

**CONTRACT AMENDMENT/EXTENSION
AGREEMENT
(Purchase of Services – Long Form)**

Number: F4613002
Fund/Org: 0928
Account: 4113
Other: WH113B

1. **Identification of Contract to be Extended.**

Number: F4613002

Effective Date: November 1, 2017

Department: Public Works

Subject: South Pleasant Hill Properties (1700 Oak Park Blvd.)

2. **Parties.** The County of Contra Costa, California (County), for its Department named above, and the following named Contractor mutually agree and promise as follows:

Contractor: Bates Stringer – Oak Park, LLC

Capacity: Limited Liability Company

Address: 875 Orange Blossom Way, Danville, CA 94526

3. **Amendment Date.** The effective date of this Amendment/Extension Agreement is April 1, 2019.

4. **Amendment Specifications.** The Contract identified above is hereby amended as set forth in the “Amendment Specifications” attached hereto which are incorporated herein by reference.

5. **Extension of Term.** The termination date of the above described contract is hereby extended from October 31, 2020, to a new termination date of November 30, 2020, unless sooner terminated as provided in said contract.

6. **Payment Limit Increase.** The payment limit of the above described Contract is hereby increased by \$ 410,000, from \$ 1,550,000, to a new total Contract Payment Limit of \$ 1,960,000.

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

COUNTY OF CONTRA COSTA, CALIFORNIA

BOARD OF SUPERVISORS	ATTEST: Clerk of the Board of Supervisors
By: _____ Chair/Designee	By: _____ Deputy

CONTRACTOR

Signature A Name of business entity: BATES STRINGER – OAK PARK, LLC	Signature B Name of business entity: BATES STRINGER – OAK PARK, LLC
By: _____ (Signature of individual or officer)	By: _____ (Signature of individual or officer)
_____ (Print name and title A, if applicable)	_____ (Print name and title B, if applicable)

Note to Contractor: For corporations (profit or nonprofit) and limited liability companies, the contract must be signed by two officers. Signature A must be that of the chairman of the board, president, or vice-president; and Signature B must be that of the secretary, any assistant secretary, chief financial officer or any assistant treasurer (Civil Code Section 1190 and Corporations Code Section 313). All signatures must be acknowledged as set forth on Form L-2.

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
)
COUNTY OF CONTRA COSTA)

On _____ (Date),

before me, _____ (Name and Title of the Officer),
personally appeared, _____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS MY HAND AND OFFICIAL SEAL.

Signature of Notary Public



Place Seal Above

ACKNOWLEDGMENT (by Corporation, Partnership, or Individual)
(Civil Code §1189)

APPROVALS

RECOMMENDED BY DEPARTMENT

FORM APPROVED BY COUNTY COUNSEL

By: _____
Designee

By: Kathleen M. Caudles
Deputy County Counsel

APPROVED: COUNTY ADMINISTRATOR

By: _____
Designee

Amendment Specifications
Bates-Stringer – Oak Park, LLC

(Amendment No. 2)

The contract between Contra Costa County and Bates String – Oak Park, LLC dated November 1, 2017, is hereby amended as follows:

1. The term of the Contract is extended to November 30, 2020.
2. In consideration for the performance of the additional services, the contract is amended to increase the payment limit by \$410,000 to a total contract payment limit of \$1,960,000.
3. The Service Plan Outline is amended to replace the introductory paragraph of Section II to read as follows:

II. Contractor's Obligations

The Contractor will work with County staff, in particular, the County's Principal Real Property Agent (the "County Representative") and the principal of JK2 & Associates to carry out the Project. The Contractor is responsible for the completion of each of the tasks below but may utilize subcontractors in the performance of the tasks. Contractor shall complete each of the tasks below for an amount not to exceed \$1,960,000.

4. The Service Plan Outline is amended to replace Section III in its entirety to read as follows:

III. Subcontractors

The Contractor has assembled the professionals identified below who will serve as subcontractors to the Contractor and will assist in carrying out the Project. The Consultant may only make changes in authorized subcontractors with the prior written consent of the County Representative. The Contractor shall notify the County Representative in writing at least thirty (30) days in advance of any proposed change. Any person or entity proposed as a replacement shall possess training, experience, and credentials comparable to those of the person or entity being replaced. The Contractor will be reimbursed for the cost of subcontractors in accordance with the payment provisions set forth in Section IV, Payment Provisions, below. Special terms related to hiring legal counsel as a subcontractor are addressed in Section 5 of the Special Conditions.

