

**PROFESSIONAL SERVICES CONTRACT
AMENDMENT NO. 1**

THIS AMENDMENT NO. 1 is entered into on _____ 2019, between the CITY OF STOCKTON, a municipal corporation, hereinafter referred to as "CITY," and Bennett Engineering Services, Inc. hereinafter referred to as "FIRM," to provide CITY with professional services for the Install Pedestrian Crossings at Nine Intersections (PROJECT NO. PW1715/FEDERAL PROJECT NO. HSIPL-5008(161), hereinafter referred to as "PROJECT."

WITNESSETH:

WHEREAS, CITY and FIRM entered into a Professional Services Contract (2018-04-25-5001 P) for the Install Pedestrian Crossings at Nine Intersections (PROJECT NO. PW1715/FEDERAL PROJECT NO. HSIPL-5008(161)). CITY now intends for FIRM to provide similar professional services for the Install Pedestrian Crossings at Nine Intersections (PROJECT NO. PW1715/FEDERAL PROJECT NO. HSIPL-5008(161)).

NOW, THEREFORE, in consideration of these premises and the following terms and conditions, the parties hereto agree as follows:

1. Section 1—SCOPE OF SERVICES. The Scope of Services is hereby amended to include professional services for PROJECT as per Exhibit "A," attached hereto and by reference made a part hereof.
2. Section 2—COMPENSATION. Total Compensation is hereby amended as shown in Exhibit "B," attached hereto and by reference made a part hereof. Total additional compensation for this Amendment No. 1 shall not exceed \$52,688.10 without prior authorization. Compensation shall be paid no more frequently than once per month on a time and materials basis for work completed.
3. Section 3—SCHEDULE FOR COMPLETION. Service under this Amendment No. 1 will be performed according to the schedule detailed in Exhibit "C," estimated to occur between April 1, 2018, through April 30, 2021, unless otherwise approved in writing.
4. All other terms and conditions of said original Professional Services Contract shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Amendment No. 1 to Professional Services Contract to be executed on the date and year first written above.

ATTEST: CITY

CHRISTIAN CLEGG
DEPUTY CITY MANAGER/INTERIM CITY CLERK
OF THE CITY OF STOCKTON

By: _____
KURT O. WILSON
CITY MANAGER

APPROVED AS TO FORM & CONTENT:
JOHN M. LUEBBERKE
OFFICE OF THE CITY ATTORNEY

By: _____
DEPUTY CITY ATTORNEY

By:  Leo Rubio
FIRM - Bennett Engineering Services

Title: President

Scope of Work

BEN|EN has been requested to make adjustment to the 65% plans that change the initial agreed upon design approach and incorporate additional design element. As a result, **BEN|EN** is requesting this Addendum No. 2 that will incorporate the following design elements.

- Design a High intensity Activated crossWalk (HAWK), also known as Pedestrian Hybrid Beacon (PHB) at the intersection of Carolyn Weston Blvd / Ishi Goto Street.
- Realign the San Joaquin Trail crossings to the intersections at William Moss Blvd / Sacchetti Cir, Carolyn Weston / Ishi Goto, Ishi Goto / EWS Woods Blvd, and Ishi Goto St / McDougald Blvd.
- Insure that all curb ramps at each of the 9 sites are ADA Compliant, not only curb ramps adjacent to RRFB.
- Perform design of Safety (Street) Lighting along the relocated paths and at three crossings

Scope assumptions:

- The City will provided access to the nearest electrical cabinets for electrical connection
- The relocation of the path is within existing public use ROW and no additional ROW investigations will be required.
- City will provide any existing as-built information for the trail lighting and street lighting for the three locations where additional safety (street) lighting will be needed.

Additional Tasks include:

TASK 1. Project Management

BEN|EN team will continue to manage this project and perform additional design tasks as identified in this addendum No. 2.

1.1 Project Development Team Meetings and Workplan

BEN|EN will participate in an additional Project meeting with the Project Manager and the City Traffic Engineer to discuss the new design approach prior to moving into 95% PS&E. This meeting may contain a field review component to further discuss the design approach.

1.2 Monthly Invoices and Status Reports

BEN|EN will update the schedule to reflect the new project timeline that correlates to the change in design approach and incorporate the optional task (if approved) into the schedule.

TASK 2. Survey and Mapping

BEN|EN team will perform additional survey to capture the full extent of the sites where realignment of the San Joaquin Trail will take place.

2.1 Topographic Surveying and Mapping

Survey three locations to include additional topography necessary to realign the trail.

TASK 3. Environmental Review (CEQA/NEPA)

Upon request from Caltrans, the **BEN|EN** team will perform additional environmental studies to help with the NEPA process. Our anticipated additional studies include the following:

3.3 NEPA CE – Caltrans Coordination and Forms (Modified Scope)

ESA will coordinate with the City and Caltrans regarding Caltrans's completion and approval of a categorical exclusion for NEPA. In addition, ESA will coordinate the anticipated additional studies identified below. Coordination will take place only if Caltrans requests additional studies.

