


CITY COUNCIL ACTION REQUEST			
Department(s): Public Works	CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action.	Coordination: City Attorney’s Office; City Manager’s Budget Office, Risk Management	Dept. Approval: /s/ Matt Loesch
Council District: Citywide			CMO Approval:  7/31/23
SUBJECT: AMENDMENT TO MASTER AGREEMENTS WITH PROFESSIONAL SERVICE INDUSTRIES, INC., CTE CAL, INC., AND SIGNET TESTING LABS, INC. FOR SPECIAL INSPECTION SERVICES FOR VARIOUS CITY PROJECTS			
RECOMMENDATION:			
<p>Adopt a resolution authorizing the City Manager or designee to negotiate and execute the first amendment to the Master Agreements with Professional Service Industries, Inc. (CPMS Contract No. 9468-C), CTE Cal, Inc. (CPMS Contract No. 9468-B), and Signet Testing Labs, Inc. (CPMS Contract No. 9468-A) for special inspection consultant services for City funded projects in 2024 and 2025 to: (1) extend the term from December 31, 2023 to December 31, 2025, with no increases to the maximum compensation; and (2) revise hourly rate of field inspections.</p>			
BASIS FOR RECOMMENDATION:			
<p>On January 26, 2021 (Item 2.14), City Council approved the master agreements with Professional Service Industries, Inc., CTE Cal, Inc., and Signet Testing Labs, Inc. for special inspection services in the amount not to exceed \$1,000,000 for each master agreement, with a term end date of December 31, 2023. The master agreements were procured through a Request for Qualifications process.</p> <p>CTE Cal, Inc. began work in July 2021 for the River Glenn Park Improvements project. Professional Service Industries, Inc. began work in April 2021 for the Coyote Creek Trail project. Signet Testing Labs, Inc. began work in March 2021 for the Fire Training Center and Emergency Operations Center project. Since then, the three consultants have been contracted to perform special inspections for several other projects through service orders from their master agreements. Their services have included special inspections for concrete, masonry, steel, welding, post-installed concrete anchorage, fireproofing, soils, and other material inspections as required by the California Building Code. All three consultants are expected to be contracted to work on future projects as large capital projects are currently under the permitting process and will need special inspections. Amending the master agreements will allow the consultants to complete the full scope of services in its existing service orders and support future City projects until the end of 2025.</p> <p>There is \$961,976 remaining in CTE Cal, Inc.’s master agreement, \$841,054 remaining in Professional Service Industries, Inc.’s master agreement, and \$415,075 remaining in Signet Testing Labs, Inc.’s master agreement. Staff does not foresee a need to increase the total maximum compensation for any of the three master agreements. The hourly rate of field inspections will increase to align with prevailing wage increases for 2023 and 2025.</p>			
Commission Recommendation/Input: No commission recommendation/input is needed for this action.			
COST AND FUNDING SOURCE:			

No additional funding is needed to approve the time extension of this master agreement. Service orders have been executed and encumbered with appropriations from each on-going project.

FOR QUESTIONS CONTACT: Katherine Brown, Interim Assistant Director, Public Works, at (408) 795-1679.

Attachment A: PSI Intertek - 1st Amendment for Master Agreement (Special Inspections)

Attachment B: CTE Cal, Inc. - 1st Amendment for Master Agreement (Special Inspections)

Attachment C: Signet - 1st Amendment for Master Agreement (Special Inspections)

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

City of San José

Consultant

By

By

Name: **Toni J. Taber**
Title: City Clerk

Name: **Eric Allen**
Title: Intertek-PSI - Regional Director

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.)

Approved as to Form:

By

Name:
Title:

By

Name: **Diana Yuan**
Title: [Sr.] Deputy City Attorney
Matter Number: T-40057.001

First

Second

Third

Attachment A

Agreement Provision Amendment(s)

(Capital Projects)

This Attachment A is an attachment to the First Second Third amendment to Master Agreement.

The Section(s) set forth in the original Master Agreement, or in any previous amendment to the original Master Agreement, is/are amended as follows:

2. Agreement Term

The term of this master agreement is from the Contract Date to December 21, 2025, inclusive, unless terminated earlier pursuant to Section 19 below.