<u>Subcontractor</u>	<u>Type of Service</u>	<u>Task</u>
ARG	Historical Peer Review	1
Bay Area Property Planning and Management, LLC	Community outreach	6

BKF Engineers	Engineering	1, 2, 3, 5, 7
Buchalter	Legal	1, 2, 3, 5
Engeo	Geotechnical	1, 5
Exaro	Utilities	2
Giocalone Design Services, Inc.	Dry utility identification	1, 7
Hanson & Fitch	Fencing	
HORT Science	Arborist	1, 2
Johnson Marigot Consulting	Environmental Permitting	3, 5
Land Advisors Organization	Brokerage Services	1, 2, 3, 5, 8
Little Saputo	Legal (HOA CC&R)	2
Live Oak Associates	Biological Resources	3, 5
Subtronic	Utilities	7
vanderToolen Associates	Landscape Architecture	1, 2,
W-Trans	Preliminary traffic studies	5

5. Appendix A (Rates and Personnel) to the Strategic Plan that is attached to the original Service Plan Outline is hereby replaced with the Appendix A attached hereto.
6. Appendix B (Consultant Role and Cost Summary) to the Strategic Plan that is attached to the original Service Plan Outline is hereby replaced with the Appendix B attached hereto.

APPENDIX "A"

**APPENDIX A
RATES AND PERSONNEL**

**Subcontractor: Architecutral Resources
Group (ARG)**

Estimated Fee: \$ 1,200.00

PAYMENT PROVISION TERMS	AMOUNT
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Vaccum excavation (potholing) on the Oark Park
and Monticello Improvement Project.

NAME/CLASSIFICATION	HOURLY RATE
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Principal	\$ 210.00
Project Manager (PM)	\$ 145.00
Historian III	\$ 145.00

**APPENDIX A
RATES AND PERSONNEL**

**Subcontractor: Bay Area Property Planning
and Management, LLC (BAPPM)**

Estimated Fee: \$ 92,400.00

PAYMENT PROVISION TERMS

MONTHLY FEE

Services shall be paid in 24 monthly
payments.

\$ 3,500.00

Invoices must include:

- Project name
- Description of work performed and
- Time period when work was performed

APPENDIX A RATES AND PERSONNEL

Subcontractor: BKF ENGINEERS		Estimated Fee: \$ 513,000.00	
NAME/CLASSIFICATION	HOURLY RATE		
Engineering			
Principal	\$	230.00	- \$ 252.00
Senior Associate	\$	206.00	
Associate	\$	200.00	
Project Manager	\$	190.00	- \$ 196.00
Engineer IV	\$	176.00	
Engineer I	\$	124.00	
Engineer II	\$	142.00	
Engineer III	\$	162.00	
Engineering Assistant	\$	77.00	
Junior Engineer	\$	65.00	
Planning			
Planner I	\$	124.00	
Planner II	\$	142.00	
Planner III	\$	162.00	
Planner IV	\$	176.00	
Surveying			
Senior Associate	\$	206.00	
Associate	\$	200.00	
Project Manager	\$	190.00	- \$ 196.00
Surveyor I	\$	124.00	
Surveyor II	\$	142.00	
Surveyor III	\$	162.00	
Surveyor IV	\$	176.00	
Survey Party Chief	\$	164.00	
Survey Chainman	\$	106.00	
Apprentice I	\$	65.00	
Apprentice II	\$	87.00	
Apprentice III	\$	96.00	
Apprentice IV	\$	102.00	
Instrumentman	\$	141.00	
Surveying Assitant	\$	77.00	
Junior Surveyor	\$	65.00	
Utility Locating Superintendent	\$	165.00	
Utility Locator I	\$	85.00	
Utility Locator II	\$	120.00	
Utility Locator III	\$	145.00	
BIM Specialist I	\$	124.00	
BIM Specialist II	\$	142.00	
BIM Specialist III	\$	162.00	

APPENDIX A RATES AND PERSONNEL

Subcontractor: BKF ENGINEERS Estimated Fee: \$ 513,000.00

NAME/CLASSIFICATION	HOURLY RATE
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Design & Drafting

Technician I	\$ 119.00
Technician II	\$ 127.00
Technician III	\$ 139.00
Technician IV	\$ 150.00
Drafter I	\$ 93.00
Drafter II	\$ 103.00
Drafter III	\$ 111.00
Drafter IV	\$ 123.00

