


## **2.7 Amendment to the Master Consultant Agreement with Environmental Science Associates for Environmental Consulting Services.**

### **Recommendation:**

Approve the First Amendment to the Master Consultant Agreement with Environmental Science Associates for environmental consulting services, increasing the amount of compensation by \$1,000,000 for a total agreement not to exceed \$2,000,000 and extending the expiration date from June 30, 2024 to June 30, 2025.

CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Environmental Services)

**CITY COUNCIL ACTION REQUEST**

<b>Department(s):</b> Environmental Services	<b>CEQA:</b> Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action.	<b>Coordination:</b> City Attorney's Office and City Manager's Budget Office	<b>Dept. Approval:</b> /s/ Kerrie Romanow
<b>Council District(s):</b> Citywide			<b>CMO Approval:</b>  <div style="text-align: right;">12/4/23</div>

**SUBJECT: AMENDMENT TO THE MASTER CONSULTANT AGREEMENT WITH ENVIRONMENTAL SCIENCE ASSOCIATES FOR ENVIRONMENTAL CONSULTING SERVICES**

**RECOMMENDATION:**

Approve the First Amendment to the Master Consultant Agreement with Environmental Science Associates for environmental consulting services, increasing the amount of compensation by \$1,000,000 for a total agreement not to exceed \$2,000,000 and extending the expiration date from June 30, 2024 to June 30, 2025.

**BASIS FOR RECOMMENDATION:**

On November 19, 2019, after a competitive procurement, City Council awarded Environmental Science Associates (ESA) the Master Agreement for Consultant Services for services totaling \$1,000,000. The Environmental Services Department has issued 10 service orders to date, totaling \$798,190 for CEQA and/or permitting support of various Capital Improvement Program and operations and maintenance projects at the San José – Santa Clara Regional Wastewater Facility, including the Legacy Lagoons Cleanup Project, Biosolids Disposition Project, Outfall Channel and Instrumentation Improvements Project, Facility Wide Water Systems Improvements Project, New Headworks Access Road Project, Main Guard Shack Replacement Project, Flood Protection Improvements Project; San José Municipal Water System's Trimble and Agnews Water Production Wells Project; and miscellaneous on-call support services.

With this amendment, ESA will continue its work providing environmental support services for the Flood Protection Improvements Project, as well as providing environmental support for several critical near-term Capital Improvement Program and operations and maintenance projects in Fiscal Year 2023-2024 and Fiscal Year 2024-2025, including the Final Effluent Pump Station Project (Phase 1), Public-Private Partnership Fertilizer Facility Project, and Additional Digester Upgrades Project. ESA's technical expertise provided to these projects is necessary for the City to obtain timely CEQA clearance from the City's Planning, Building, and Code Enforcement Department and any required permits or other approvals from outside regulatory agencies in advance of project approval and construction. ESA's construction support expertise is also necessary for these projects to remain in compliance with any applicable mitigation measures and/or regulatory permit conditions.

Increasing the master agreement's maximum total compensation from \$1,000,000 to \$2,000,000 will allow ESA to continue to provide environmental consulting services without interruption, thereby avoiding potential project delays.

Commission Recommendation/Input: This item is scheduled to be heard at the December 14, 2023 Treatment Plant Advisory Committee meeting. A supplemental memorandum with the Committee's recommendation will be included in the January 9, 2024, City Council amended agenda.

**COST AND FUNDING SOURCE:**

Services performed by ESA under this agreement will be authorized by service orders. The sources of funding are:

512 – San José-Santa Clara Treatment Plant Capital Fund. (Regional Wastewater Facility Capital projects). Multiple appropriations will be used to execute service orders, depending on which Capital Improvement Program projects are involved.

513 - San José-Santa Clara Treatment Plant Operating Fund. (Regional Wastewater Facility Operating projects).

**FOR QUESTIONS CONTACT:** Jennifer Brown, Environmental Sustainability Manager at (408) 975-2594

## SAN JOSE / SANTA CLARA WATER POLLUTION CONTROL PLANT

TREATMENT PLANT ADVISORY COMMITTEE

December 18, 2023

The Honorable Mayor and City Council  
City of San José  
200 East Santa Clara Street  
San José, CA 95113

Dear Mayor Mahan and City Council:

At its meeting on December 14, 2023, the Treatment Plant Advisory Committee (TPAC) reviewed this item:

**5. F. Amendment to the Master Consultant Agreement with Environmental Science Associates for Environmental Support Services**

**Staff Recommendation:**

Approve the First Amendment to the Master Consultant Agreement with Environmental Science Associates for environmental consulting services, increasing the amount of compensation by \$1,000,000 for a total agreement not to exceed \$2,000,000.

**Action: On a motion made by Committee Member Davis and a second by Committee Member Watanabe, TPAC recommended approval of item 5. F.**

**Ayes - 6** (Candelas, Cohen, Davis, Hardy, Harkness, Watanabe)

**Nays - 3** (Kwok, Montano, Turner)

**Absent - 0**

Sincerely,



David Cohen, Chair  
TREATMENT PLANT ADVISORY COMMITTEE

☒ **First**

**Amendment to Master City of San José Consultant Agreement**

(Non-Capital Projects)

☐ **Second**

Consultants Name: Environmental Science Associates

☐ **Third**

**(Master Agreement AC No. 665417)**

This Amendment to the Master Agreement is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2023. The City and the Consultant amend the above-referenced agreement as set forth herein.

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1. Capitalized words in this Amendment have the same meaning as in the Master Agreement.
  2. The provisions of this Master Agreement (including any previous amendments) not modified by this Amendment remain in full force and effect.
  3. The provisions of this Amendment are effective upon execution of the Amendment by both parties.
  4. ☒ **Agreement Term:** Section 2 is amended to extend the expiration date from June 30, 2024 to June 30, 2025.
  5. ☒ **Maximum Total Compensation:** Subsection 10.1 is amended to ☒ Increase ☐ Decrease the Maximum Total Compensation from \$1,000,000 to \$2,000,000.
  6. ☐ **Agreement Section(s):** Section(s) \_\_\_\_\_ is/are amended to read as set forth in Attachment A of the Amendment.
  7. ☐ **Schedule of Rates and Charges – Exhibit B:** The ☐ original ☐ First Revised ☐ Second Revised Exhibit B is amended to read as set forth in the attached ☐ First ☐ Second ☐ Third Revised Exhibit B, which is incorporated by reference into this Amendment.
  8. ☐ **Schedule of Specific Services – Exhibit D:** The ☐ original ☐ First Revised ☐ Second Revised Exhibit D is amended to read as set forth in the attached ☐ First ☐ Second ☐ Third Revised Exhibit D, which is incorporated by reference into this Amendment.
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**This Amendment is executed by the authorized representatives of the City and Consultant as follows:**

**City of San José**

**Consultant**

By {{\_\_signer#}}

By {{\_\_signer#}}

Name: Toni J. Taber, CMC  
Title: City Clerk

Name: [Insert Name.]  
Title: [Insert Title of Signature.]

**Approval as to Form (City Attorney):**

☐ **Form Approved by the Office of the City Attorney.**

(The Maximum Total Compensation, as amended, is \$100,000 or less, and the provisions of the form are not altered.)

By {{\_\_signer#}}

☒ **Approved as to Form:**

Name: [Insert Name.]  
Title: [Insert Title of Signature.]

{{\_\_signer#}}

Name: Rosa Tsongtaatarii  
Title: Chief Deputy City Attorney