

Project No: 4179

Project Name: Montague Expressway/Milpitas Boulevard Plan Line 2011

DRAFT

**AMENDMENT No 1 TO AGREEMENT
FOR CONSULTATION AND OTHER SERVICES**

This Amendment is entered into this 16 day of August, 2011, by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "CITY") and HMH Incorporated (hereafter referred to as "CONSULTANT").

RECITALS

WHEREAS, the parties entered into an Agreement for professional Engineering services for CIP Project Title, (Project No. 4179), on April 5, 2011 to provide a Plan Line for Montague Expressway from Great Mall Parkway to State Route 680, and portions of North Milpitas Boulevard as required to incorporate a roadway widening project and the raising of the Berryessa Creek bridge at Montague; and

WHEREAS, the parties desire to amend the Agreement to allow CONSULTANT to provide street widening design services for portions of Montague Expressway and Milpitas Boulevard, Berryessa Creek bridge design, and right-of-way engineering and property acquisition 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 **August 16, 2013**.

2. Section 1, entitled "Services" is amended by adding Exhibit "A1", which is attached hereto and incorporated by reference herein.
3. Section 2, entitled "Compensation" is amended to add Exhibit "B1", 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 "A1" is a "not to exceed" amount. The total maximum amount of

compensation to be paid for tasks outlined in Exhibit "B1" shall be **\$977,578.00**.

4. The Consultant agrees to maintain and pay for all insurance policies as stated in Section 4, entitled "Insurance Requirements" of the Agreement dated **April 5, 2011**, between **HMH Incorporated** 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 on Page 1.

APPROVED BY:

CITY OF MILPITAS

CONSULTANT

Thomas C. Williams,
City Manager/Agency Director

HMH Incorporated

ATTEST BY:

Mary Lavelle,
City Clerk/Agency Secretary

APPROVED AS TO FORM:

Michael J. Ogaz,
City Attorney/Agency Council

APPROVED AS TO CONTENT:

Greg Armendariz,
Public Works Director/City Engineer

**EXHIBIT A1
AMENDMENT 1
SCOPE OF SERVICES**

PROJECT SCOPE:

The project will widen Montague Expressway to provide for eight through lanes (three through plus one HOV lane each direction), with bike use shoulders and improved pedestrian sidewalks from Great Mall Parkway to I-680, as indicated on the Montague Expressway / Milpitas Boulevard Plan Line, including replacement of the box culvert crossing of Berryessa Creek with a bridge structure and reconstruction of the bridge approaches. The project improvements will conform to BART SVBX C700 construction at the Piper Drive intersection on the north side and east of the BART tracks on the south side of Montague.

SCOPE OF SERVICES:

410 Project Management

HMH will be responsible for project organization and monitoring. This involves planning the work program, organizing the team personnel to implement the program, monitoring the team progress, and controlling the quality of the work products to complete the project on time and within budget.

The work program will include periodic team meetings to establish clear, concise project goals, design criteria, schedules and budgets. Minutes will be taken at meetings describing topics discussed, decisions made and action to be taken. Meeting minutes will be distributed to participants and appropriate affected parties.

420 Topographic Field Survey and Utility Mapping

Perform field topographic surveys to update and supplement existing survey information. Obtain existing pavement elevations at points of conform. Obtain location and invert at accessible storm drain manholes, inlets and sanitary sewer manholes. Obtain topographic spot elevations to check the elevations shown on the aerial topographic map. Perform research of existing utilities and prepare an updated utility base map.

426 Geotechnical Investigation

Engage a geotechnical engineering subconsultant, Parikh Consultants, to conduct field investigations and soil borings including two 70-foot deep borings for structure foundations and four shallow borings for pavement design, perform laboratory testing for bearing pressure, R-values, and prepare a geotechnical and foundation report, which will include boring logs and recommendations for grading, pavement structural sections, bridge foundations and structural design, trench excavation and backfill requirements.

427 Preliminary Structural Design / Type Selection

Engage a structural engineering subconsultant, Biggs Cardoso Associates, to prepare a Modified Bridge Type Selection Report for use coordinating with the Santa Clara County Roads and Airports (County) and Santa Clara Valley Water District (SCVWD) requirements. Preliminary design of retaining walls will also be included.

430 Preliminary Design (35%)

Develop Preliminary Plans to establish fundamental elements of the design. The Preliminary Design Phase is intended to allow the City, County, utility companies and other involved agencies to review and comment on the basic design concepts early in the process. The proposed plans for this preliminary submittal are as follows:

- Title/Index Sheet
- Typical Cross Sections
- Preliminary Street Improvement Plans and Profiles
- Preliminary Utility Plans
- Preliminary Construction Staging Plans
- Bridge General Plan
- Preliminary Traffic Signal Plans
- Striping Plans

Prepare a Preliminary Estimate of Probable Construction Cost based on items and quantities of work shown on the Preliminary Plans and other anticipated improvements. Prices will be based on the magnitude of the quantities, our experience with similar local projects and engineer's judgment.

