

**Master City of San José Consultant Agreement
Amendment to Approved Service Order – RWF Capital Projects
Cover Page**

1a. CPMS Contract No.: 7995 1b. Master Agreement AC No.: 27586

2. First Second Third Fourth Amendment to Approved Service Order No. 3

3. Consultant's Name: Brown and Caldwell ("Consultant")

Project Name: Programmatic Level Hazardous Material Management Support ("Project")

Amendment Description: This amendment to Service Order No. 3 (SO) decreases the scope and compensation of Task No. 1 (Project Management), Task No. 2 (Planning, Design, and/or Construction Support), and Task No. 3 (PCBs and Other Hazardous Material Management Support). The work anticipated for the remaining SO tenure is less than initially budgeted.

4. The above-referenced Approved Service Order is amended as follows:

a. **Budget/Fiscal:** The original Budget/Fiscal information in Section 7 of the Approved Service Order First Second Revised Budget/Fiscal Attachment is amended to read as set forth in the attached First Second Third Revised Budget/Fiscal Attachment.

b. **Tasks – Attachment A:** The original First Revised Second Revised Attachment A is amended to read as set forth in the attached First Second Third Revised Attachment A.

c. **Terms and Conditions – Attachment B:** The original First Revised Second Revised Attachment B is amended to read as set forth in the attached First Second Third Revised Attachment B.

d. **Compensation Table – Attachment C:** The original First Revised Second Revised Attachment C is amended to read as set forth in the attached First Second Third Revised Attachment C.

5. Each of the attachments to this amendment is incorporated herein by reference and supersedes in its entirety any corresponding attachment to the original Approved Service Order and any amendments thereto.

6. **Consultant Approval:** Jeffrey R Kivett Mar 30, 2022
Jeffrey R Kivett (Mar 30, 2022 10:40 EDT) Date: _____

7. Approval as to Form (City Attorney):

Approved Service Order Amendment Form Approved by the Office of the City Attorney

(There are no material changes to the provisions of the Approved Service Order Amendment Form.)

Approved as to Form:

(Sr.) Dept. City Attorney: _____ Date: _____

8. **City Director Approval:** Napp Fukuda Mar 30, 2022
Napp Fukuda (Mar 30, 2022 17:35 PDT) Date: _____

First **Second** **Third** **Revised Budget/Fiscal Attachment**

- This Revised Budget/Fiscal Attachment is attached to the First Second Third amendment to Approved Service Order No. 3 issued pursuant to the Master Agreement having the above-referenced CPMS Contract No.
- The Maximum Service Order Compensation set forth on Line 7.b. of Section 7 of the Approved Service Order cover page is:

Decreased from \$ 796,931.00 to \$ 392,236.00

Increased from \$ _____ to \$ _____.

- Section 7 of the Approved Service Order cover page is appended to read as follows:

a.	Current unencumbered amount in Master Agreement:	\$	985.11
b.	Service Order Compensation for this Approved Service Order Amendment:	\$	(404,695.00)
c.	New unencumbered balance in Master Agreement:	\$	405,680.11
d.	Appropriation Certification: I certify that an unexpended appropriation in the amount of the Maximum service Order Compensation is available in the following fund(s) and that such fund(s) will be encumbered to pay for this Approved Service Order.		
	Fund: <u>512</u>	Appn: <u>7456</u>	RC: <u>172821</u> Amount: \$ <u>(404,695.00)</u>
	Fund: _____	Appn: _____	RC: _____ Amount: \$ _____
	Fund: _____	Appn: _____	RC: _____ Amount: \$ _____
	Fund: _____	Appn: _____	RC: _____ Amount: \$ _____
	Division Analyst Approval: <u>Mary Crippen</u>		Date: <u>Mar 30, 2022</u>
	Authorized Signature: <u>Harpal Singh</u>		Date: <u>Mar 30, 2022</u>

First Second Third **Revised Attachment A: Tasks**

This Revised Attachment A is attached to the First Second Third amendment to Approved Service Order No. 3 issued pursuant to the Master Agreement having the above-referenced CPMS Contract No.

General Description of Project for which Consultant Shall Provide Services:

Previous construction activities and environmental investigations for various projects at the San José-Santa Clara Regional Wastewater Facility ("RWF"), identified caulk containing Polychlorinated Biphenyls ("PCBs") in expansion joints of the various structures. The caulk containing PCBs was applied during facility construction between 1954 and 1979, a period when PCBs were widely used as an additive in building materials. Investigations found caulk at the facility contains PCBs in concentrations as high as 329,000 parts per million (ppm). Over time, the PCBs present in caulk have migrated into concrete and soils immediately adjacent to the caulked joints. The federal Toxic Substances Control Act ("TSCA") regulates materials (including concrete, soil, or water) with PCBs concentration of 50 ppm or higher. Other hazardous material is known to be present at RWF to include, but not limited to, asbestos, lead, hydrocarbons, and diesel contamination.

