

AMENDMENT NO. 2

1. Parties. The parties to this Contract Amendment are the City of Hercules, a public body corporate and the following named Contractor:

David L. Gates and Associates dba Gates + Associates
1655 N. Main Street, Ste 365, Walnut Creek, CA 94596
(925) 736-8176
Attn: Chuck Gardella
chuck@dgates.com

The parties to this Contract Amendment do mutually agree and promise as follows:

2. Purpose. This Amendment No. 2 is being entered into to amend an existing contract between the City and Contractor which was approved by the City Manager of the City of Hercules on November 6, 2023. Said contract shall hereinafter be referred to as the "Original Contract" and is incorporated herein by reference.

3. Original Contract Provisions. The parties hereto agree to continue to abide by those terms and conditions of the Original Contract, and any amendments thereto, which are unaffected by this Contract Amendment Agreement.

4. Amendment. This Amendment No. 2 is intended to amend the Original Contract and previously approved amendments (collectively, the "Amended Contract") thereto to provide for additional compensation in an amount not to exceed \$84,534, total contract amount \$136,329. The additional scope is summarized in Attachment A-1: Scope of Services, and the additional compensation is summarized in Attachment B-1: Payment, which are incorporated into the Amended Contract. Attachment A and Attachment B remain in full force and effect, are not amended by this Amendment No 2, and are part of the Amended Contract."

5. Amendment Approval: This Amendment No. 2 is hereby approved by the City Council of the City of Hercules on this 13th day of January, 2026.

6. Signatures. These signatures attest the parties' agreement hereto:

City of Hercules

Contractor: Gates + Associates

s/ _____
Dante Hall, City Manager

s/ _____

Date: _____

Name/Title

Approved as to form:

Date: _____

By _____
Christie Crowl, City Attorney

Attachments:

Attachment A-1: Scope of Service

Attachment B-1: Payment

Attachment A-1
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SCOPE OF SERVICES

The project shall involve continuous development of Construction Documents package to bid set. CPUC and PG&E have already provided approvals.

Gates Studio

TASK 1 – CONSTRUCTION DOCUMENTS

The objective of this task is to provide final Contract Documents for public bid and construction.

Subtask 1.1 – 90% PS&E

- Based on the City's decision on the play structures and playground surfacing material, prepare 95% Plans including:
 - Cover sheet and general notes
 - Planting Plan
 - Layout Plan
 - Construction details (Planting, site furniture, surfacing, fencing, play area access ramps, park sign, play structure). Structural engineering and calculations are excluded.
- Prepare the engineer's estimate of probable construction costs to 90% and determine bid alternates
- Provide 90% technical specifications for playground equipment, surfacing, and fencing, in City format:
- Provide project management and coordination of Design Team, plans, specs, and estimates (PS&E)
- Perform Quality Control review of entire plan set
- Conduct coordination meetings.

Subtask 1.2 – 100% PS&E

- Virtually meet with City staff, to review City comments on the 90% PS&E package.
- Provide written response matrix to City's comments on the 90% PS&E package.
- Based on City comments to the 90% PS&E package, update set to 100% Plans
- Update the engineer's estimate of probable construction costs to 100%.
- Update the technical specifications to 100%.
- Provide project management and coordination of Design Team, plans, specs, and estimates (PS&E)
- Perform Quality Control review of entire plan set.
- Conduct coordination meetings.

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Subtask 1.3– BID SET

- Virtually meet with City staff, to review City comments on the 100% PS&E package.
- Based on City comments to the 100% PS&E package, update all plans and specifications for Bid.
- Perform Quality Control review of entire plan set.

Deliverables: 90% & 100% PS&E, Bid Documents

Meetings: Virtual (4)

TASK 2 – BID ASSISTANCE

The objective of this task is to provide responses to contractor questions during the bid process and provide a final set of Conform Contract Documents.

Subtask 2.1 – Bid Assistance

- Assist the City with responses to bidder’s inquiries through the City’s Project Manager.
- Assist the City with addenda to the construction documents as needed to respond to bidder’s inquiries and clarify the intent of bid documents.
- Assist the City in evaluating bids

Subtask 2.2 – Conform Documents

- Prepare and submit a conformed set of contract documents incorporating all addenda

Deliverables: Addenda, Conform Contract Documents for Construction

Meetings: None

TASK 3 – CONSTRUCTION ADMINISTRATION

The objective of this task is to ensure construction is installed in conformance with the Contract Documents.

Subtask 3.1 – Construction Administration

- Provide management and coordination of design team thru the Construction Administration process.

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- Review technical submittals, shop drawings, product data, product samples, and product warranties from the contractor for conformance with the specifications and drawings in accordance with City's timelines and requirements.
- Respond to Contractor's Request for Information (RFI) and Request for Substitution (RFS) in accordance with City timelines.
- Prepare the Scope of Work, including sketches, for Field Instructions issued to the Contractor.
- Review Change Order (CO) pricing and provide written responses for the City's review and finalizing said COs.
- Attend up to 8 (eight) online construction meetings

Subtask 3.2 – Construction Observation

- Attend (2) walk-throughs of the Project site
- Review Contractor Punch List, and provide written response with status and action of items on the Punch List.
- Consultant shall attend final walk-through of the Project site with the City, verify Punch List completion, and provide written response with recommendation regarding Project acceptance and close-out.

Deliverables: Response to RFI's, Submittals, and Change Orders, Field Reports
Meetings: Online Construction (8), Construction Observation (2)

TASK 4 – REFUGIO MODIFICATIONS

- Modifications to irrigation system Controller system
- Site Plan adjustments and alternates (painting restroom metal work, bike racks, seal coat, curbs)
- Bid Assistance & Construction Administration

ADDITIONAL SERVICES:

Additional services shall include but are not limited to the following:

- Additional meetings to those described above.
- Exclusions: Parking, Horticultural consulting and soils analysis, Arborist report, environmental permitting, PG&E permitting, County Bldg department permitting, utility permitting, electrical engineering, geotechnical engineering, structural engineering, soils testing, hazmat testing, off site work.
- Boundary survey, legal descriptions, additional topography, potholing, underground locating
- Revisions to the 30% design following commencement of the Construction Documents Phase.

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- Preparation of front end (boilerplate) non-technical specifications.

CSWST2

CSWST2 understands the 30% CD is being reviewed by PG&E and CPUC for work within the utility easement. Listed below is our scope of services for preparation of civil design for the 90% and 100% CDs and bid set documents.

A description of these services includes the following.

Task 1 – 90% CDs

In this task, CSWST2 will prepare civil design plans, specifications, and estimate (PS&E) based on the landscape 30% CD plans.

1.1 Construction Plans. We will prepare the following plans commensurate with a 90% CD level.

- a. Grading and Drainage Plan
- b. Erosion Control Plan
- c. Detail Sheet

1.2 Technical Specifications. We will prepare technical specification for the civil design improvements in a client-approved format.

1.3 Cost Estimate. We will prepare an opinion of probable construction cost for the civil design improvements for consolidation by the client into a project cost estimate.

Task 2 – 100% Construction Documents

In this task, CSWST2 will refine the civil documents into 100% PS&E based on City plan check comments.

2.1 Construction Plans. We will update the 90% CD per plan check comments to 100% CD.

2.2 Technical Specifications. We will update specifications as needed for the 100% CD.

2.3 Cost Estimate. We will update the opinion of probable construction cost for the civil design improvements.

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2.4 Response to Comments. We will provide a response to City plan check comments regarding the civil design elements in a client specified format.

Task 3 – Bid Set

Using plan check comments for the 100% PS&E, CSWST2 will prepare bid set PS&E.

