

**AMENDMENT NO. 2**  
**TO THE PROFESSIONAL SERVICES AGREEMENT**  
**BETWEEN THE CITY OF MILPITAS AND**  
**WEST YOST ASSOCIATES**  
**FOR**  
**DESIGN SERVICES – MILPITAS MAIN LIFT PUMP STATION ODOROUS**  
**EMISSIONS CONTROL FACILITY**

This Amendment is entered into as of Dec-14-2020, (“Effective Date”) by and between the City of Milpitas, a municipal corporation (hereinafter referred to as “City”), and **West Yost Associates**, a California corporation (hereinafter referred to as “Consultant”). City and Consultant are sometimes jointly referred to as “Parties” in this Amendment No. 2.

**RECITALS:**

**WHEREAS**, on November 21, 2018, the Parties entered into a Professional Services Agreement for Design Services – Milpitas Main Lift Pump Station Odorous Emissions Control Facility, for the not-to-exceed compensation amount of \$98,000.00 and with a term period of November 21, 2018 through November 20, 2019 (the “Agreement”); and

**WHEREAS**, on June 12, 2019, the Parties entered into Amendment No. 1 to the Agreement, adding additional design services to the Scope of Work, increasing the compensation amount by \$36,340.00, and extending the term period expiration date for one year through November 20, 2020; and

**WHEREAS**, the Parties now wish to further amend the Agreement to extend the term period expiration date from November 20, 2020 through May 20, 2021, and to replace Exhibit B-1, Schedule of Charges/Payments, and Exhibit C, Activity Schedule, with updated Exhibits B-2 and C-1, accordingly; and

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

1. Section 5 Time of Performance is deleted in its entirety and replaced with the following:

“ 5. Term

The term of this Agreement shall be from **November 21, 2018** through **May 20, 2021**, unless earlier terminated as provided herein. The City reserves the right to

review the Consultant’s performance at the end of each year and cancel all or part of the Agreement.”

2. Exhibit B-1, entitled “Schedule of Charges/Payments,” is hereby deleted and replaced in its entirety with **Exhibit B-2**, entitled “Schedule of Charges/Payments- (Revised December 2020),” attached hereto and incorporated herein by this reference.


3. Exhibit C, entitled “Activity Schedule,” is hereby deleted and replaced in its entirety with **Exhibit C-1**, entitled “Activity Schedule- (Revised December 2020),” attached hereto and incorporated herein by this reference.

4. All other provisions of the Agreement not amended by this Amendment No. 2 shall remain in full force and effect.

CITY OF MILPITAS

WEST YOST ASSOCIATES

Approved By:

DocuSigned by:  
  
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Chris Schroeder, Purchasing Agent Zachary Devine

DocuSigned by:  
  
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Signature

Dec-14-2020

Date

Elizabeth Drayer

Name

Approved As To Form:

DocuSigned by:  
  
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Christopher J. Diaz, City Attorney

Vice President

Title

Dec-10-2020


Approved:

DocuSigned by:  
  
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Walter C. Rossmann,  
Risk Manager/ Finance Director

Date

Approved As to Content:

DocuSigned by:  
  
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Tony Ndah, Public Works Director

## EXHIBIT B-2

Schedule of Charges/Payments -  
(Revised December 2020)

Consultant will invoice City on a monthly cycle. Consultant will include with each invoice a detailed progress report that indicates the amount of budget spent on each task. Consultant will inform City regarding any out-of-scope work being performed by Consultant. This is a time-and-materials contract.