The objective of this Service Order No. 3 ("SO") is for the Consultant to provide PCBs and other hazardous material related environmental consulting services to support various CIP projects during the planning, design, and/or construction stages. CIP projects will be testing for hazardous materials during the design phase and Consultant is to provide programmatic and project related SME support. The hazardous materials field sampling activities and shall be authorized separately and performed by others.

The scope of services provided by the Consultant under this SO consists of the following tasks:

- Task No. 1: Project Management
- Task No. 2: As Needed Planning, Design and/or Construction Support
- Task No. 3: As needed PCBs and Hazardous Materials Management Support
- Task No. 4: Hazmat (PCBs) Awareness Training

All deliverables for this service order shall be submitted electronically, unless specifically indicated in the Task descriptions below.

Task No. 1: Project Management

This task includes project management activities throughout the duration of the project.

A. Services:

1. **Project Management:** Consultant's Project Manager (PM) shall make staffing assignments, review and track work progress, coordinate quality management and review procedures, and serve as the primary point of contact when communicating with the City. Consultant's PM shall manage the budget, schedule and invoicing.
 - a. **Project Scope and Budget Management:** Consultant PM shall oversee daily management of scope, deliverables, schedule and budget; coordinate work with internal staff, subconsultants, City staff, and other City consultants; and prepare and maintain a Project schedule. This sub-task includes the following services:
 - 1) **Progress Reports:** Consultant shall prepare and submit progress reports within five (5) Business Days from the last calendar day of the invoicing period, unless requested otherwise by the City's PM. The progress

report shall include a brief written summary of the progress made on each task; estimate each tasks' percent completion; and describe the status of each deliverable, total labor hours, and costs incurred during the reporting period. The progress reports shall also include significant issues encountered, risks, or concerns (e.g., Consultant PM anticipates difficulty meeting deadline for work due within the next 30 days for some reason beyond Consultant control).

- 2) Project Schedule and Updates: A detailed project schedule shall be provided and reviewed during the project kickoff meeting and updated on a as needed basis concurrent with project status reports or as requested by the City.
- b. Kickoff Conference Call: Consultant shall organize and facilitate a one (1)-hour Kickoff conference call with City staff. The Consultant's PM and appropriate Project team members shall attend the Kickoff conference call. Consultant staff will appropriately document the meeting findings and follow up with the City Staff after the kickoff conference call.
 - c. Project Progress Meetings/Calls: Consultant shall attend meetings or calls as-needed with City staff to discuss the project progress, constraints, and risks. Twenty five percent (25%) of the meetings are anticipated to be in-person meetings attended by Consultant PM and another key staff in City's office, and remainder seventy five percent (75%) are anticipated to be scheduled via conference calls. Based on the estimated duration of project for sixty (60) months, a total of twenty-five (25) one (1)-hour meetings/conference calls are planned. Consultant shall prepare an agenda, handouts, and meeting notes for the progress meetings.
 - d. Health and Safety Plan: Consultant shall prepare and submit a program-level Health and Safety Plan ("HASP") for field work, assessments, or investigations of certain Project elements. The HASP shall be developed in accordance with federal Occupational Safety and Health Administration ("OSHA") and California OSHA regulations to protect Consultant staff, City staff and the environment against harm, injury, damage, or airborne contaminant release during hazmat survey. The HASP shall describe Consultant's confined space entry program and how Consultant plans to complete field work, assessments, or investigations at the RWF. At a minimum, the HASP shall address the following:
 - 1) Health and safety measures including required personal protective equipment and ambient air monitoring.
 - 2) Method and procedures for sampling, labeling, storage, handling and disposal of materials, and cleaning areas after sampling to prevent release of potential hazardous materials to the environment (air, ground, surfaces, etc.).

Consultant shall update the HASP if new conditions are encountered and attach site-specific health and safety addendums as-needed at the Project site(s). A draft and final HASP shall be prepared.

Consultant shall follow the City's templates to prepare deliverables. The City shall provide these templates no later than ten (10) business days following the Notice to Proceed for this Service Order. The templates currently available include the following:

- 1) Meeting Agenda
- 2) Meeting Minutes

- 3) Quality Review Form
- 4) Reports and Technical Memorandum

- 2. Quality Assurance and Quality Control Plan: Consultant will develop a project-specific quality assurance and quality control (“QA/QC”) plan and submit a draft for review by the City. After City return the draft with comments and Consultant update the plan in response to comments, the final QA/QC plan shall be adopted for the project. The QA/QC plan should adhere to generally accepted industry standards.
- 3. Project Management Plan: Consultant shall prepare a Project Management Plan to provide details on the team members and respective roles, summarize project risks and mitigation measures, and describe a communication plan to handle scope changes, field change-in-conditions, and additional requirements by the City.

