

**SIXTH AMENDMENT TO THE MASTER AGREEMENT
BETWEEN THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
AND THE CITY OF MILPITAS RELATING TO THE SILICON VALLEY
RAPID TRANSIT PROGRAM BERRYESSA EXTENSION PROJECT**

This Sixth Amendment to the Master Agreement Between the Santa Clara Valley Transportation Authority and the City of Milpitas Relating to the Silicon Valley Rapid Transit Program Berryessa Extension Project (“Sixth Amendment”) is entered into this ____day of _____, 2014, by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as “City”) and the Santa Clara Valley Transportation Authority, a public transit district (hereafter referred to as “VTA”) (collectively, the “Parties”). This Sixth Amendment becomes effective upon the date listed above.

RECITALS

WHEREAS, the Parties entered into a Master Agreement to memorialize the Parties’ consultation and cooperation, define their respective rights and obligations, and ensure future cooperation between VTA and the City in connection with the Silicon Valley Berryessa Extension Project (“Project” or “SVBX”), on September 10, 2010 (hereafter referred to as the “Master Agreement”) and the Parties entered into Amendment No. 1 on September 8, 2011, Amendment No. 2 on December 7, 2011, Amendment No. 3 on June 7, 2012, Amendment No. 4 on September 18, 2012, and Amendment No. 5 on April 16, 2013 to refine and increase the work scope; and

WHEREAS, the Parties executed an extension of the workplan and budget under the Master Agreement on September 30, 2013 with a completion date of September 30, 2014; and

WHEREAS, the Master Agreement and Amendments address the relationship and responsibilities between the Parties regarding the City municipal infrastructure that is affected by the SVBX construction; and

WHEREAS, the Parties desire to enter into this Amendment No. 6 to (i) increase the scope of work, (ii) extend the term of the Work Plan to September 30, 2015, and (iii) revise the billing rates for City services to reflect the hourly rates approved by the City Council on January 21, 2014 as part of the 2014 Cost Allocation Plan Update.

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

Section A. All previous Exhibit B are hereby amended in its entirety and replaced with a new Revised Exhibit B entitled “City Work Plan” attached hereto and incorporated by reference herein.

Section B. All other provisions of the Master Agreement and any subsequent amendments not modified by this Amendment No. 6 shall remain in full force and effect.

SANTA CLARA VALLEY TRANSPORTATION AUTHORITY

By: _____

Nuria I. Fernandez
General Manager

APPROVED AS TO FORM:

By: _____

General Counsel

CITY OF MILPITAS

By: _____

Thomas C. Williams
City Manager

APPROVED AS TO FORM:

By: _____

Michael J. Ogaz
City Attorney

APPROVED AS TO CONTENT:

By: _____

Jeff Moneda, Public Works Director/City Engineer

Exhibit B City Work Plan

The following is a summary of anticipated labor costs and reimbursable expenses payable from VTA to City in the 16 month period from June 1, 2014 to September 30, 2015.

Table B-1: Labor Costs

No.	Item	Calculation or Basis of Estimate	Amount
1	Project Support services including but not limited to: coordination meetings, right of way/easement requirements, design review, submittal review, construction coordination, permit processing, inspections, utility coordination, and document management. Estimated level of work is 630 hours per month excluding RMC Water and Environment Consultant support. Assume City staff will provide 180 hours per month and supplemental consultant support will provide the remainder.	6 people x 30 hours per month x 16 months x average billing rate of \$165/hour.	\$475,200
2	RMC Water and Environment – Includes full-time support from Isaac Serrano as well as occasional review activity for water and sewer related submittals.	180 hours per month x 16 months x \$170/hour	\$489,600
3	Other Engineering Consultant support, including but not limited to Schaaf & Wheeler, West Yost Associates, and Vali Cooper	100 hours per month x 16 months x \$190/hour	304,000
4	Inspection services	160 hours per month x 16 months x \$145/hour	\$371,200
5	Right-of-Way/Easement/License Review (see Note 3 below)	150 hours x \$210/hour	\$31,500
	Subtotal: Labor Costs		\$1,671,500

Labor Cost Notes:

1. VTA is currently implementing the Montague Reconstruction project in the City of Milpitas, under a Joint Powers Agreement with the County of Santa Clara and the Santa Clara Valley Water District.

The Montague Reconstruction is a separate project from SVBX. City costs associated with Montague Reconstruction shall not be charged against the budgets provided in this Amendment.

2. VTA shall have the right to participate in the selection of consultants engaged by City that will be reimbursed by VTA pursuant to this Amendment No. 6.
3. Line item 5 above is for City review of right-of-way or easement dedications arising from project impacts. This budget shall not be used for City costs arising from betterments, including negotiations with UPRR to expand the City’s easement rights in Piper Drive.

