams, City Manager/RDA Director

Reed C. Grandy, Principal,
Sugimura Finney Architects

ATTEST:

Mary Lavelle, City Clerk/ Agency Secretary

Taxpayer Identification Number

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney/Agency Counsel

APPROVED AS TO CONTENT:

Greg Armendariz, Public Works Director/City Engineer

APPROVED:

Emma Karlen, Finance Director/Risk Manager

EXHIBIT A – Amendment 6
ADDITIONAL SCOPE OF SERVICES

TASK A6: Phase II - Landscape/Irrigation and Civil Design

- Attend one meeting with City:
 - 1) Review NOI, SWPPP and SBWR changes with City
 - 2) Review changes to Islands G, H & I
 - 3) Review changes to the Specifications
 - 4) Receive direction to proceed with Final Bid Set

- Updates and Changes to Plans, Specifications and Estimate
 - 1) Coordinate and update PH II plans with Phase I 'AS-BUILTS' changes
 - 2) Update Contract Documents per new NOI and SWPPP requirements
 - 3) Incorporate SBWR and CDPH recycled water comments into Irrigation Plans
 - 4) Incorporate final changes to project Specifications, such as items involved with contaminated soil disposal, payment clause descriptions in the technical provisions, and changes to bid schedule items

- Perform quality control / quality assurance
- Provide an updated Construction Schedule with Probable Staging of Work
- Provide an updated Engineer's Estimate of probable construction costs

Deliverables:

- 1) Final Bid Set - one wet signed set of Bond original Plans and one set of Specifications for reproduction and one CD with electronic files;
- 2) Irrigation Plans for SBWR Submittal – three wet signed sets of Bond Plans for submittal to SBWR and subsequent re-submittals, if needed;
- 3) Updated Engineer's Estimate and Construction Schedule with Probable Staging of Work.

City may determine certain items under the task descriptions may not be necessary and are subject for review and approval or deletion by the City.

EXHIBIT B – Amendment 6
ADDITIONAL COMPENSATION SCHEDULE

TASK A6: Phase II - Landscape/Irrigation and Civil Design

- Update Bid Documents \$48,485.00
- Reimbursables \$ 6,000.00

TOTAL AMENDMENT NO. 6 \$55,645.00

Consultant may shift allocation of budget among items under TASK A6 with prior written approval from the City.