3.1 Construction Plans. We will update the 100% CD per plan check comments for bidding.

3.2 Technical Specifications. We will update specifications as needed for bidding.

3.3 Cost Estimate. We will update the opinion of probable construction cost for the civil design improvements.

3.4 Response to Comments. We will provide a response to City plan check comments regarding the civil design elements in a client specified format.

Task 4: Bid Support

4.1 Bidding Addenda. Our team will assist during the bidding phase by responding to contractor requests for information, preparing bid addenda as necessary, and providing a Conform Plan set (if requested).

Task 5: Construction Administration

5.1 Review Submittals: CSW|ST2 will review and respond to contractor product submittals relating to the civil related documents.

5.2 Respond to RFI's: CSW|ST2 will review and respond to civil related contractor Requests for Information (RFI's). An allowance for up to six (6) responses has been provided.

5.3 Site Visits: CSW|ST2 will perform on-site field observations to review the progress of construction and conformance to plans as directed by the client. An allowance for two (2) visits has been provided.

5.4 Punch List: CSW|ST2 will take part in one (1) pre-punch list observation and prepare a punch list of civil related items.

5.5 Record Drawings: CSW|ST2 will prepare one (1) set of record drawings of the civil related

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site improvements, to be drafted from field mark-ups provided by the General Contractor at project completion.

Additional Services

CSW|ST2 agrees to perform all of the items listed in the Scope of Services. However, the following items are excluded from the Scope of Services of this contract. They may be added at the request of the Owner as a revision to this proposal, or under a future proposal or amendment. Fees for these services will be billed on a time and expense basis, in accordance with our then current Hourly Rates and Billing Policy, with a budget estimate provided or for a fixed fee based upon a defined scope of work. Additional items CSW|ST2 can provide include (but are not limited to):

- Response to more than 1 Round of Plan Check Comments for each phase
- Hydrology and Hydraulic Study
- Storm Water Control Plans and/or Reports



RMA Irrigation

Regarding the above referenced project, please find our irrigation design service descriptions and the fee associated. All irrigation drawings will be documented in a CAD

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drafted format, and in conformance with local water conservation ordinance requirements.

Base plans, plot sheets in AutoCAD format, preferred controller and water meter location(s) and water pressure will be provided for our use by Gates + Associates.

The service descriptions are as follows:

- 1. Preliminary site visit:** Our scope of work will include:
 - A. Review site conditions with maintenance staff.
 - B. Review existing point of connection with staff.
 - C. Verify static pressure at source.
 - D. Locate existing irrigation to remain in service.
 - E. Locate connection points to existing mainline, water meter, etc.
 - F. Inspect existing controller for compliance with State Model Water Efficient Landscape Ordinance.
 - G. Utilize survey grade GPS equipment to map all irrigation valves and large rotors to identify their exact locations.

- 2. 90% Construction Documentation:** Our scope of work will include:
 - A. Main line layout with appropriate sizes to service remote control valves.
 - B. Valving of planting zones based on plant type, slope and exposure.
 - C. Irrigation sprinkler, bubbler, or dripline layout.
 - D. Lateral pipe layout with appropriate sizes to service sprinkler, bubbler or dripline.
 - E. Equipment legend describing the components of the design and general notes.
 - F. Equipment details for instructions on proper installation.
 - G. Irrigation Technical Specifications.
 - H. Irrigation Cost Estimates.
 - I. Water use calculations per state and local ordinances.

Note: One round of minor base change is included in the fee. After the 90% CD irrigation design has been completed. Any additional base changes that require an irrigation redesign will require additional fees and an add service proposal will be provided.

- 3. 100% Bid Set Construction Documentation:** Our scope of work will include:
 - A. Revise irrigation drawings to conform to any minor changes.
 - B. Respond to and revise plans per two rounds of City/County comments.
 - C. Sizing of lateral lines.
 - D. Finalize irrigation equipment legend, general installation notes and details.
 - E. Finalize Irrigation Cost Estimates.
 - F. Finalize Irrigation Technical Specifications.

