

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

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1a. CPMS Contract No.: 7758 1b. Master Agreement AC No.: 28019

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

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

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Project Name: Owner's Advisor Services during Preliminary Services Stage of the Digested Sludge Dewatering Facility ("Project")

Amendment Description: Service Order Closeout. All work completed. Final invoice paid in full.

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**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 Revised Budget/Fiscal Attachment  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.

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**6. Consultant Approval:**

*Jeffrey R Kivett*  
Email: jkivett@brwnncald.com  
Date: 01/11/2023 GMT

Date: 01/11/2023

**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*  
Email: napp.fukuda@sanjoseca.gov  
Date: 01/12/2023 GMT

Date: 01/12/2023

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

1. 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.
2. The Maximum Service Order Compensation set forth on Line 7.b. of Section 7 of the Approved Service Order cover page is:

Decreased from \$ 1,619,778.00 to \$ 1,335,451.06.

Increased from \$ \_\_\_\_\_ to \$ \_\_\_\_\_.

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

|  |   |                   |                                |                   |                                |             |             |           |                  |             |             |           |                  |             |             |           |                  |
|--|---|-------------------|--------------------------------|-------------------|--------------------------------|-------------|-------------|-----------|------------------|-------------|-------------|-----------|------------------|-------------|-------------|-----------|------------------|
| a. Current <b>unencumbered</b> amount in Master Agreement:   | \$ 50,048.08  |                   |                                |                   |                                |             |             |           |                  |             |             |           |                  |             |             |           |                  |
| b. Service Order Compensation for this Approved Service Order Amendment:   | \$ (284,326.94)   |                   |                                |                   |                                |             |             |           |                  |             |             |           |                  |             |             |           |                  |
| c. New unencumbered balance in Master Agreement:   | \$ 334,375.02   |                   |                                |                   |                                |             |             |           |                  |             |             |           |                  |             |             |           |                  |
| <p>d. <b>Appropriation Certification:</b> 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.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 25%;">Fund: <u>512</u></td> <td style="width: 25%;">Appn: <u>7452</u></td> <td style="width: 25%;">RC: <u>181263</u></td> <td style="width: 25%;">Amount: \$ <u>(284,326.94)</u></td> </tr> <tr> <td>Fund: _____</td> <td>Appn: _____</td> <td>RC: _____</td> <td>Amount: \$ _____</td> </tr> <tr> <td>Fund: _____</td> <td>Appn: _____</td> <td>RC: _____</td> <td>Amount: \$ _____</td> </tr> <tr> <td>Fund: _____</td> <td>Appn: _____</td> <td>RC: _____</td> <td>Amount: \$ _____</td> </tr> </table> |   | Fund: <u>512</u>  | Appn: <u>7452</u>              | RC: <u>181263</u> | Amount: \$ <u>(284,326.94)</u> | Fund: _____ | Appn: _____ | RC: _____ | Amount: \$ _____ | Fund: _____ | Appn: _____ | RC: _____ | Amount: \$ _____ | Fund: _____ | Appn: _____ | RC: _____ | Amount: \$ _____ |
| Fund: <u>512</u>   | Appn: <u>7452</u>   | RC: <u>181263</u> | Amount: \$ <u>(284,326.94)</u> |                   |                                |             |             |           |                  |             |             |           |                  |             |             |           |                  |
| Fund: _____  | Appn: _____   | RC: _____         | Amount: \$ _____               |                   |                                |             |             |           |                  |             |             |           |                  |             |             |           |                  |
| Fund: _____  | Appn: _____   | RC: _____         | Amount: \$ _____               |                   |                                |             |             |           |                  |             |             |           |                  |             |             |           |                  |
| Fund: _____  | Appn: _____   | RC: _____         | Amount: \$ _____               |                   |                                |             |             |           |                  |             |             |           |                  |             |             |           |                  |
| Division Analyst Approval:   | <div style="text-align: center;"><i>Mary Crippen</i></div> <small>Email: mary.crippen@sanjoseca.gov</small><br>Date: <u>01/11/2023</u>  |                   |                                |                   |                                |             |             |           |                  |             |             |           |                  |             |             |           |                  |
| Authorized Signature:  | <div style="text-align: center;"><i>Harpal Singh</i></div> <small>Email: harpal.singh@sanjoseca.gov</small><br><small>Date: 01/11/2023 GMT</small><br>Date: <u>01/11/2023</u> |                   |                                |                   |                                |             |             |           |                  |             |             |           |                  |             |             |           |                  |