<b>TASK OR SUBTASK NO.</b>	<b>FEE</b>
<b>Task 1. Project Management and Quality Control</b>	
1.01 Project Management	\$ 3,038.00
1.02 Quality Control	\$ 3,176.00
<i>Subtotal, Task 1</i>	<u>\$ 6,214.00</u>
<b>Task 2. Workshops and Meetings</b>	
2.01 Project Kickoff	\$ 8,049.00
2.02 50% Design Review	\$ 4,864.00
2.03 Pre-bid Meeting	\$ 1,718.00
<i>Subtotal, Task 2</i>	<u>\$ 14,631.00</u>
<b>Task 3. Preliminary Design Confirmation</b>	
3.01 Review H2S data	\$ 994.00
3.02 Solicit Revised Equipment Cost	\$ 461.00
<i>Subtotal, Task 3</i>	<u>\$ 1,455.00</u>
<b>Task 4. Detailed Design</b>	
4.01 Topographic Survey	\$ 5,102.00
4.02 Prepare Construction Cost Estimate	\$ 3,362.00
4.03 50% Design Drawings	\$ 21,444.00
4.035 Potholing, Control of Tar Like Material, and Additional Design Work for Two Exhaust Fans	\$ 36,340.00
4.04 90% Design Drawings	\$ 21,844.00
4.05 Final Design Drawings	\$ 15,136.00
<i>Subtotal, Task 4</i>	<u>\$ 103,228.00</u>
<b>Task 5. Bid Support Services</b>	
5.01 Review Potential Bidder's Questions	\$ 4,053.00
5.02 Prepare up to Two Addenda	\$ 3,944.00
<i>Subtotal, Task 5</i>	<u>\$ 7,997.00</u>
<b>TOTAL</b>	<b>\$ 133,525.00</b>

**CONSULTANT'S 2018 BILLING RATE SCHEDULE**  
**(January 1, 2018 through December 31, 2018)**

<b>POSITIONS</b>	<b>LABOR CHARGES (DOLLARS PER HR)</b>
<b>ENGINEERING</b>	
Principal/Vice President	\$285
Engineering/Scientist/Geologist Manager I / II	\$263 / \$274
Principal Engineer/Scientist/Geologist I / II	\$240 / \$254
Senior Engineer/Scientist/Geologist I / II	\$214 / \$225
Associate Engineer/Scientist/Geologist I / II	\$190 / \$203
Engineer/Scientist/Geologist I / II	\$154 / \$178
Engineering Aide	\$87
Administrative I / II / III / IV	\$78 / \$99 / \$119 / \$131
<b>ENGINEERING TECHNOLOGY</b>	
Engineering Tech Manager I / II	\$271 / \$281
Principal Tech Specialist I / II	\$250 / \$260
Senior Tech Specialist I / II	\$229 / \$239
Senior GIS Analyst	\$209
GIS Analyst	\$197
Technical Specialist I / II / III / IV	\$145 / \$166 / \$187 / \$208
CAD Manager	\$166
CAD Designer I / II	\$129 / \$144
<b>CONSTRUCTION MANAGEMENT</b>	
Senior Construction Manager	\$273
Construction Manager I / II / III / IV	\$166 / \$178 / \$190 / \$237
Resident Inspector (Prevailing Wage Groups 4 / 3 / 2 / 1)	\$144 / \$160 / \$178 / \$185
Apprentice Inspector	\$131
CM Administrative I / II	\$71 / \$95

- Hourly rates include Technology and Communication charges such as general and CAD computer software telephone, routine in-house copies/prints postage miscellaneous supplies, and other incidental project expenses
- Outside Services such as vendor reproductions, prints, shipping and major West Yost reproduction efforts as well as Engineering Supplies, etc. will be billed at actual cost plus 15%
- Mileage will be billed at the current Federal Rate and Travel will be billed at cost
- Subconsultants will be billed at actual cost plus 10%
- Expert witness research technical review analysis preparation and meetings billed at 150% of standard hourly rates Expert witness testimony and depositions billed at 200% of standard hourly rates
- A Finance Charge of 1.5% per month (an Annual Rate of 18%) on the unpaid balance will be added to invoice amounts if not paid within 45 days from the date of the invoice