Table B-2: Expenses ¹

1	Cost for disposal of groundwater into sanitary sewer at Dixon Landing Road for utility relocation and trench construction.	Assume 30,000 gallons per day for 120 days = 3,600,000 gallons or 4,813 hcf at \$3.70/hcf	17,800
2	Special inspection/testing	Lump sum	\$5,000
3	Reimbursement for printing.	20,000 sheets x \$0.10/sheet	\$2,000
	Subtotal: Expenses		\$24,800

Expense Notes:

1. Expense items listed in this Amendment may be payable either by VTA directly, or through its contractors, in accordance with VTA’s applicable construction contracts.

Table B-3: City Hourly Rates

Milpitas Job Title	Hourly Rate	Milpitas Job Title	Hourly rate
Assistant City Attorney	\$149	Public Works Inspector	\$158
CIP Manager	\$187	Assistant Civil Engr	\$162
Principal Civil Engineer	\$209	Engr Aide	\$133
Traffic Engineer	\$209	Sr Building Inspector	\$169
Assoc Civil Engineer	\$184	Bldg Inspector	\$148
Student Intern	\$25	Secretary	\$125
Senior Planner	\$208	Administrative Analyst	\$125
Principal Planner	\$225	Public Info Specialist	\$125

Milpitas Job Title	Hourly Rate	Milpitas Job Title	Hourly rate
Assistant Planner	\$163	Equipment Maintenance Worker III	167
Fire Marshal	\$193	Water Systems Operator	\$172
Fire Protection Engr	\$189	Assistant Water Systems Operator	\$157
Fire Captain	\$202	Utility Maint Worker III	\$141
Fire Prevention Inspector	\$201	Utility Maintenance Worker II	\$125
Hazmat Inspector	\$185	Equipment Maintenance Worker II	\$155
Battalion Chief	\$236	Office Specialist	\$104
Building Official	\$190	Office Assistant	\$92
Permit Center Manager	\$153	Finance Manager	\$138
Electrical Building Inspector	\$151	Accountant	\$96
Plan Check Engineer	\$173	Fiscal Services Assistant II	\$72
Plan Checker	\$148	Permit Technician	\$113
		Public Works Manager	\$148

1. The hourly rates set forth above are the hourly rates approved by the City Council on January 21, 2014 as part of the 2014 Cost Allocation Plan Update, have been adjusted administratively by the Director of Finance for FY 14-15, and will be adjusted similarly in subsequent years. VTA shall pay the applicable rates in effect at the time services are provided.

City of Milpitas, California

BUDGET CHANGE FORM

Type of Change	From		To	
	Account	Amount	Account	Amount
Check one: <input checked="" type="checkbox"/> Budget Appropriation <input type="checkbox"/> Budget Transfer	311-951-4265- 15-3575	\$ 650,000	311-951-4265- 2-4800	\$ 650,000

Explain the reason for the budget change:

Background: The extension of the Bay Area Rapid Transit (BART) system into Santa Clara County is being implemented by VTA's Silicon Valley Rapid Transit (SVRT) Program. The City and VTA executed a Master Agreement in 2010, which created a cooperative frame work between VTA and the City, for the design and construction of the BART line extension through Milpitas. This agreement allows for reimbursement of City expenses for a variety of coordination efforts, including but not limited to design approval and inspection of City facilities, encroachment permit oversight, easements, utility maintenance operations, meetings, resolution of construction issues, and consultant support. The Master Agreement and Amendment Nos. 1-5 included a work plan which described the City's support effort with a total contract amount of \$2,990,588 through September 2014.

The construction effort has increased over the last several months and the available contract amount has been used. It is necessary to extend the work plan and increase the contract amount at this time. Additionally, the City Council approved the 2014 Cost Allocation Plan Update and the rates for City services will be revised in Amendment No. 6 to reflect the updated plan.

Staff negotiated a work plan extension with VTA to continue the coordination efforts. Staff recommends increasing the Master Agreement value in the amount of \$1,696,300 for the additional work for a total not-to-exceed contract amount of \$4,686,888, and extending the term to September 30, 2015. The requested budget appropriation will place a portion of this funding into a project budget account to allow payment for consultant support to the BART project.

Fiscal Impact: The Master Agreement requires VTA to establish a deposit account with the City to fund the City's work related to the BART extension project. This amendment provides for an additional deposit of \$1,696,300 for reimbursable costs in accordance with the Master Agreement.

Recommendations:

- Approve Amendment No. 6 to the Master Agreement with VTA relating to the Silicon Valley Rapid Transit Program Berryessa Extension (BART) Project to extend the term to September 30, 2015 and increase the agreement amount by \$1,696,300.
- Approve a budget appropriation of \$650,000 to Project No. 4265-BART extension coordination and planning in the CIP.

Check if City Council Approval required.

Meeting Date: June 17, 2014

Requested by:	Department Head: Jeff Moneda	Date: June 9, 2014
Reviewed by:	Finance Director: <i>Jane Corpeo for Emma Karber</i>	Date: 6/9/14
Approved by:	City Manager:	Date:
Date approved by City Council, if required:		Confirmed by: