

**AMENDMENT NO. 5 TO CONSULTING SERVICES AGREEMENT BETWEEN
THE CITY OF SAN LEANDRO AND
NICHOLS CONSULTING ENGINEERS
FOR
ANNUAL STREET OVERLAY/REHABILITATION 2019-21 PROJECT**

This **Amendment No. 5** (“Amendment”) is made by and between the City of San Leandro (“City”) and Nichols Consulting Engineers (“Consultant”) (together sometimes referred to as the “Parties”) as of January 25, 2023, 5:01:17 PM PST, 2023, and amends that certain Consulting Services Agreement (“Agreement”) dated June 17, 2020, between the Parties.

WHEREAS, City and Consultant have executed the Agreement, pursuant to which Consultant has provided certain consulting services to City with regard to the Annual Street Overlay/Rehabilitation 2019-21 Project, Project No. 2020.0050; and

WHEREAS, the Parties desire to amend the Agreement to include additional design consulting services.

NOW THEREFORE, for good and valuable consideration, the sufficiency of which is hereby acknowledged, the Parties hereby agree to amend the Agreement as follows:

1. Section 2 of the Agreement entitled “Compensation” is hereby amended to pay Consultant a sum not to exceed One Million, Six hundred and Sixty-Three Thousand, Three Hundred Thirty Nine dollars (\$1,663,339); and

2. Exhibit A of the Agreement entitled “Scope of Services” is hereby amended as follows::
Add the following task

Task 1A Project Kickoff and Progress Meetings

Additional effort for ongoing project needs and additional work requested by the City.

Task 3E Draft 100% PS&E

Additional effort drafting of Phase II of the project

Task 3F – Final 100% PS&E

Final 100% plans, specifications and estimate for Phase II of the project

Task 5 – Hesperian Boulevard Landscape Design PS&E

Additional effort for Hesperian Boulevard 30%, 90% and 100% Plans Specifications and Estimate as added after securing additional grant funding.

Task 6– Bidding and Construction Support Services

Additional effort for Phase II Bidding and Construction Support services

3. Exhibit B of the Agreement entitled "Compensation Schedule & Reimbursable Expenses" is hereby amended to include:

Task 1A– Project Management & Meetings	
Amendment No. 5	\$34,600
Task 3 – Plans, Specs and Estimate	
Amendment No. 5	\$8,225
Task 5 – Hesperian Boulevard Landscape Design PS&E	
Amendment No. 5	\$7,500
Task 6 – Hesperian Boulevard Landscape PS&E	
Amendment No. 5	\$71,866
<u>Amendment No. 5</u>	<u>\$122,230</u>
Original Contract	\$691,511
Amendment No. 1	\$25,680
Amendment No. 2	\$55,377
Amendment No. 3	\$239,957
<u>Amendment No. 4</u>	<u>\$528,584</u>
New PO Total	\$1,663,339(revised)

4. Contract term is extended to June 30, 2024.
5. All other terms shall remain in full force and effect.

This Amendment may be executed in multiple counterparts, each of which shall be an original and all of which together shall constitute one agreement.

SIGNATURES ON FOLLOWING PAGE

The Parties have executed this Amendment as of the date first written above. The persons whose signatures appear below certify that they are authorized to sign on behalf of the respective Party.

CITY OF SAN LEANDRO

Nichols Consulting Engineers

DocuSigned by:
Fran Robustelli
City Manager

DocuSigned by:
J. Ryan Shafer
J. Ryan Shafer, Principal

Attest:

DocuSigned by:
Kelly B. Clancy
City Clerk

DocuSigned by:


Budget Approved: x

Approved as to Fiscal Authority:

DocuSigned by:
Mayette Bailey
Finance Director

210-38-419-5240 x
Account Number

Approved as to Form:

DocuSigned by:
Richard Pio Roda
City Attorney

DocuSigned by:
Sheila Marquises
Director, Engineering and Transportation Department