

Master City of San José Consultant Agreement

(Non-Capital Projects)

Amendment to Approved Service Order - Cover Page

1a. **Intentionally Omitted.**

1b. **Master Agreement AC No.:** 32001 (GILES OC-00369)

2. First Second Third Amendment to Approved Service Order No. 19

3. Consultant's Name: Cornerstone Earth Group, Inc. ("Consultant")

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

4a. **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.

4b. **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.

4c. **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.

6. **Consultant Approval:**

Date: _____

Email: cheiny@cornerstoneearth.com
Date: 09/20/2022 GMT

7. **Approval as to Form (City Attorney):**

Form Approved by the Office of the City Attorney

(The Maximum Service Order Compensation of the Approved Service Order, as amended, is \$100,000 or less, and the provisions of the form are not altered.)

Approved as to Form:

(Sr.) Deputy City Attorney: _____

Date: _____

8. City Director Approval:

Date: _____

Napp Fukuda

Email: napp.fukuda@sanjoseca.gov
Date: 09/20/2022 GMT

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. 19 issued pursuant to the Master Agreement.
2. The Maximum Service Order Compensation set forth on Line 7.b. of Section 7 of the Approved Service Order cover page is:

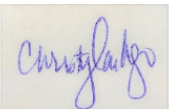
Decreased from \$ _____ to \$ _____.

Increased from \$16,995 to \$27,700

Appropriation Certification: I certify that an unexpended appropriation in the amount of the increased compensation is available in the following fund(s) and that such fund(s) will be encumbered to pay for this Approved Service Order.

Fund: 498 (Dept 76) Appn: 415A RC: 198401 Amount: \$10,705

Authorized Signature:



Email: christy.ngo@sanjoseca.gov
 Date: 09/20/2022 GMT

Date: _____

3. If the Maximum Service Order Compensation is being increased, the unencumbered amount in the Master Agreement is sufficient as follows:

a.	Current unencumbered amount in Master Agreement:	\$	523,461
b.	Increase in the Maximum Service Order Compensation:	\$	10,705
c.	New unencumbered balance in Master Agreement	\$	512,756

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

This Revised Attachment A is attached to the First Second Third amendment to Approved Service Order No. 19 issued pursuant to the Master Agreement.

The tasks set forth in the original Attachment A, or in any previous amendment to the original Attachment A, are amended as set forth herein. All other tasks shall remain unchanged.

Task No. 2, entitled “Sample Collection and Drilling Subcontractor,” is amended as follows:

Task No. 2: Sample Collection and Drilling Subcontractor

- A. Services:** Consultant will oversee the advancement of four (4) exploratory borings to depths of up to approximately 20 feet using a direct push drilling rig. Consultant will collect soil and groundwater samples from each of the borings advanced to approximately 20 feet. Temporary soil vapor probes will be installed at depths of approximately 5 feet in three (3) of the four locations. The fourth boring will be located adjacent to SV-10, which remains and will be resampled during this current event. Soil vapor probes SV-7 and SV-8 also remain on-site but were not successfully sampled during the June 2022 event due to tight subsurface conditions. Consultant will also attempt collection of soil vapor samples from probes SV-7 and SV-8.

The subsurface investigation will be performed following the procedures and protocols presented in the DEH-approved Workplan by Consultant dated May 2022. Soil samples will be collected from the four (4) exploratory borings at depths of approximately 5 and 10 feet and submitted for laboratory analysis. Groundwater sampling will be attempted at each of the four (4) exploratory borings, and groundwater samples, if successfully collected, will be submitted for laboratory analysis. Temporary soil vapor probes will be installed at depths of approximately 5-feet at three (3) of the four exploratory boring locations. Soil vapor sampling will be attempted at these three temporary soil vapor probes and from vapor probes SV-7, SV-8, and SV-10.