Construction Administration/QSP-QSD

Senior Construction Administrator	\$ 185.00
Resident Engineer	\$ 137.00
Field Engineer I	\$ 124.00
Field Engineer II	\$ 142.00
Field Engineer III	\$ 162.00
Senior Consultant	\$ 215.00

Services

Project Assistant	\$ 77.00
Clerical Administrative Assistant	\$ 65.00
Delivery Services	\$ 35.00

SCHEDULE OF OTHER DIRECT COSTS ITEMS

ITEM DESCRIPTION	COST	MARK-UP
Equipment	Actual	10%
Printing	Actual	10%
Reproduction services	Actual	10%
Shipping	Actual	10%
Delivery	Actual	10%
Courier	Actual	10%
Transportation	Actual	
Consumable Materials	Actual	
Mileage <i>Invoices must specify dates, miles traveled, and mileage rate</i>	Prevailing IRS Rate	

**APPENDIX A
RATES AND PERSONNEL**

Subcontractor: Buchalter, A Professional Corporation		Estimated Fee: \$ 125,572.00
PAYMENT PROVISION TERMS		
Legal services for land use development due diligence review, entitlement, and permitting processes		
NAME/CLASSIFICATION	HOURLY RATE	
Alicia Guerra/Attorney	\$	464.00
Samantha Beatty/Associate	\$	275.00
SCHEDULE OF OTHER DIRECT COSTS ITEMS		
ITEM DESCRIPTION		COST
Printing		Actual
Reproduction Services		Actual
Shipping		Actual
Delivery		Actual
Courier		Actual
Mileage		Prevailing IRS Rate

APPENDIX A RATES AND PERSONNEL

Subcontractor: ENGEO		Estimated Fee: \$ 76,600.00
NAME/CLASSIFICATION	HOURLY RATE	
President	\$	315.00
Principal Engineer/Geologist/Seismologist	\$	260.00
Associate Engineer/Geologist/Seismologist	\$	230.00
Senior Engineer/Geologist/Seismologist	\$	205.00
Project Engineer/Geologist/Seismologist	\$	185.00
Environmental Scientist	\$	175.00
Staff Engineer/Geologist/Seismologist	\$	165.00
Assistant Engineer	\$	138.00
Construction Services Manager	\$	159.00
Senior Field Representative II	\$	144.00
Senior Field Representative I	\$	128.00
Field Representative	\$	118.00
Environmental Technician	\$	125.00
Senior Laboratory Technician	\$	150.00
Laboratory Technician	\$	135.00
CAD/GIS Specialist	\$	129.00
Network Administrator	\$	195.00
Project Assistant	\$	115.00
PAYMENT PROVISION TERMS		FEE
Services shall be paid as follows:		
- Completion of Phase I	\$	4,500.00
- Regulatory Consultation Services	\$	10,000.00
- Geotechnical Exploration	\$	15,000.00
SCHEDULE OF OTHER DIRECT COSTS ITEMS		
ITEM DESCRIPTION	COST	MARK-UP
Equipment <i>(Schedule of charges attached)</i>	Actual	20%
Materials <i>(Schedule of charges attached)</i>	Actual	20%
Mileage <i>Invoices must specify dates, miles traveled, and mileage rate</i>	Prevailing IRS Rate	

**APPENDIX A
RATES AND PERSONNEL**

Subcontractor: EXARO	Estimated Fee:	\$ 3,775.00
PAYMENT PROVISION TERMS		
		AMOUNT
Vaccum excavation (potholing) on the Oark Park and Monticello Improvement Project.	\$	3,775.00
Services shall be paid as a one-time payment.		
Invoice must include:		
<ul style="list-style-type: none">- Project name- Description of work performed and- Time period when work was performed		

APPENDIX A RATES AND PERSONNEL

Subcontractor: GIACALONE DESIGN SERVICES, INC.		Estimated Fee: \$	5,500.00
NAME/CLASSIFICATION		HOURLY RATE	
Principal		\$	195.00
Project Manager		\$	190.00
PG&E Applicant Designer		\$	175.00
Lighting Designer		\$	110.00
Drafter		\$	80.00
Job Administrator		\$	65.00
SCHEDULE OF OTHER DIRECT COSTS ITEMS			
ITEM DESCRIPTION	COST		MARK-UP
Plan Reproductions Costs	Actual		
Printing (Outsourced)			10%
Printing (In-House)	\$ 3.00	Per Page	
FTP Website Management	\$ 120.00	Per Hour	10%
Shipping	Actual		10%
Mail & Delivery	Actual		10%
Courier	Actual		10%
Contractor shall invoice County on a time and materials basis at the rates specified below for services provided. The invoices must reference the task number, staff title, hourly rate, project name and number, the time period when work was performed, and describe the work performed.			