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- 4. Bidding & Negotiation:** Our scope of work could include the following:
- A. Respond to questions during bidding.
 - B. All work will be billed on an hourly basis not to exceed the amount shown.
- 5. Conform Set:** Our scope of work will include:
- A. Revise irrigation drawings to conform to any minor changes.
- 6. Construction Administration (if required)**
- A. Post Construction Observation
 - B. Punchlist Backcheck Observation
 - C. Submittal Review
 - D. RFI/Addendums

Reimbursable expenses: Mileage, tolls, deliveries, reproduction costs, etc. will be billed at our cost up to the amount listed.

Excluded Design Services:

- A. Design per Title 22 Recycled Water (unless notice of recycled water use prior to proposal)
- B. High voltage electrical (service from source to controller and/or pumps)
- C. Booster pumps.
- D. Well design.
- E. Demolition Plans
- F. LEED, CAL Green and CHPS documentation.

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PAYMENT

Costs for each item in the scope of services are estimated as follows:

Item	Task	Description	Fee	
Item 1		Gates Studio		
	1.0	Task 1 - Construction Documents		
	1.1	90% PS&E	\$12,670	
	1.2	100% PS&E	\$6,100	
	1.3	Bid Set	\$2,685	
	2.0	Task 2 - Bid Assistance	\$3,480	
	3.0	Task 3 - Construction Administration	\$9,110	
	4.0	Task 4 – Refugio Modifications	\$8,565	
			PRIME CONSULTANT FEE	\$42,610
	Item 2		CSWST2	
1.0		Task 1 – 90% CDs		
1.1		Construction Plans	\$6,250	
1.2		Technical Specifications	\$1,000	
1.3		Cost Estimate	\$720	
2.0		Task 2 – 100% CDs		
2.1		Construction Plans	\$7,200	
2.2		Technical Specifications	\$500	
2.3		Cost Estimate	\$400	
2.4		Response to Comments	\$400	
3.0		Task 3 – Bid Set		
3.1		Construction Plans	\$5,500	
3.2		Technical Specifications	\$500	
3.3		Cost Estimate	\$400	
3.4		Response to Comments	\$400	
4.0		Task 4 – Bid Support		
4.1		Bid Addenda	\$1,000	
5.0		Task 5 – Construction Support		
5.1		Review Submittals	\$1,080	
5.2		Respond to RFI's	\$1,080	
5.3	Site Visits	\$1,080		
5.4	Punch List	\$540		
5.5	Record Drawings	\$1,440		
Item 3		RMA Irrigation		
	1.0	Preliminary Site Visit	\$750	
	2.0	90% Construction Documentation	\$2,400	
	3.0	100% Bid Set Construction Documentation	\$900	
	4.0	Bidding & Negotiation	\$450	
	5.0	Conform Set	\$900	
	6.0	Construction Administration		
6.1	Post Construction Observation	\$900		

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	6.2	Punchlist Backcheck Observation	\$750
	6.3	Submittal Review	\$350
	6.4	RFI/Addendums	\$450
		SUBCONSULTANT FEE	\$37,340
		Subconsultant Markup, 10%	\$3,734
		Reimbursable Allowance	\$850
		TOTAL CONTRACT AMOUNT	\$84,534

SUBCONSULTANT RATES

CSWST2

CSWST2 agrees to provide the services described above on a time and expense basis, in accordance with our current Hourly Rates and Billing Policy, a copy of which is enclosed.

RMA Irrigation

Additional Services:

Site Meeting	\$175.00 per hour
Digital As-built Documentation	\$150.00 per hour
Landscape Irrigation Audit	\$175.00 per hour

Hourly fee schedule:

Principal	\$200.00	Project Manager	\$175.00	Design Assistant	\$150.00	CADD Technician	\$125.00
Fieldwork/Audit			\$175.00	Clerical			\$100.00