Soil vapor sample collection from six (6) temporary soil vapor probes installed to depths of approximately 15-feet or within 5-feet above first groundwater if groundwater is encountered at depths shallower than 15-feet. The temporary soil vapor probes will be installed adjacent to soil vapor probe locations SV-6 and SV-10, adjacent to the three soil vapor probe locations in the August Workplan, and approximately midway between soil vapor probe locations SV-7 and SV-8.

- B. Deliverable:** The Consultant will provide the following to the City’s Contract Manager: None.
- C. Completion Time:** The Consultant must complete the services and deliverables for this task in accordance with whichever one of the following time is marked:

- On or before the following date: _____.
- On or before 10 Calendar Days from Task 1 completion.

Task No. 3, entitled “Laboratory Analysis,” is amended as follows:

Task No. 3: Laboratory Analysis

- A. Services:** The eight (8) samples collected from the four (4) soil borings will be analyzed for volatile organic compounds (VOCs) and gasoline range petroleum hydrocarbons (TPHg). The groundwater samples, if successfully collected, will be analyzed for VOCs and TPHg. The soil vapor samples from the three (3) new soil probes and three (3) existing soil probes will be analyzed for VOCs and TPHg using EPA Test Method TO-15.

The six (6) deeper soil vapor probes will be installed in conjunction with the Site assessment work proposed in the August Workplan and using presented in the Department of Environmental Health approved June Workplan. The pre-field tasks associated with this additional subsurface investigation are already included in our previous proposal. The six (6) deeper soil vapor samples will be analyzed for volatile organic compounds (VOCs) using EPA Test Method TO-15. Consultant will request a standard 5-7 business day laboratory response time; however, the actual time will depend on the laboratory workload.

- B. Deliverable:** The Consultant will provide the following to the City’s Contract Manager: Laboratory Reports.

- C. Completion Time:** The Consultant must complete the services and deliverables for this task in accordance with whichever one of the following time is marked:

- On or before the following date: _____.
- On or before 10 Business Days from Task 2 completion.

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. 19 issued pursuant to the Master Agreement.

Part 1 – Compensation for Services			
Column 1	Column 2	Column 3	Column 4
Task Nos.	Basis of Compensation	Invoice Period	Compensation
1	<input type="checkbox"/> Time & Materials <input checked="" type="checkbox"/> Fixed Fee	<input checked="" type="checkbox"/> Monthly <input type="checkbox"/> Completion of Task(s) <input type="checkbox"/> Completion of Work	\$1,250
2	<input type="checkbox"/> Time & Materials <input checked="" type="checkbox"/> Fixed Fee	<input checked="" type="checkbox"/> Monthly <input type="checkbox"/> Completion of Task(s) <input type="checkbox"/> Completion of Work	\$19,470
3	<input type="checkbox"/> Time & Materials <input checked="" type="checkbox"/> Fixed Fee	<input checked="" type="checkbox"/> Monthly <input type="checkbox"/> Completion of Task(s) <input type="checkbox"/> Completion of Work	\$5,530
4	<input type="checkbox"/> Time & Materials <input checked="" type="checkbox"/> Fixed Fee	<input checked="" type="checkbox"/> Monthly <input type="checkbox"/> Completion of Task(s) <input type="checkbox"/> Completion of Work	\$1,450
Part 2 – Reimbursable Expenses			
<input checked="" type="checkbox"/> No expenses are separately reimbursable. The amount(s) in Column 4 of Part 1 include(s) payment for all expenses.		<input type="checkbox"/> Expenses are separately reimbursable in the maximum amount of:	\$
Part 3 – Subconsultant Costs			
<input checked="" type="checkbox"/> Subconsultant costs are not separately compensable. The amount(s) in Column 4 of Part 1 include(s) sub-consultant costs.		<input type="checkbox"/> Subconsultant costs are separately compensable in the maximum amount of:	\$
Maximum Service Order Compensation (sum of Parts 1 through 3):			\$27,700