440 Coordination and Communication

Utility Coordination:

Transmit preliminary plans to utility companies to confirm existing facilities and identify potential conflicts. Assist in coordinating potholing by the utility companies or others in order to locate existing utilities if required. Recommend relocation of overhead or underground facilities where required by the design.

Coordinate and assist City and County with permit acquisitions.

Community Meetings / Agency Coordination:

Assist the City and County in coordinating and providing notifications to local residents and businesses for potential community meetings to discuss the preliminary and final plans as well as construction and traffic control impacts.

Prepare exhibits and conduct presentations at the community/Agency meetings. Gather input regarding issues which may be of special concern to residents and businesses.

450 Draft PS&E Submittal (95%)

Based on comments received from Preliminary Design, advance the design to the point that all major design issues and solutions are represented in the plan documents. Minor details may be missing from the plan set at this milestone, but all plan and detail sheets will be represented in this submittal package.

Review the project for applicable requirements of the Construction General Permit (CGP) and Municipal Regional Permit (MRP), and develop appropriate source control measures and treatment control facilities, including Low Impact Development controls in conformance with Provision C.3 of the MRP. After review of concepts with City and County, include details, sizing calculations and maintenance specifications for any proposed source control and treatment control facilities.

The following plan types will be prepared:

- Title Sheet, Legend and Notes
- Typical Cross Sections
- Street Improvement Plans and Profiles
- Utility Plans and Profiles showing modifications of storm sanitary and water systems, and utility relocations by others.

- Joint Trench Plans and Details showing reconstruction of joint trench facilities impacted by widening and profile changes.
- Construction Details including Driveway Modifications, if required.
- Construction Staging and Traffic Handling
- Construction Area Signs
- Signing and Striping Plans
- Erosion Control Plans
- Traffic Signal Plans
- Street Lighting Plans
- Retaining Wall Plans
- Landscape Plans
- Irrigation Plans

A draft of the technical specifications sections to be included for the ultimate project specifications will be identified with the submittal. The technical specifications will reference City and/or Caltrans standard specifications sections for the various items of work, with specific consideration of measurement and payment provisions.

The Preliminary Estimate of Probable Construction Cost will be updated to reflect the refinements from the Preliminary Design to the PS&E Preliminary Submittal.

Prepare and submit PS&E to the City, utility companies and other agencies for review and comments. Respond to comments, work with the City and other agencies to resolve any conflicts between the comments of different reviewers.

452 Traffic Signal and Street Lighting Design

Engage a traffic engineering subconsultant, Fehr and Peers, to prepare construction documents for the traffic signal and street lighting modifications at the intersections of Montague Expressway/Milpitas Boulevard and Montague Expressway/Montague Court. Traffic signal design shall accommodate the SVRT South Milpitas Boulevard Extension currently under design by the VTA. Design shall conform to County standards and requirements. The traffic and street lighting design will include:

- Location and type of the proposed signal poles, vehicle detection, CCTV, signal heads, pull boxes and conduits.
- Location of the proposed traffic signal controller cabinets and electrical service cabinets.

- Signal phase diagrams, equipment schedule, signal conduit and conductor schedule.
- Relocation and replacement of County fiber optic cable communication conduit, signal interconnect conduit, signal conduit, conductor schedule, testing and splicing.
- Proposed intersection safety lighting.
- Proposed street lighting design.

454 Joint Trench Design

Engage a joint trench design subconsultant, Giacalone Design, to prepare preliminary intent document and joint trench substructure (conduits and vaults) plans for relocation of existing joint trench facilities impacted by construction of the raised grades along Montague Expressway and Milpitas Boulevard due to the Berryessa Creek Bridge construction.

456 Landscape Architecture Construction Documents

Prepare Landscape Construction Documents at an appropriate scale with enlargements of key areas based on approved conceptual plans and the Transit Area Specific Plan. For this PS&E package, landscaping is expected to be limited to median islands and selected other widening locations where redevelopment is not likely. Landscape Construction Documents shall include the following:

Irrigation Plan and Details: Illustrate location and layout of pressure main line, laterals, irrigation heads, pipe, sizing, calculations, legend, notes and appropriate details.

Planting Plan and Details: Illustrate location of all proposed plant materials including genus, species and variety of all trees, shrubs and groundcover. Consultant shall also provide container sizes, spacing, special requirements and details and notes illustrating appropriate measures of installation.

458 Structure Bridging Documents for Design/Build (Optional Task)

After Type Selection, refine the structure design to be suitable for issuance to Design/Build contractors. Modify the bridge general plan and prepare additional plans if needed to clarify prescriptive structure design elements.

