

**AMENDMENT NO. 4 TO THE AGREEMENT FOR  
CONSULTATION AND OTHER SERVICES**

**BETWEEN CITY OF MILPITAS**

**AND**

**SCHAAF AND WHEELER**

This Amendment is entered into this 15 day of October, 2013, by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "CITY") and Schaaf and Wheeler, a California Corporation (hereafter referred to as "CONSULTANT").

**RECITALS**

**WHEREAS**, the parties entered into an agreement entitled "Consulting Services Agreement" for professional engineering services for BART Extension on January 26, 2012 in the amount of \$18,000.00 ("Agreement"); and

**WHEREAS**, on February 7, 2012, the parties entered into Amendment No. 1 to the Agreement to increase the scope of work, extend the term of the Agreement with an expiration date of June 30, 2012, and increase the compensation to an amount not to exceed Fifty Thousand Dollars (\$50,000.00); and

**WHEREAS**, on May 11, 2012, the parties entered into Amendment No. 2 to the Agreement to extend the term of the Agreement with an expiration date of December 31, 2012 with no changes to compensation; and

**WHEREAS**, on August 7, 2012, the parties entered into Amendment No. 3 to the Agreement to increase the scope of work, extend the term of the Agreement with an expiration date of October 31, 2013, and increase the compensation to an amount not to exceed Seventy Thousand Dollars (\$70,000.00); and

**WHEREAS**, the parties desire to increase the scope of work and extend the term of the Agreement with an expiration date of October 31, 2014 for additional services.

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" of the Agreement is amended by adding additional scope of services as set forth in Exhibit A-4, which is attached hereto and incorporated by reference herein.
2. 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 October 31, 2014."
3. Section 2, entitled "Compensation" of the Agreement is amended to read as follows:

"City hereby agrees to pay Consultant a guaranteed maximum price not to exceed Ninety Thousand Dollars (\$90,000) for all services to be performed

Project Name: BART Extension  
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and reimbursable costs incurred under this Agreement as further set forth in Exhibit B-4, which is attached hereto and incorporated by reference herein.”

4. The CONSULTANT agrees to continue to maintain and pay for all insurance policies as stated in Section 4, entitled “Insurance Requirements” of the Agreement dated January 26, 2012, between CONSULTANT and CITY. The CONSULTANT shall provide CITY with renewal certificates of the current policies upon the expiration of the current policy.
5. All other provisions of the amended Agreement not changed by this Amendment No. 4 shall remain in full force and effect.

This Amendment is executed as of the date written on this page.

CITY OF MILPITAS

CONSULTANT

\_\_\_\_\_  
Thomas C. Williams, City Manager

\_\_\_\_\_  
Charles D. Anderson, President

APPROVED AS TO CONTENT

\_\_\_\_\_  
Jeff Moneda, Public Works Director/City Engineer

APPROVED AS TO FORM

\_\_\_\_\_  
Michael J. Ogaz, City Attorney

## EXHIBIT A-4

### Scope of Services

Task 7: Consultant shall review various storm drain, stormwater program, and/or floodplain-related documents necessary for the approval of the VTA SVBX project in Milpitas. Consultant may also be required to prepare reports, responses, or other documents. Consultant shall proceed only upon written authorization from the City.

All work shall be completed by October 31, 2014.

Project Name: BART Extension  
 Project No.: GT-1063 and CP 4265

**EXHIBIT B-4**  
**COMPENSATION SCHEDULE**

	Principal		Senior Project Engineer		Project Engineer		Senior Admin		Labor Cost	Expenses	Total
Hourly Rate	\$205		\$180		\$160		\$				
	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost			
Task 7	10	\$2,050	35	\$6,300	72	\$11,520		\$	\$19,870	\$130	\$20,000
Totals	10	\$,2050	35	\$6,300	72	\$11,520			\$19,870	\$130	\$20,000