## Equipment Charges

<b>EQUIPMENT</b>	<b>BILLING RATES</b>
Gas Detector	\$80/day
Hydrant Pressure Gage	\$10/day
Hydrant Pressure Recorder, Standard	\$40/day
Hydrant Pressure Recorder, Impulse (Transient)	\$55/day
Trimble GPS – Geo 7x	\$220/day
Vehicle	\$10/hour
Water Flow Probe Meter	\$20/day
Water Quality Multimeter	\$185/day
Well Sounder	\$30/day



# 2019 Billing Rate Schedule

(Effective January 1, 2019 through December 31, 2019) \*

POSITIONS	LABOR CHARGES (DOLLARS PER HR)
<b>ENGINEERING</b>	
Principal/Vice President	\$298
Engineering/Scientist/Geologist Manager I / II	\$274 / \$287
Principal Engineer/Scientist/Geologist I / II	\$249 / \$264
Senior Engineer/Scientist/Geologist I / II	\$223 / \$234
Associate Engineer/Scientist/Geologist I / II	\$194 / \$208
Engineer/Scientist/Geologist I / II	\$157 / \$182
Engineering Aide	\$90
Administrative I / II / III / IV	\$79 / \$100 / \$120 / \$133
<b>ENGINEERING TECHNOLOGY</b>	
Engineering Tech Manager I / II	\$283 / \$294
Principal Tech Specialist I / II	\$260 / \$271
Senior Tech Specialist I / II	\$238 / \$249
Senior GIS Analyst	\$217
GIS Analyst	\$205
Technical Specialist I / II / III / IV	\$151 / \$173 / \$195 / \$216
CAD Manager	\$173
CAD Designer I / II	\$134 / \$150
<b>CONSTRUCTION MANAGEMENT</b>	
Senior Construction Manager	\$283
Construction Manager I / II / III / IV	\$170 / \$182 / \$195 / \$246
Resident Inspector (Prevailing Wage Groups 4 / 3 / 2 / 1)	\$149 / \$166 / \$185 / \$192
Apprentice Inspector	\$135
CM Administrative I / II	\$73 / \$97
Field Services	\$192

- Hourly rates include Technology and Communication charges such as general and CAD computer, software, telephone, routine in-house copies/prints, postage, miscellaneous supplies, and other incidental project expenses
- Outside Services such as vendor reproductions, prints, shipping, and major West Yost reproduction efforts, as well as Engineering Supplies, etc will be billed at actual cost plus 15%
- Mileage will be billed at the current Federal Rate and Travel will be billed at cost
- Subconsultants will be billed at actual cost plus 10%
- Expert witness, research, technical review, analysis, preparation and meetings billed at 150% of standard hourly rates Expert witness testimony and depositions billed at 200% of standard hourly rates
- A Finance Charge of 1 5% per month (an Annual Rate of 18%) on the unpaid balance will be added to invoice amounts if not paid within 45 days from the date of the invoice

\* This schedule is updated annually



## 2019 Billing Rate Schedule (continued)

(Effective January 1, 2019 through December 31, 2019) \*

### Equipment Charges

EQUIPMENT	BILLING RATES
Gas Detector	\$80/day
Hydrant Pressure Gauge	\$10/day
Hydrant Pressure Recorder, Standard	\$40/day
Hydrant Pressure Recorder, Impulse (Transient)	\$55/day
Trimble GPS – Geo 7x	\$220/day
Vehicle	\$10/hour
Water Flow Probe Meter	\$20/day
Water Quality Multimeter	\$185/day
Well Sounder	\$30/day

