


**2.30 Sixth Amendment to the Agreement for Consultant Services with Sherwood Design Engineers, LTD. for the 8728 – Alum Rock Park Service Road Slide Repair Project.**

**Recommendation:**

Approve the Sixth Amendment to Agreement for Consultant Services with Sherwood Design Engineers, Ltd. for design and construction support for the 8728 - Alum Rock Park Service Road Slide Repair Project and extend the term of the Agreement from July 31, 2024, to July 31, 2025, with no change in maximum compensation.

CEQA: Exempt, File No. PP18-003, Flood Recovery Projects resulting from late January 2017 storms. Council District 4. (Public Works)

**CITY COUNCIL ACTION REQUEST**

<b>Department:</b> Public Works	<b>CEQA:</b> Exempt, File No. PP18-003, Flood Recovery Projects resulting from late January 2017 storms.	<b>Coordination:</b> City Attorney's Office, City Manager's Budget Office, and Parks, Recreation, and Neighborhood Services Department	<b>Dept. Approval:</b> /s/ Matt Loesch
<b>Council District(s):</b> 4			<b>CMO Approval:</b>  6/5/24

**SUBJECT: SIXTH AMENDMENT TO THE AGREEMENT FOR CONSULTANT SERVICES WITH SHERWOOD DESIGN ENGINEERS, LTD. FOR THE 8728 - ALUM ROCK PARK SERVICE ROAD SLIDE REPAIR PROJECT**

**RECOMMENDATION:**

Approve the Sixth Amendment to Agreement for Consultant Services with Sherwood Design Engineers, Ltd. for design and construction support for the 8728 - Alum Rock Park Service Road Slide Repair Project and extend the term of the Agreement from July 31, 2024 to July 31, 2025, with no change in maximum compensation.

**BASIS FOR RECOMMENDATION:**

On August 14, 2018, City Council approved a consultant services agreement in the amount of \$480,165 to Fall Creek Engineering, Inc., a civil engineering firm, to provide professional engineering services for the Alum Rock Park Visitor Center and Service Road Repair Projects related to the restoration and stabilization of the service road, the slopes behind the visitor center, and the Mineral Springs restroom, and mitigation of any other damages. The agreement's initial end date was July 31, 2020.

On July 12, 2019, the City consented to the assignment of this agreement to Sherwood Design Engineers, Ltd., which acquired Fall Creek Engineering, Inc. This consent to assignment was recorded as the first amendment. On July 24, 2020, this agreement was extended six months to January 31, 2021 by a City Manager-approved second amendment. On March 9, 2021, this agreement was extended 12 months to January 31, 2022 by a City Council-approved third amendment. On April 12, 2022, the agreement was extended 24 months to January 31, 2024 by a City Council-approved fourth amendment. On April 30, 2024, this agreement was extended six months to July 31, 2024 by the City Manager-approved fifth amendment. Each of the above listed amendments were made to allow the City to retain the consultant in order to continue to provide necessary support services to projects that experienced significant delays, mainly due to the Federal Emergency Management Agency review and approval processes taking longer than anticipated as well as the inclement weather experienced through the last several winter seasons.

The construction of the Alum Rock Park Service Road Slide Repair Project is underway and nearly complete; however, post-construction tasks are taking longer than anticipated due to unfavorable site conditions. To ensure proper documentation during the final acceptance task and post-construction phase, it is imperative that Sherwood Design Engineers, Ltd. remains on the project to provide support.

The recommended 12-month term extension of this agreement to July 31, 2025 would allow the consultant to continue to support City staff to close out the project and ensure a smooth Federal Emergency Management Agency reimbursement process.

Commission Recommendation/Input:

No commission recommendation or input is associated with this action.

<b>COST AND FUNDING SOURCE:</b>
No additional funding is needed to approve the time extension of this master agreement.
<b>FOR QUESTIONS CONTACT:</b> Mathew Nguyen, Deputy Director of Public Works, at Mathew.Nguyen@sanjoseca.gov or (408) 535-8300.

- ☐ First  
☐ Second  
☐ Third  
☐ Fourth  
☐ Fifth  
☒ Sixth

**Amendment to Standard City of San José Consultant Agreement**  
(Capital Projects)

Consultant's Name: Sherwood Design Engineers, LTD.

(CPMS Contract No. 8728/8769/8768)  
(Standard Agreement AC No. 29865)

This Amendment is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. The City and Consultant amend the above-referenced agreement as set forth herein.

1. Capitalized words in this Amendment have the same meaning as in the Agreement.
2. The provisions of this Agreement and 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 July 31, 2024 to July 31, 2025.
5. ☐ **Maximum Total Compensation:** Subsection 10.1 is amended to ☐ Increase ☐ Decrease the Maximum Total Compensation from \$ \_\_\_\_\_ to \$ \_\_\_\_\_.
6. ☐ **Agreement Section(s):** Section(s) \_\_\_\_\_ is/are amended to read as set forth in Attachment A of the Amendment.
7. ☐ **Scope of Basic Services – Exhibit A:** The ☐ original ☐ First Revised ☐ Second Revised Exhibit A is amended to read as set forth in the attached ☐ First ☐ Second ☐ Third Revised Exhibit A, which is incorporated by reference into this Amendment.
8. ☐ **Compensation – 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.
9. ☐ **Additional Service:** The Consultant is authorized to perform the Additional Services set forth in the attached Additional Services Exhibit, which is incorporated by reference into this Amendment.

**This Amendment is executed by the authorized representatives of the City and Consultant as follows:**

**City of San José**

By \_\_\_\_\_

**Date**

Name: Toni Taber  
Title: City Clerk

**Consultant**

By \_\_\_\_\_

**Date**

Name: Robyn Cooper  
Title: Managing Principal

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

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

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

☒ **Approved as to Form:**

By \_\_\_\_\_

**Date**

Name:  
Title:

\_\_\_\_\_  
**Date**

Name: Diana Yuan  
Title: Sr. Deputy City Attorney