First

Revised Exhibit B: Schedule of Rates and Charges

Second

(Capital Project)

Third

This revised Exhibit B is an attachment to the First Second Third amendment to Master Agreement.

The rates and charges set forth in the original Exhibit B, or in any previous amendment to the original Exhibit B, are amended as follows effective January 1, 2024: **Hourly Rates for field inspections increased. Rate increases are aligned with prevailing wage increases for 2024 and 2025. See updated fee schedule on following pages.**

Amendment to Master City of San José Consultant Agreement

(Capital Projects)

First

Second

Third

Consultants Name: CTE Cal, Inc.

**(CPMS Contract No. 9468-B)
(Master Agreement AC No. 31691)**

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

-
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 12/31/2023 to 12/31/2025.
 5. **Maximum Total Compensation:** Subsection 10.1 is amended to Increase Decrease the Maximum Total Compensation from \$ _____ to \$ _____.
 6. **Agreement Section(s):** Section(s) 2 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.
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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

By

Name: **Toni J. Taber**
Title: City Clerk

Name: **Mike Kennedy**
Title: CTE Cal, Inc. – Manager

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.)

Approved as to Form:

By

Name:
Title:

By

Name: **Diana Yuan**
Title: [Sr.] Deputy City Attorney
Matter Number: T-40056.001

First

Second

Third

Attachment A

Agreement Provision Amendment(s)

(Capital Projects)

This Attachment A is an attachment to the First Second Third amendment to Master Agreement.

The Section(s) set forth in the original Master Agreement, or in any previous amendment to the original Master Agreement, is/are amended as follows:

2. Agreement Term

The term of this master agreement is from the Contract Date to December 21, 2025, inclusive, unless terminated earlier pursuant to Section 19 below.

First

Revised Exhibit B: Schedule of Rates and Charges

Second

(Capital Project)

Third

This revised Exhibit B is an attachment to the First Second Third amendment to Master Agreement.

The rates and charges set forth in the original Exhibit B, or in any previous amendment to the original Exhibit B, are amended as follows effective January 1, 2024: **Hourly Rates for field inspections increased. Rate increases are aligned with prevailing wage increases for 2024 and 2025. See updated fee schedule on following pages.**

Amendment to Master City of San José Consultant Agreement

(Capital Projects)

First

Second

Third

Consultants Name: **Signet Testing Labs, Inc.**

**(CPMS Contract No. 9468-A)
(Master Agreement AC No. 31685)**

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

-
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 **12/31/2023** to **12/31/2025** .
 5. **Maximum Total Compensation:** Subsection 10.1 is amended to Increase Decrease the Maximum Total Compensation from \$ _____ to \$ _____.
 6. **Agreement Section(s):** Section(s) **2** 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.
-

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

City of San José

Consultant

By

By

Name: **Toni J. Taber**
Title: City Clerk

Name: **Robert V. Tadlock**
Title: Signet - CEO

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.)

Approved as to Form:

By

Name:
Title:

By

Name: **Diana Yuan**
Title: [Sr.] Deputy City Attorney
Matter Number: T-40055.003

Attachment C - Signet

First

Second

Third

Attachment A

Agreement Provision Amendment(s)

(Capital Projects)

This Attachment A is an attachment to the First Second Third amendment to Master Agreement.

The Section(s) set forth in the original Master Agreement, or in any previous amendment to the original Master Agreement, is/are amended as follows:

2. Agreement Term

The term of this master agreement is from the Contract Date to December 21, 2025, inclusive, unless terminated earlier pursuant to Section 19 below.

First

Revised Exhibit B: Schedule of Rates and Charges

Second

(Capital Project)

Third

This revised Exhibit B is an attachment to the First Second Third amendment to Master Agreement.

The rates and charges set forth in the original Exhibit B, or in any previous amendment to the original Exhibit B, are amended as follows effective January 1, 2024: **Hourly Rates for field inspections increased. Rate increases are aligned with prevailing wage increases for 2024 and 2025. See updated fee schedule on following pages.**