Prepare design criteria and specifications to define design and construction requirements based upon City, County and SCVWD Standards.

459 Quality Assurance Review

Conduct an internal quality assurance review of the plans and specifications, concurrent with review of the 95% Submittal by the City and other agencies. HMM's quality assurance program provides for independent checking of individual tasks as well as an independent review by experienced senior staff. The purpose of this review is to provide oversight to specific project details by professionals who are not closely involved in the design, and to review the constructability, cost-effectiveness and completeness of design features relative to the normal standard of professional care.

460 Right-of-Way Documents

Perform additional field surveys and office calculations to resolve existing right-of-way and property line locations. Obtain updated preliminary title reports (for up to 20 properties) and review to identify changes.

Prepare up to 40 plats and legal descriptions for property acquisitions and easements identified in preliminary design.

Prepare a Record of Survey of the centerline and right-of-way monumentation and submit it to the County for approval and recordation.

465 Right-of-Way Appraisal and Support Services

Engage a subconsultant, Associated Right of Way Services, to prepare appraisal reports, assist City and County with negotiations, provide escrow monitoring and title coordination for acquisitions from approximately 15 property ownerships.

470 Checked PS&E Submittal (100%)

Prepare Checked PS&E to provide an opportunity for the agencies to thoroughly review the details of the project. Submit PS&E to the City, utility companies and other agencies for final review and comments. Work

with the City and other agencies to resolve any conflicts between the comments of different reviewers.

Update the technical specifications using City and Caltrans Standard Specifications, and incorporate "boilerplate" legal and contractual provisions provided by the City and County.

Update the preliminary Estimate of Probable Construction Cost for use in the Bid Documents using standard City and/or Caltrans items.

480 Final PS&E Submittal

After agency review of the Checked PS&E (100%), we will prepare the final Bid Documents in accordance with the City's instructions.

Provide the City, County and other agencies the opportunity to review the completed Bid Documents and direct minor revisions. Submit final documents for signature.

482 Post Design Services

Make available project staff to answer questions during the bidding process.

Assist City in preparation of addenda to the bid documents. Addenda to include changes beyond the control of HMH will be considered as extra services.

490 Services During Construction

Services during construction, including attending the pre-construction conference with the City and Contractor, reviewing shop drawings and submittals, preparing Contract Change Orders, making occasional field reviews and preparing record drawings, will be provided through an amendment approved when the construction contract is awarded.

495 Record Drawings

Prepare record drawings based on information provided by others.

Services Not Included:

The following services may be required for successful completion of the project, but are specifically not included in this scope of services. Consultant may provide some of these services pursuant to the "Changes in Services" section of this agreement, or Client may engage others to provide these services. This is not intended to represent a complete list, but is added only for clarity.

- Environmental Impact Reports, Special Studies and Reports (Noise, Traffic, Biotic, etc.) or Phase I or Phase II analysis.
- Processing or coordination of U.S. Fish & Wildlife, Army Corps of Engineers, Department of Fish & Game or other Regional, State or Federal Agency permits.
- Identification or location of any contaminated or hazardous material sites.
- Uncovering or potholing existing underground facilities.
- Plans or calculations for falsework, structural excavations and sheeting or shoring.
- Subsurface water drainage (subdrains), dewatering facilities and pumping stations and force mains for storm drainage and sanitary sewer.
- Electrical power distribution, telephone, gas, or cable T.V. facilities except for joint trench conduits and boxes to carry such facilities.
- Landscaping or irrigation of extensive areas within Transit Area Specific Plan
- Montague Expressway improvements on the north side at the Piper Drive intersection and on the south side from Great Mall Parkway to east of the BART tracks, which are intended to be constructed as part of the BART SVBX C700 contract.
- Traffic Signal or lighting modifications at Montague Court/Pecten Court
- Notice of Intent to Comply with Construction General Permit and Stormwater Pollution Prevention Plan (SWPPP).

SCHEDULE

Consultant will endeavor to complete the services in accordance with the following timeframes:

<u>Task</u>	<u>Weeks After NTP</u>
Topographic Field Survey and Utility Mapping	3 Weeks
Geotechnical Investigation	6 Weeks
Preliminary Structural Design / Type Selection	6 Weeks
Preliminary Design (35%)	6 Weeks
Right-of-Way Documents	12 Weeks
Right-of-Way Appraisal and Support Services	As required
Draft PS&E Submittal (95%)	16 Weeks
Checked PS&E Submittal	24 Weeks
Final PS&E Submittal	30 Weeks

EXHIBIT B1

COMPENSATION SCHEDULE

For providing the services included in the Scope of Services, Client shall compensate Consultant on a Charge Rate basis invoiced based upon the actual hours expended by each employee classification for the services performed on the project multiplied by the hourly charge rate for that employee classification as shown on the following Charge Rate Schedule:

CHARGE RATE SCHEDULE

Professional and Office

Principal	\$ 200
Civil Engineering or Land Surveying Manager	\$ 164
Senior Civil Engineer, Land Surveyor or Landscape Architect	\$ 144
Design Specialist	\$ 180
Project Civil Engineer, Land Surveyor or Landscape Architect	\$ 132
Engineer, Planner, Surveyor or Landscape Designer	\$ 126
Assistant Engineer, Surveyor, Planner or Landscape Designer	\$ 116
Junior Engineer, Surveyor, Planner or Landscape Designer	\$ 106
Senior Technician	\$ 124
Project Technician	\$ 114
Technician	\$ 104
Assistant Technician	\$ 98
Junior Technician	\$ 80
Project Support Staff	\$ 80

Field Services

2-Man Field Crew	\$ 214
3-Man Field Crew	\$ 282
1-Man Field Crew	\$ 144
Senior Field Engineer	\$ 136

Budgets have been established for each Charge Rate task. Consultant will request authorization if budget is to be reallocated between tasks.

Reimbursable Expenses

City shall reimburse Consultant for subconsultant costs and reimbursable expenses at cost plus five percent (5%) for processing. Such reimbursable expenses may include: reproduction of plans and documents, overnight mail, delivery and courier services, fees charged by agencies and utilities to obtain information on existing facilities, fees advanced to public agencies, premiums for additional insurance requirements requested by Client, and other costs and expenses incurred at Client's request.

Exhibit B1

PROPOSED FEE MONTAGUE EXPRESSWAY-GREAT MALL TO I-680												
HMH TASK NO.	TASK DESCRIPTION	HMH (HOURS)						TOTAL HOURS	HMH FEES	SUBS & REIMB.		TOTAL FEE
		PRINCIPAL	MANAGER	SR ENGR	PROJ ENGR	ASST ENGR OR TECH	SURVEY (2 MFC)			SUB FEE	SUB NAME	
		\$200	\$164	\$144	\$132	\$116	\$214					
410	PROJECT MANAGEMENT	40	100			40		180	\$29,040			\$29,040
420	TOPOGRAPHIC FIELD SURVEY AND UTILITY MAPPING		8	16		64	48	184	\$21,312			\$21,312
426	GEOTECHNICAL INVESTIGATION FOUNDATION INVESTIGATION & PAVEMENT									\$30,000	Parikh	\$31,500
427	PRELIMINARY STRUCTURAL DESIGN PRELIMINARY DESIGN & TYPE SELECTION									\$54,300	BCA	\$57,015
435	PRELIMINARY DESIGN 35%	22	86	104	146	200		558	\$75,952	\$26,000	F&P	\$103,252
440	COORDINATION AND COMMUNICATION	16	40	30		86		172	\$14,080			\$14,080
450	DRAFT PS&E SUBMITTAL (95%)	48	244	304	414	436		1446	\$198,616	\$50,000	F&P + GIAC	\$251,116
452	TRAFFIC SIGNAL & STREET LIGHTING DESIGN INCLUDED IN 450, 470 AND 480											
454	JOINT TRENCH DESIGN INCLUDED IN 450, 470 AND 480											
456	LANDSCAPE ARCHITECTURE CONST. DOC'TS INCLUDED IN 450, 470 AND 480											
458	STRUCTURE BRIDGING DOCUMENTS (FOR DIB) (OPTIONAL) BRIDGING PLANS, SPECS & ESTIMATE FOR DIB									\$34,700	BCA	\$36,435
458	QUALITY ASSURANCE CHECKING & REVIEW	40	24	40				104	\$17,696			\$17,696
460	RIGHT-OF-WAY DOCUMENTS	4	26	132	212	120	48	590	\$76,248	\$15,000	TITLE FEES	\$91,998
465	RIGHT-OF-WAY APPRAISAL & SUPPORT									\$207,000	ARWS	\$217,350
470	CHECKED PS&E SUBMITTAL (100%)	8	44	72	72	48		244	\$34,256	\$21,000	F&P + GIAC	\$56,306
480	FINAL PS&E SUBMITTAL	4	32	32	48	20		136	\$19,312	\$14,000	F&P + GIAC	\$34,012
482	POST-DESIGN SERVICES BIDDING SUPPORT & ADDENDA	4	12	16	8			40	\$6,128			\$6,128
495	RECORD DRAWINGS RECORD DRAWINGS		4		16	20		40	\$5,088			\$5,088
995	REIMBURSIBLES									\$5,000	MISC.	\$5,250
	TOTAL	182	604	730	892	1014	96	3618	\$486,512	\$457,000		\$977,578

August 3, 2011
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