\* This schedule is updated annually

## 2020 Billing Rate Schedule

(Effective January 1, 2020 through December 31, 2020)\*



POSITIONS	LABOR CHARGES (DOLLARS PER HOUR)
<b>ENGINEERING</b>	
Principal/Vice President	\$298
Engineering/Scientist/Geologist Manager I / II	\$283 / \$295
Principal Engineer/Scientist/Geologist I / II	\$257 / \$272
Senior Engineer/Scientist/Geologist I / II	\$230 / \$241
Associate Engineer/Scientist/Geologist I / II	\$198 / \$212
Engineer/Scientist/Geologist I / II	\$160 / \$185
Engineering Aide	\$92
Administrative I / II / III / IV	\$81 / \$102 / \$123 / \$135
<b>ENGINEERING TECHNOLOGY</b>	
Engineering Tech Manager I / II	\$291 / \$294
Principal Tech Specialist I / II	\$268 / \$279
Senior Tech Specialist I / II	\$245 / \$256
Senior GIS Analyst	\$224
GIS Analyst	\$211
Technical Specialist I / II / III / IV	\$156 / \$178 / \$200 / \$223
Technical Analyst I / II	\$112 / \$134
Technical Analyst Intern	\$90
Cross-Connection Control Specialist I / II / III / IV	\$117 / \$127 / \$143 / \$159
CAD Manager	\$178
CAD Designer I / II	\$138 / \$155
<b>CONSTRUCTION MANAGEMENT</b>	
Senior Construction Manager	\$289
Construction Manager I / II / III / IV	\$174 / \$186 / \$198 / \$251
Resident Inspector (Prevailing Wage Groups 4 / 3 / 2 / 1)	\$152 / \$169 / \$188 / \$196
Apprentice Inspector	\$138
CM Administrative I / II	\$74 / \$99
Field Services	\$196

- Hourly rates include Technology and Communication charges such as general and CAD computer, software, telephone, routine in-house copies/prints, postage, miscellaneous supplies, and other incidental project expenses.
- Outside Services such as vendor reproductions, prints, shipping, and major West Yost reproduction efforts, as well as Engineering Supplies, etc. will be billed at actual cost plus 15%.
- Mileage will be billed at the current Federal Rate and Travel will be billed at cost.
- Subconsultants will be billed at actual cost plus 10%.
- Expert witness, research, technical review, analysis, preparation and meetings billed at 150% of standard hourly rates. Expert witness testimony and depositions billed at 200% of standard hourly rates.
- A Finance Charge of 1.5% per month (an Annual Rate of 18%) on the unpaid balance will be added to invoice amounts if not paid within 45 days from the date of the invoice.





## 2020 Billing Rate Schedule

(Effective January 1, 2020 through December 31, 2020)\*

### Equipment Charges

EQUIPMENT	BILLING RATES
Gas Detector	\$80 / day
Hydrant Pressure Gauge	\$10 / day
Hydrant Pressure Recorder, Standard	\$40 / day
Hydrant Pressure Recorder, Impulse (Transient)	\$55 / day
Trimble GPS – Geo 7x	\$220 / day
Vehicle	\$10 / day
Water Flow Probe Meter	\$20 / day
Water Quality Multimeter	\$185 / day
Well Sounder	\$30 / day

\* This schedule is updated annually

## 2021 Billing Rate Schedule

(Effective January 1, 2021 through December 31, 2021)\*



POSITIONS	LABOR CHARGES (DOLLARS PER HOUR)
<b>ENGINEERING</b>	
Principal/Vice President	\$307
Engineering/Scientist/Geologist Manager I / II	\$291 / \$304
Principal Engineer/Scientist/Geologist I / II	\$263 / \$279
Senior Engineer/Scientist/Geologist I / II	\$236 / \$247
Associate Engineer/Scientist/Geologist I / II	\$202 / \$216
Engineer/Scientist/Geologist I / II	\$162 / \$188
Engineering Aide	\$95
Administrative I / II / III / IV	\$83 / \$105 / \$126 / \$139
<b>ENGINEERING TECHNOLOGY</b>	
Engineering Tech Manager I / II	\$302 / \$304
Principal Tech Specialist I / II	\$277 / \$287
Senior Tech Specialist I / II	\$254 / \$266
Senior GIS Analyst	\$230
GIS Analyst	\$217
Technical Specialist I / II / III / IV	\$162 / \$185 / \$208 / \$232
Technical Analyst I / II	\$116 / \$139
Technical Analyst Intern	\$94
Cross-Connection Control Specialist I / II / III / IV	\$121 / \$131 / \$147 / \$164
CAD Manager	\$183
CAD Designer I / II	\$142 / \$160
<b>CONSTRUCTION MANAGEMENT</b>	
Senior Construction Manager	\$294
Construction Manager I / II / III / IV	\$179 / \$192 / \$204 / \$258
Resident Inspector (Prevailing Wage Groups 4 / 3 / 2 / 1)	\$157 / \$174 / \$194 / \$202
Apprentice Inspector	\$142
CM Administrative I / II	\$76 / \$102
Field Services	\$202