B. Deliverables: Consultant shall provide the following documents in an electronic editable file format.

- 1. Project Schedule
- 2. Progress Reports
- 3. HASP
 - a. Draft HASP
 - b. Final HASP
- 4. QA/QC Plan
 - a. Draft QA/QC Plan
 - b. Final QA/QC Plan
- 5. Project Management Plan

C. Completion Time: Consultant must complete the services and deliverable for this task in accordance with whichever one of the following is marked:

- On or before the following date: June 30, 2023.
- On or before ____ Business Days from _____

Task No. 2: As-Needed Planning, Design and/or Construction Support

This task involves developing a program level protocol for PCBs and other hazardous material investigations for use by CIP design consultants in developing specifications and standard operating procedures for use by CIP construction contractors in remediating construction sites, and providing related support to the City during planning, design and construction activities. Consultant is to review and modify, as needed, the existing PCBs protocol to include for other hazardous materials.

The task shall include the scoping of a site reconnaissance survey, if needed, to develop the PCBs and other hazardous material investigation protocol for a specific project site. PCBs and other hazardous material sample collection shall not be conducted.

A. Services:

1. Develop PCBs and other Hazardous Material Investigation Protocol: Consultant shall develop an investigation protocol for the City to provide to CIP project design consultants. The protocol shall include the preparation of guidance for the following review and documents development. Conducting review and preparation of documents shall not be completed in this service order.
 - a. Review/Inventory of existing environmental data
 - b. On-site reconnaissance surveys
 - c. Conceptual assessment reports
 - d. Site characterization plans
 - e. Data Analysis and Risk Assessment

The guidance prepared by the Consultant shall be provided to CIP design consultants for the preparation of remediation plans and specifications.

2. Develop Standard Specifications and Operating Procedures for PCBs and other hazardous material Management: Consultant shall develop standard specifications for the City to include in project contract documents, as well as the standard operating procedures for managing PCBs and other hazardous materials during construction activities. Consultant anticipates three (3) rounds of comments from the City, and two (2) meetings with the City staff to resolve comments on the documents.

The specifications prepared by Consultant shall be provided to CIP design consultants and construction contractors for the execution of remediation activities.

3. As-Needed Project Design Support: Consultant shall provide as-needed design support related to PCBs and other hazardous materials issues to incorporate appropriate requirements in the construction documents.

On an as-needed basis, Consultant shall review investigation plans, investigation reports/findings, remediation plans, and/or Environmental Protection Agency ("EPA") applications prepared by project design consultants.

4. As-Needed Construction Support: Consultant shall provide as-needed construction support related to PCBs and other hazardous material management during construction including on-site field inspection, conference calls, and communication with the City and the Contractor.

B. Deliverables: Consultants shall provide the following documents in an electronic editable file format.

1. Draft and Final Investigation Protocol
2. Draft and Final standard specifications and operating procedures
3. Responses to specific information requests from the City during the planning, design and construction periods

C. Completion Time: Consultant must complete the services and deliverable for this task in accordance with whichever one of the following is marked:

- On or before the following date: June 30, 2023.
- On or before ____ Business Days from _____

Task No. 3: As-Needed PCBs and other Hazardous Materials Management Support

This task includes as-needed environmental services for the CIP to address ongoing PCBs and other hazardous materials issues at the RWF. No field sampling shall be conducted for hazardous materials investigation.

A. Services:

1. Consulting on PCBs and Hazardous Materials Management Issues: Consultant shall provide as-needed consulting to City staff for any ongoing PCBs and other hazardous material issues at the RWF sites. The services are anticipated to include:
 - a. Responding to questions from designers or contractors about PCBs and other hazardous material issues for various projects in design or construction.
 - b. Participating in conference calls with the City regarding PCBs and other hazardous material issues.
 - c. Providing guidance on PCBs and other hazardous material sampling, analysis, management, and health and safety matters.

Authorization from the City shall be required if the specialty sub-consultant scope of services require greater than approved budget.

2. As-needed EPA and Other Regulatory Agency Consultations: Consultant shall provide as-needed consultation to the City to coordinate with EPA and other regulatory agencies on ongoing project issues.

B. Deliverables: Consultant shall provide the following documents in an electronic editable file format.

1. Meeting Notes

C. Completion Time: Consultant must complete the services and deliverable for this task in accordance with whichever one of the following is marked:

- On or before the following date: June 30, 2023.
- On or before ____ Business Days from _____

Task No. 4: Hazardous Materials Awareness Training

This task includes providing trainings to City staff regarding awareness and management as well as health and safety with respect to hazardous materials.