**APPENDIX A
RATES AND PERSONNEL**

Subcontractor: Hanson & Fitch	Estimated Fee:	\$ 3,000.00
PAYMENT PROVISION TERMS		
AMOUNT		
Delivery and construction of approximately 410 feet of 6' x 12' fencing with a double wide swing gate to secure property.	\$	3,000.00
Services shall be paid as a one-time payment.		
Invoice must include:		
<ul style="list-style-type: none">- Project name- Description of work performed and- Time period when work was performed		

APPENDIX A RATES AND PERSONNEL

Subcontractor: HORT Science, Inc.		Estimated Fee: \$ 6,188.00	
NAME/CLASSIFICATION		HOURLY RATE	
Principal		\$	185.00
Consultant		\$	160.00
Environmental Analyst		\$	140.00
Arborist		\$	120.00
GIS/CAD Specialist		\$	120.00
Clerk		\$	60.00
SCHEDULE OF OTHER DIRECT COSTS ITEMS			
ITEM DESCRIPTION	COST		MARK-UP
Printing	Actual		10%
Reproduction services	Actual		10%
Shipping	Actual		10%
Delivery	Actual		10%
Courier	Actual		10%

APPENDIX A RATES AND PERSONNEL

Subcontractor: JOHNSON MARIGOT CONSULTING, L Estimated Fee: \$ 54,000.00

NAME/CLASSIFICATION	HOURLY RATE
Cameron Johnson, Principal	\$ 185.00
Paula Gill, Principal	\$ 165.00
Lauren Bingham, Associate Regulatory Specialist	\$ 150.00
Sadie McGarbey, Associate Regulatory Specialist	\$ 145.00

DULE OF OTHER DIRECT COSTS ITEMS

ITEM DESCRIPTION	COST	MARK-UP
Printing	Actual	
Reproduction Services	Actual	
Shipping	Actual	
Delivery	Actual	
Courier	Actual	
Mileage	Prevailing IRS Rate	

**APPENDIX A
RATES AND PERSONNEL**

Subcontractor: Land Advisors Organization	Estimated Fee:	\$	300,000.00
PAYMENT PROVISION TERMS			FEE
Services shall be paid as follows:			
- Payment #1: Within 60 days of County's approval of Contract		\$	20,000.00
- Payment #2: Within 180 days of County's approval of Contract		\$	20,000.00
- Payment #3: Within 270 days of County's approval of Contract		\$	20,000.00
- Payment #4: Within 360 days of County's approval of Contract		\$	20,000.00
- Payment #4: Within 30 days of Entitlement approvals		\$	20,000.00
Invoices must include:			
- Project name			
- Description of work performed and			
- Time period when work was performed			

**APPENDIX A
RATES AND PERSONNEL**

Subcontractor: Little & Saputo	Estimated Fee:	\$ 8,000.00
PAYMENT PROVISION TERMS		
	AMOUNT	
Legal services for preparaton of Management Documents consisting of Bylaws and Articles of Incorporation and Declaration of Covenants, Conditions and Restrictions	\$	8,000.00
SCHEDULE OF OTHER DIRECT COSTS ITEMS		
ITEM DESCRIPTION		COST
Printing		Actual
Reproduction Services		Actual
Shipping		Actual
Delivery		Actual
Courier		Actual
Mileage		Prevailing IRS Rate

**APPENDIX A
RATES AND PERSONNEL**

Subcontractor: Live Oak Associates, Inc.		Estimated Fee:	\$ 8,592.00		
NAME/CLASSIFICATION		HOURLY RATE			
Principal		\$	215.00		
Botanist/Wetland Scientist		\$	170.00		
Wildlife Ecologist		\$	110.00		
Graphics Designer		\$	140.00		
Administrative Assistant/Support		\$	70.00		
SCHEDULE OF OTHER DIRECT COSTS ITEMS					
ITEM DESCRIPTION		COST		MARK-UP	
Database Search	Actual			10%	
Printing	Actual			10%	
Reproduction services	Actual			10%	
Shipping	Actual			10%	
Delivery	Actual			10%	
Courier	Actual			10%	
Mileage	Prevailing IRS Rate				