3.4 Natural Environmental Study Minimal Impact (NESMI) (New Scope)

ESA will prepare the Natural Environment Study-Minimal Impact (NES-MI) in accordance with the NES-MI template found on the Caltrans SER. Our research and field review to date have not revealed the presence of sensitive species within the proposed project area; however, Caltrans will likely require an NES-MI to document the absence of sensitive species or to address migratory birds. The tasks for the NES-MI will include:

- Conduct database searches, literature review, and field surveys.
 - The study area will include the existing right-of-way (ROW), any proposed new ROW, and adjacent areas to assess the direct and indirect effects of the project.
 - Natural communities occurring in the study area will be characterized and their locations and extent will be mapped onto aerial photographs.
- Determine effects, if any, to sensitive species.
- Determine regulatory requirements, if any.
 - Clean Water Act Section 404 and 401, Porter-Cologne Water Quality Control Act, federal Endangered Species Act (ESA); California Endangered Species Act (CESA), California Fish and Game Code, Migratory Bird Treaty Act, and Executive Orders 13112 and 11990 related to invasive species and the protection of wetlands.
- Prepare NES-MI.
 - Include a description of the project and its purpose and need, federal and State regulatory and permitting requirements pertinent to the proposed project, existing conditions and potential for special-status species and natural communities of concern to occur within the BSA, a description of project effects, and proposed avoidance and minimization measures and mitigation, as required.

Deliverables

- Draft and final NESMI (and supporting documentation)

3.5 Cultural Resource Study (New Scope)

Based on the nature of the proposed project components and the urban project location, ESA assumes that the Area of Potential Effect (APE) will be narrowly defined to include only the street right-of-way and the “additional survey areas” identified for possible use for the San Joaquin Trail alignments. As such, ESA assumes that the project will result in no impacts to the surrounding built environment, and therefore a historic architectural survey will not be needed to meet the requirements of NEPA or CEQA (we also note that the ages of all of the structures in the project area appear to be well below the 45-year threshold that would require such an evaluation).

ESA will prepare an APE map for the project. ESA will contact the Native American Heritage Commission to request information on any known sacred sites within the project area and to request a list of contacts for Native American Tribes who may have an interest in the project. We will also conduct a records search at the North Central Information Center to determine what resources may have been previously recorded in the area. Given the built-up and disturbed nature of the area, we do not believe that a field survey will be necessary or likely to yield any useful information. We assume that any potential sensitivities in the APE will be strictly subsurface, and that the level of sensitivity will be determined by the results of the aforementioned records search. From the information gathered, we will prepare an Archaeological Survey Report (ASR) and Historic Property Survey Report (HPSR) according to the Caltrans Cultural Resources Environmental Handbook.

We assume that AB 52 consultation will be conducted independently from the Native American coordination conducted for the ASR/HPSR. If requested, our team will assist the City with AB 52 consultation, but assume

that formal government-to-government contact would remain the purview of the City and Caltrans. We will prepare consultation letters in support of this effort, and will respond to any comments from the Tribes.

Deliverables

- Draft and final Area of Potential Effect Map
- Draft and final Archaeological Survey Report
- Draft and final Historic Resources Evaluation Report
- AB 52 Consultation Letters

TASK 5. Final Design (PS&E) Documents

BEN|EN team will prepare plans, specifications, and cost estimate (PS&E) for the PHB at the trail crossing in Carolyn Weston Blvd / Ishi Goto Street. Plans will also include the redesign of the path at 4 locations. Plans will include the design of additional safety lighting at Location 9: McDougald at Ishi Goto St and Location 8: Henry Long Blvd at Star Way. No lighting analysis will be performed for trail lighting, only spacing of trail lighting will be used for determining if additional lighting will be required. ***We assume that the City will provide as-built for the existing street and trail lighting.*** Our team will also design the relocation of San Joaquin Trail lighting at 4 locations.

BEN|EN team will submit the 100% PS&E to the City of Stockton for review. Any comments by the City will be incorporated into the Final PS&E for review by the City.

5.2 100% Plans, Specifications, and Estimate (PS&E)

Plans will include the additional sheets:

- Pedestrian Hybrid Beacon Details (New)
- Additional sheets for realignment of path at 4 locations

Deliverables:

- One sheet of 1"=20' PHB Plan
- Additional Sheets for Realignment

5.3 Final Plans, Specifications, and Estimate (PS&E)

BEN|EN team will address any City review comments obtained on the PHB Layout, the street lighting and path lighting details obtained during the 100% submittal and incorporate into the Final PS&E. Upon review and approval by the City, **BEN|EN** will plot the Mylars.