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 |
| Task No. 1: Project Management  | <input checked="" type="checkbox"/> Monthly<br><input type="checkbox"/> Completion of Task(s)<br><input type="checkbox"/> Completion of Work | \$                      | \$                 | \$  | \$                                     | \$170,173.37       |
| Task No. 2: Preliminary Investigations  | <input checked="" type="checkbox"/> Monthly<br><input type="checkbox"/> Completion of Task(s)<br><input type="checkbox"/> Completion of Work | \$                      | \$                 | \$  | \$                                     | \$85,889.48        |
| Task No. 3: Basis of Design Report  | <input checked="" type="checkbox"/> Monthly<br><input type="checkbox"/> Completion of Task(s)<br><input type="checkbox"/> Completion of Work | \$                      | \$                 | \$  | \$                                     | \$89,112.48        |
| Task No. 4: 30% Design Completion Documents   | <input checked="" type="checkbox"/> Monthly<br><input type="checkbox"/> Completion of Task(s)<br><input type="checkbox"/> Completion of Work | \$                      | \$                 | \$  | \$                                     | \$103,714.97       |
| Task No. 5: 60% Design Completion Documents   | <input checked="" type="checkbox"/> Monthly<br><input type="checkbox"/> Completion of Task(s)<br><input type="checkbox"/> Completion of Work | \$                      | \$                 | \$  | \$                                     | \$152,036.63       |
| Task No. 6: Definitive Project Submittal and Definitive Contract Amendment Support          | <input checked="" type="checkbox"/> Monthly<br><input type="checkbox"/> Completion of Task(s)<br><input type="checkbox"/> Completion of Work | \$                      | \$                 | \$  | \$                                     | \$195,206.62       |
| Task No. 7: CEQA & Permitting Support   | <input checked="" type="checkbox"/> Monthly<br><input type="checkbox"/> Completion of Task(s)<br><input type="checkbox"/> Completion of Work | \$                      | \$                 | \$  | \$                                     | \$10,740.22        |
| Task No. 8: Support for Early Work Packages   | <input checked="" type="checkbox"/> Monthly<br><input type="checkbox"/> Completion of Task(s)<br><input type="checkbox"/> Completion of Work | \$                      | \$                 | \$  | \$                                     | \$22,437.60        |
| Task No. 9: Additional Services   |  |                         |                    |   |  |                    |
| Task No. 9.1: 30% Cost Estimate – Independent Estimate                                      | <input checked="" type="checkbox"/> Monthly<br><input type="checkbox"/> Completion of Task(s)<br><input type="checkbox"/> Completion of Work | \$                      | \$                 | \$  | \$                                     | \$63,382.12        |
| Task No. 9.2: 60% Cost Estimate – Independent Estimate                                      | <input checked="" type="checkbox"/> Monthly<br><input type="checkbox"/> Completion of Task(s)<br><input type="checkbox"/> Completion of Work | \$                      | \$                 | \$  | \$                                     | \$0.00             |
| Task No. 9.3: Additional Technical / Environmental Support / Additional Workshop Attendance | <input checked="" type="checkbox"/> Monthly<br><input type="checkbox"/> Completion of Task(s)<br><input type="checkbox"/> Completion of Work | \$                      | \$                 | \$  | \$                                     | \$0.00             |
| Task No. 9.4: CEQA Addendum   | <input checked="" type="checkbox"/> Monthly<br><input type="checkbox"/> Completion of Task(s)<br><input type="checkbox"/> Completion of Work | \$                      | \$                 | \$  | \$                                     | \$0.00             |

CPMS Contract No. 7758  
 Service Order No.: 3 (Third Amendment)  
 Consultant: Brown and Caldwell, Inc.

|  |  |    |    |    |    |                |
|--|--|----|----|----|----|----------------|
| Task No. 10: Construction Management for Early Work Package / Construction Management Planning for Main Work Package | <input checked="" type="checkbox"/> Monthly Completion of Task(s)<br><input type="checkbox"/> Completion of Work | \$ | \$ | \$ | \$ | \$442,757.57   |
| <b>Maximum Compensation</b>  |  | \$ | \$ | \$ | \$ | \$1,335,451.06 |