A. Services:

1. On-Site Hazardous Materials Awareness Training: Consultant shall provide up to an eight-hour (8-hour) on-site Hazardous Materials Awareness Training to the City Staff. Consultant shall prepare handouts, presentations, and display boards required for the training and share training materials with the City at least 2 weeks in advance of the training. The comments from the City on the training materials shall be incorporated into

the final version of the training documents. Specific requirements for the training will be discussed with the City prior to the training.

2. **On-line Hazardous Materials Awareness Training:** Consultant shall provide a short (up to four-hour (4-hour)) on-line version of the Hazardous Materials Awareness training to the staff. Consultant shall prepare the handouts, presentations, and other material for the training and share materials with the City at least 2 weeks in advance of the training. The comments from the City on the training materials shall be incorporated into the final version of training documents. . Specific requirements for the training shall be discussed with the City prior to the training.

B. Deliverables: Consultant shall provide the following documents in an electronic editable file format.

1. On-site Hazardous Material Training Material, and Power Point Presentation
 - a. Draft Hazardous Materials Training Material
 - b. Final Hazardous Materials Training Material
2. On-line Hazardous Material Training Material, and Power Point Presentation
 - a. Draft Hazardous Materials Training Material
 - b. Final Hazardous Materials Training Material

C. Completion Time: Consultant must complete the services and deliverable for this task in accordance with whichever one of the following is marked:

- On or before the following date: June 30, 2021.
- On or before ____ Business Days from _____

First Second Third **Revised Attachment C: Compensation Table**

This Revised Attachment C is an attachment to the First Second Third amendment to Approved Service Order No. 3 issued pursuant to the Master Agreement having the above-referenced CPMS Contract No.

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Task No. and Task Title from Attachment A	Invoice Period	Multiplier Compensation	Contract Personnel	Reimbursable Expenses (Including applicable markup)	Subconsultant Costs (Including markup)	Total Compensation
1. Project Management	<input checked="" type="checkbox"/> Monthly <input type="checkbox"/> Completion of Task(s) <input type="checkbox"/> Completion of Work	\$114,368	\$	\$1,400	\$	\$115,768
2. As Needed Planning, Design, and/or Construction Support	<input checked="" type="checkbox"/> Monthly <input type="checkbox"/> Completion of Task(s) <input type="checkbox"/> Completion of Work	\$221,983	\$	\$5,000	\$	\$226,983
3. As-Needed PCBs and Other Hazardous Material Management Support	<input checked="" type="checkbox"/> Monthly <input type="checkbox"/> Completion of Task(s) <input type="checkbox"/> Completion of Work	\$25,619	\$	\$5,000		\$30,619
4. Hazardous Materials Management Training	<input checked="" type="checkbox"/> Monthly <input type="checkbox"/> Completion of Task(s) <input type="checkbox"/> Completion of Work	\$18,866	\$	\$0	\$	\$18,866
Maximum Compensation		\$380,836	\$	\$11,400		\$392,236

City of San José Contract/Agreement Transmittal Form

Route Order

Attached / Completed

Electronically Signed

TO: City Attorney
 City Manager
 City Clerk **OR** Return to
Dept. (circle one)

Insurance Certificates / Waivers Electronically Signed: Yes
 Business Tax Certificate Audit Trail Attached (if applicable)
 Contacted Clerk re: Form 700 Scanned Signature Authorization
 Supplemental Memorandums (if applicable): Select One

Type of Document: Amendment

Type of Contract: Consulting Services

REQUIRED INFORMATION FOR ALL CONTRACTS:

Existing GILES # 661293 -032

Contractor: Brown and Caldwell

Address: 75 E. Santa Clara St., Suite 375, San Jose, CA 95113

Phone: (925) 210-2224

Email: ashah@brwnaald.com

Contract Description: Second Amendment to Service Order 3 - Programmatic Level Hazardous Material Management Support

Term Start Date: 08/13/2018 Term End Date: 06/30/2023 Extension: No

Method of Procurement: Select one RFB, RFP or RFQ No.: _____ Date Conducted: _____

Agenda Date (if applicable): _____ Agenda Item No.: _____

Resolution No.: _____ Ordinance No.: _____

Original Contract Amount: \$796,931.00 Amount of Increase/Decrease: (\$404,695.00)

Option #: ___ of ___ Option Amount: _____ NTE/Updated Contract Amount: \$392,236.00

Fund/Appropriation: _____

Form 700 Required (Selection mandatory for processing): Yes

Revenue Agreement: No

Tax Certificate No.: 6454721210

Expiration Date: 05/15/2022

Department: ESD (76)

Department Contact: Alicia Alba / 635-4003

Customer (Finance Only): _____

Notes:



Department Director Signature: _____ Date

Office of the City Manager Signature: _____ Date