**APPENDIX A
RATES AND PERSONNEL**

Subcontractor: Subtronic Corporation	Estimated Fee:	\$ 6,500.00
PAYMENT PROVISION TERMS		
	AMOUNT	
Provide vacuum excavation of utility locations (potholing services).	\$	6,500.00
Services shall be paid as a one-time payment.		
Invoice must include:		
<ul style="list-style-type: none">- Project name- Description of work performed and- Time period when work was performed		

APPENDIX A RATES AND PERSONNEL

Subcontractor: vanderToolen Associates (VTA)	Estimated Fee:	\$ 47,100.00
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NAME/CLASSIFICATION	HOURLY RATE
Sr. Principal	\$ 210.00
Associate Principal	\$ 195.00
Sr. Associate	\$ 185.00
Associate Principal	\$ 175.00
Sr. Project Manager	\$ 135.00
Project Manager	\$ 120.00
CAD I Draftsperson	\$ 95.00
Clerical Staff	\$ 80.00

SCHEDULE OF OTHER DIRECT COSTS ITEMS			
ITEM DESCRIPTION	COST		MARK-UP
Printing	Actual		10%
Reproduction costs of colored exhibit and CAD plots	Actual		10%
Shipping	Actual		10%
Delivery	Actual		10%
Courier	Actual		10%
Mileage	Prevailing IRS Rate		N/A

APPENDIX A RATES AND PERSONNEL

Subcontractor: W-Trans		Estimated Fee: \$ 10,000.00
PAYMENT PROVISION TERMS		AMOUNT
Initial fee due upon receipt of invoice from Contractor and approval of Contract by County		\$ 3,500.00
SCHEDULE OF OTHER DIRECT COSTS ITEMS		
ITEM DESCRIPTION	COST	MARK-UP
Traffic Counts	3	
Printing	Actual	10%
Reproduction costs of colored exhibit and CAD plots	Actual	10%
Blueprints	Actual	10%
Shipping	Actual	10%
Delivery	Actual	10%
Courier	Actual	10%
Mileage	Prevailing IRS Rate	N/A

APPENDIX "B"

Consultant Role and Cost Summary

Appendix B - Service Plan Outline (Amendment #2)

1750 Oak Park Blvd. Land Use Entitlement Costs (Based on quotes received as of 11/7/19)			
<u>Firm</u>	<u>Function</u>	<u>Not-to-Exceed</u>	
		<u>Total</u>	
Entitlement Phase/Vesting Tentative Map/Resource Agency Permitting (non-optional)			
Prime Consultants			
Bates Stringer Oak Park LLC	Project Manager - Entitlement services (VTM)	\$695,000	h.
Sub-Consultants			
ARG	Historical peer review	\$1,200.00	g.
Bay Area Property Planning & Management	Community Outreach	\$92,400	a.
BKF	Civil Engineering - entitlement phase	\$513,000	c.
Buchalter	Legal - entitlements thru VTM; resource agency permitting; EIR	\$125,572	a.
ENGEO	Geo-Tech & Environmental	\$76,600	a.
EXARO	Potholing	\$3,775	g.
Giacalone Design Services	Dry utility identification	\$5,500	a.
Hanson & Fitch	Temporary fencing	\$3,000	g.
Hort Science	Tree Report	\$6,188	a.
Johnson Marigot Consulting	Resource Agency Permitting	\$54,000	a.
Land Advisors	Predevelopment Services	\$100,000	d.
Land Advisors	Transaction Services	\$200,000	e.
Little & Saputo	HOA CC&R's (legal)	\$8,000	g.
Live Oak Associates	Biological Resources	\$8,592	b.
Subtronic	Potholing - Sewer line	\$6,500	b.
vanderToolen Associates	Landscape Architects	\$47,100	a.
W-Trans	Transportation Engineering	\$10,000	a.
Total for Entitlement Phase		\$1,956,427	

Highlighted consultants/sub-consultants are part of the Bates-Stringer contract

- a. Includes reimbursables at 10% of service costs
- b. Quote includes expenses
- c. Includes reimbursables at 3% of service costs
- d. Predevelopment services costs to be deducted from brokerage fee
- e. 2% of gross sales price; assumes \$15 million gross sales price minus predevelopment services costs
- f. Vacated
- g. Cost of service; Amount not to exceed
- h. \$20,000 /month for 31 months (through May 31, 2020); and \$15,000/month for 5 months (through October 31, 2020)