

**AMENDMENT NO. 1 TO CONSULTING SERVICES AGREEMENT BETWEEN
THE CITY OF SAN LEANDRO AND
RCRANE CX
FOR
FARRELLY POOL REPLACEMENT
COSL PROJECT NO. 2018. 3420**

This **Amendment No.1** ("Amendment") is made by and between the City of San Leandro ("City") and RCraneCx ("Consultant") (together sometimes referred to as the "Parties") as of _____, 2021, and amends that certain Consulting Services Agreement ("Agreement") dated July 31, 2019, between the Parties.

WHEREAS, City and Consultant have executed the Agreement, pursuant to which Consultant has provided certain consulting services to City with regard to commissioning services to fulfill the Fundamental and Enhanced Commissioning requirements outlined in LEED v4 and 2016 Title 24, and

WHEREAS, the Parties desire to amend the Agreement to include commissioning of the photovoltaic system and building automation system programming which were not included in the original scope.

NOW THEREFORE, for good and valuable consideration, the sufficiency of which is hereby acknowledged, the Parties hereby agree to amend the Agreement as follows:

1. Section 1.1 of the Agreement entitled "Term of Services" is hereby amended to extend the term from March 1, 2021, to December 31, 2021; and
2. Section 2 of the Agreement entitled "Compensation" is hereby amended to pay Consultant a sum not to exceed \$65,100; and
3. Exhibit A of the Agreement entitled "Scope of Services" is hereby amended to:

Add items 9 and 10 in the list following the second paragraph in "Scope of Work" section (*Changes indicated in italics*):

9. *Photovoltaic System (12.3KW)*

10. *Building Automation System for central control with City's Johnson Controls server.*

Amend Task 2.3 in "Construction Phase", section (*Changes indicated in italics*):

2.3 Review and Approve Contractors Startup Plans. Consultant to provide draft documents outlining the Sequence of Operations (SoO) and Startup Checklists involved in equipment commissioning to fulfill project LEED requirements for enhanced commissioning. This task includes:

- *Preparation of documents related to HVAC, BMS controls, domestic hot water related systems, lighting controls, pool heater and pump, and photovoltaic system.*
- *Meet with the City of San Leandro representatives to present and review criteria from the contract documents.*
- *Meet with each of the MEP and Controls subcontractors individually to review the SoO and provide clarification of this document's use within their Startup procedure*
- *Develop preliminary Startup Checklists based on manufacturer's recommendations*
- *Incorporate standard Startup Checklists (provided by subcontractors)*

4. Exhibit B of the Agreement entitled "Compensation Schedule & Reimbursable Expenses" is hereby amended as follows: Replace the original section with the following revised section (*changes indicated in italics*):

Compensation for Professional Services

The services described below are included in the fixed fee sum for the tasks listed below, billed monthly as a percentage of completion basis, with reimbursable expenses charged in excess of this amount.

Tasks 1.1 thru 1.10	Design Phase	\$10,000
Tasks 2.1 thru 2.7	Construction Phase	\$51,600 (<i>revised</i>)
<u>Task 3.1</u>	<u>Post Construction Phase</u>	<u>\$1,000</u>
Subtotal:		\$62,600 (<i>revised</i>)

In addition to the fixed services above, the following items will be paid on a Time and Materials basis per the Hourly Rate and Reimbursable schedules below:

<i>Retesting Allowance (as needed)</i>	\$2,000 (<i>revised</i>)
<u><i>Reimbursable Allowance</i></u>	<u>\$500 (<i>revised</i>)</u>
Subtotal:	\$2,500 (<i>revised</i>)

The total value for the Fixed Fee professional services and other Time and Materials Allowances above is:

TOTAL CONTRACT: \$65,100 (*revised*)

5. All other terms shall remain in full force and effect.

This Amendment may be executed in multiple counterparts, each of which shall be an original and all of which together shall constitute one agreement.

SIGNATURES ON FOLLOWING PAGE

The Parties have executed this Amendment as of the date first written above. The persons whose signatures appear below certify that they are authorized to sign on behalf of the respective Party.

CITY OF SAN LEANDRO

RCraneCx

Frances Robustelli, City Manager



Robert Crane, Owner

Attest:

Leticia I. Miguel, City Clerk

Budget Approved:

Approved as to Fiscal Authority:

Susan Hsieh, Finance Director

210-62-123-5120

Account Number

Approved as to Form:

Richard D. Pio Roda, City Attorney

Keith Cooke, E/T Director