- Hourly rates include Technology and Communication charges such as general and CAD computer, software, telephone, routine in-house copies/prints, postage, miscellaneous supplies, and other incidental project expenses.
- Outside Services such as vendor reproductions, prints, shipping, and major West Yost reproduction efforts, as well as Engineering Supplies, etc. will be billed at actual cost plus 15%.
- Mileage will be billed at the current Federal Rate and Travel will be billed at cost.
- Subconsultants will be billed at actual cost plus 10%.
- Expert witness, research, technical review, analysis, preparation and meetings billed at 150% of standard hourly rates. Expert witness testimony and depositions billed at 200% of standard hourly rates.
- A Finance Charge of 1.5% per month (an Annual Rate of 18%) on the unpaid balance will be added to invoice amounts if not paid within 45 days from the date of the invoice.



## 2021 Billing Rate Schedule

(Effective January 1, 2021 through December 31, 2021)\*

### Equipment Charges

EQUIPMENT	BILLING RATES
Gas Detector	\$80 / day
Hydrant Pressure Gauge	\$10 / day
Hydrant Pressure Recorder, Standard	\$40 / day
Hydrant Pressure Recorder, Impulse (Transient)	\$55 / day
Trimble GPS – Geo 7x	\$220 / day
Vehicle	\$10 / day
Water Flow Probe Meter	\$20 / day
Water Quality Multimeter	\$185 / day
Well Sounder	\$30 / day

\* This schedule is updated annually

**CONSULTANT’S KEY STAFF AND SUBCONSULTANTS**

Consultant’s key staff assigned to the Project are as follows:

<b>Team Member Title</b>	<b>Project Role</b>
Whitney Sandelin	Project Manager
Tyler Newman	Civil Designer
Greg Chung	Principal in Charge

If necessary and appropriate, Consultant will employ subconsultants it deems appropriate to the complexity and nature of the required Services. All subconsultants must, if their specialty is licensable, be licensed by the State of California to perform their specific Services. Consultant must obtain City’s approval of all subconsultants. Upon City’s request, Consultant must provide copies of all subconsultant contract Agreements. Any delegation or subcontracting of any services by Consultant will not operate to relieve Consultant of its responsibilities under this Agreement.

The following subconsultants are authorized to work on the Project:

<b>Firm</b>	<b>Project Role</b>
Mark Thomas	Topographic Survey
Geocon Consultants	Geotechnical Investigation
TJC and Associates	Structural Design
A TEEM Electrical Engineering	Electrical Design

EXHIBIT C-1  
Activity Schedule-  
(Revised December 2020)

<b>Task/Major Milestone</b>	<b>Completion (Weeks Following Authorization to Proceed)</b>
Project Management	80 weeks
Preliminary Design Confirmation	2 weeks
Topographic Survey	8 weeks
Submit 50% Complete Design Submittals (plans, specifications, cost estimate, and technical memoranda)	12 weeks
Submit 75% Complete Design Submittals (plans, specifications, cost estimate, and technical memoranda)	12 weeks
Submit 90% Complete Design Submittals (plans, specifications, cost estimate, and technical memoranda)	15 weeks
Submit 100% Complete Design Submittals (plans, specifications, cost estimate, and technical memoranda)	24 weeks
Bid Period Services	50 weeks