

AMENDMENT NO. 3

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

**DKS
1970 Broadway, Suite 740
Oakland, CA 94612**

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

2. *Original Contract Provisions.* On October 5, 2016 the City Council passed Resolution 16-101 authorized an agreement with DKS for \$174,929 to complete the update to the Hercules Circulation Element. Said contract shall hereinafter be referred to as the "Original Contract" and is incorporated herein by reference

3. *Past Amendments:*

-Amendment No. 1 was approved by Council on August 8, 2017 through Resolution No 17-065 approving \$ 22,290 of additional funds toward addition public outreach on the Circulation Element update.

-Amendment No. 2 was approved by Council on March 13, 2018 through Resolution No. 18-012 approving \$ 37,795 for an update to the City's Transportation Impact Fee Nexus Study

4. *This Amendment No. 3* is being entered into to amend the Original Contract and previously approved amendments (collectively, the "Amended Contract") thereto to provide additional work on the Transportation Impact Fee Nexus Study in an amount not to exceed \$15,080, per the attached scope of work for a total contract amount not to exceed \$ 250,094.

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.

5. *Amendment Approval:* This Amendment No. 3 is hereby approved by the City Council of the City of Hercules on this 12 th day of March, 2019 by Resolution No. 19-.

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

City of Hercules

Contractor: DKS Associates

By _____

By Terry Klim

David Biggs

Terry Klim

Title: City Manager

Title: Principal

Date: 3/5/19

Date: _____

Form approved:

By _____

Patrick Tang, City Attorney



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MEMORANDUM

DATE: March 5, 2019

TO: Holly Smyth, City of Hercules

FROM: Josh Pilachowski, DKS Associates

SUBJECT: Proposed Budget Revision

The purpose of this memo is to document additional effort spent by DKS staff to complete Tasks A (Revision of Cost Estimates), B (Preparation of the Impact Fee Nexus Study), and C (Nexus Study and Impact Fee Ordinance Approval Process) beyond what could be reasonably anticipated in the original scope and budget. This memo includes a spreadsheet summarizing the level of effort and budget associated with the additional scope detailed below.

Additional Tasks Completed

The additional effort stemmed primarily from receipt of relevant project information (plans, diagrams, direction on assumptions, etc.) after initial cost estimates had been prepared, resulting in multiple iterations of the estimates. Projects affected by this circumstance include

- Creekside Trail (#8),
- Pedestrian Connections to Hercules Transit Center (#13),
- Pedestrian Connection along Palm Avenue (10)
- Pedestrian Connections to HTC – Sycamore to Willow (#14).

In addition, substantial coordination was required to develop the project extent and cost estimate for the San Pablo Avenue/John Muir Parkway to I-80 Improvements (#3)

Additional effort was also required to arrive at an agreed-upon method for allocating project costs for the Regional Intermodal Transportation Center (RITC) and parking garage. This effort included at least three one-hour plus teleconferences involving senior DKS staff and multiple revisions of the fee calculations and nexus study documents.

Finally, DKS staff have prepared for and attended two additional workshops with the City Council, outside of scoped meetings, with attendance still expected at the public hearing for the fee ordinance.

Tasks to Complete

DKS has submitted a draft nexus study and presented the proposed maximum fees to the City Council. The work remaining includes

- Addressing any comments on the nexus study that may be received from the City Council and submitting a final nexus study
- Preparing additional information in support of the fee ordinance as requested by the Council (detailed information on land use forecasts, calculation of special use fee rates);
- Support in editing or crafting fee ordinance language

Table 1 presents the additional budget used to address additional scope and necessary to close out the project with all deliverables.

Table 1: Details of Budget Revision

Staff/Task	Principal John Long (Hours)	Project Manager Josh Pilachowski (Hours)	Project Engineer Erin Vaca (Hours)	Assistant Engineer Bobby Sidhu (Hours)	Labor Cost (\$)
Billing Rate	\$265	\$190	\$190	\$135	
Council Meetings	12		12		\$5,460
Fee ordinance support and Staff Meetings	2	6	12		\$3,950
Additional materials, including conceptual diagrams, revised cost estimates, and revisions to nexus rates	2	2	8	24	\$5,670
Total hours	16	8	32	24	\$15,080