

SECOND AMENDMENT TO AGREEMENT

This SECOND AMENDMENT TO AGREEMENT for CONSULTANT SERVICES is dated for identification this 22nd day of April 2024 and amends that certain First Amendment to Agreement for Consultant Services dated January 5, 2024, made by and between the Town of Los Gatos, ("Town,") and Dillingham Associates ("Consultant") identified as a Sole Proprietor and whose address is 2927 Newbury Street, Berkeley, CA 94703.

RECITALS

- A. Town and Consultant entered into an Agreement for Consultant Services for Preliminary Design Services on June 20, 2023, ("Agreement"), a First Amendment to Agreement for Consultant Services on January 5, 2024, copies of which are attached hereto and incorporated by reference as Exhibit A to this Amendment.
- B. Town desires to amend the Agreement to extend the term of this contract and adjust the Scope of Services and Contract Amount for the Pinehurst Community Garden in the following ways:

Contract Term

- Extend the term of this contract from June 30, 2024 to June 30, 2025

Pinehurst Community Garden

- Remove Task 2C Supplemental Soil Toxicology Analysis
- Decreasing the Project Total from \$68,108 to \$54,908

<i>Task Number</i>	<i>Task Name</i>	<i>Lump Sum Fee</i>
1	Project Management	\$3,038
2	Site Analysis	\$1,355
2A	Topographic & Boundary Survey	\$3,080
2B	Consulting Certified Arborist Services	\$1,465
2C	Supplemental Soil Toxicology Analysis	\$13,200
3	Community Engagement	\$12,125
4	Conceptual Design and 35% Design	\$32,995
DC	Direct Costs, maximum not-to-exceed	\$850
PROJECT TOTAL		\$54,908
Items not included in this current contract		
Optional Task A	Pinehurst Community Garden – Risk Assessment and Statistical Analysis	\$44,000
Optional Task B	Illustrated Perspective Renderings, fee per rendering	\$4,000

Total Compensation

- Decrease total compensation amount from \$123,056 to \$109,856

AMENDMENT

1. Section 2.1 Scope of Services is amended to read as follows:

Exhibit C is to replace Exhibit B

2. Section 2.6 Compensation is amended to read as follows:

Compensation for Consultant's professional services shall not exceed \$109,856

3. All other terms and conditions of the Agreement remain in full force and effect.

IN WITNESS WHEREOF, the Town and Consultant have executed this Amendment.

Town of Los Gatos:

Approved as to Consent:

Laurel Prevetti, Town Manager

M. Reed Dillingham, Principal

Department Approval:

Nicolle Burnham
Director of Parks and Public Works

Approved as to Form:

Attest:

Gabrielle Whelan, Town Attorney

Wendy Wood, CMC, Town Clerk