

First Amendment to Standard City of San José Consultant Agreement

(Capital Projects)



Consultant's Name: Toole Design Group, LLC

(Standard Agreement AC No. 663848-000)

This Amendment is made and entered into this _____ day of _____, 2021, The City and Consultant amend the above-referenced agreement as set forth herein.

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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.
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4. ☒ **Agreement Term:** Section 2 is amended to extend the expiration date from June 30, 2020 to March 31, 2021.
 5. ☒ **Maximum Total Compensation:** Subsection 10.1 is amended to ☒ Increase ☐ Decrease the Maximum Total Compensation from \$ \$675,000.00 to \$ 731,000.00.
 6. ☐ **Agreement Section(s):**
Section(s) 3 and 5 are amended to read as set forth in Exhibit A of the Amendment.
 7. ☒ **Scope of Basic Services – Exhibit A:** The ☒ original Exhibit A is amended to read as set forth in the attached ☒ First ☐ Revised Exhibit A, which is incorporated by reference into this Amendment.
 8. ☒ **Compensation – Exhibit B:** The ☒ original ☐ Exhibit B is amended to read as set forth in the attached ☒ First 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.
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This Amendment is executed by the authorized representatives of the City and Consultant as follows:

City of San José

By _____

Name: John Ristow
Title: Director of Transportation

Consultant

By _____

Name _____ Date _____

Title: _____

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 _____

Name: _____ Date _____

Title: _____

Jon Calegari
Senior Deputy City Attorney

Date



First Revised Exhibit A: Scope of Basic Services



(Capital Project)

This revised Exhibit A is an attachment to the ☒ First amendment to Agreement.

The tasks set forth in the original Exhibit A, or in any previous amendment to the original Exhibit A, are amended as follows:

Standard Provision No. 2

Task No. 3, entitled "Outreach and Community Engagement," is amended to read as follows:

(Completion Date amended, see Subsection C below.)

A. Services:

Task 3.1 Community Engagement Strategy and Materials

Consultant will develop an Outreach Plan that identifies the timing, purpose, potential location, and audiences for all engagement efforts.

Consultant will supplement conventional, meeting-focused public outreach efforts with user-friendly online interactive mapping, websites, social media, and a visual preference survey where people can provide detailed information about specific issues such as desired routes, challenging intersections or road segments, important destinations, and other concerns.

Translation services for written materials and events will be provided in Spanish and Vietnamese, and other languages as requested by City.

Task 3.2 Community Partnerships

Consultant shall prioritize the engagement and participation of Community-Based Organizations (CBOs) and other highly localized stakeholder groups as part of the Outreach Plan. Potential CBOs will be identified in discussion with the City and identified in the Outreach Plan. Stipends have been budgeted to identify and recruit one community leader per organization from a minimum of three local CBO's, to be determined by City. These leaders will serve as ambassadors for their CBO and local community to facilitate community participation in the bike plan development process. They will attend and participate in a minimum of three internal bike plan meetings with City and Consultants, and three bike plan public meetings. In addition to participation throughout the process, they will also review and provide feedback on the pre-final bike plan draft. No single community leader representing a CBO shall receive more than \$11,333 in stipend for their participation process.

Task 3.3 Community Workshops

CBO representatives will be asked to commit to attending all community workshops, which will follow the Community Working Group model. This will ensure a consistent and high-quality level of feedback from diverse communities across the City. Consultant will hold up to three meetings that will focus on interactive activities that help solicit community input on challenges and prioritize and vet initial proposals. Consultant will be responsible for developing materials,

facilitating meetings, and developing summary notes. Consultant shall hold workshops to coincide with the following stages of the Plan development:

- Round 1 – Project Launch: The first public meeting will use interactive mapping exercises to gather information on problem areas for bicycling safety and transit access, solicit project ideas to address these problems, support demand for biking, and identify popular active transportation destinations.
- Round 2 – Early Draft Plan: After a review of initial feedback and existing conditions information, the second workshop will present information on the draft policy framework, bicycle network, support programs, and solicit input on prioritization criteria.
- Round 3 – Pre-final Draft Plan: The final round of public meetings will be used to present the final draft recommendations to the public and start to build support for implementation.

Task 3.4 Project Presentations at Community Meetings and Pop-up Events

Consultant will develop a presentation to give at the outset of the project that will help inform the public about the Bicycle Plan Update and gather initial feedback. One goal of the presentations will be to encourage community members to visit the project website and provide feedback on initial conditions and opportunities. The presentation will be updated throughout the project as work moves forward. Feedback from these meetings will be used to assess qualitative priorities and sentiments regarding biking in each neighborhood.

Consultant will work with the City, BPAC, and TAC to determine which community and neighborhood groups to present to, including but not limited to neighborhood groups, business district groups, and special interest groups, focusing both on groups engaged in other planning processes (Urban Villages, etc.) as well as ones that have less historical involvement in planning processes.

Consultant shall coordinate “pop-up” workshops at large community events, such as Viva Calle SJ or Bike to Work Day to increase the accessibility for residents to participate in the process. The Outreach Plan will determine what community events can be best leveraged depending on event timing and project timeline.

Task 3.5 City BPAC Meetings

Consultant will present on the project two to three times to the City’s Bicycle and Pedestrian Advisory Committee (BPAC) to gain their input at important project milestones, as identified in the TAC meeting topics below.

Task 3.6 TAC Meetings

Consultant and City staff will convene a Technical Advisory Committee, which will provide guidance on key aspects of the project. The TAC will be comprised of agency staff (internal and external) that interface with the development and maintenance of the bikeway network, as well as policies, programs, and practices that support bicycling. The TAC will bring insight and technical expertise to advise the project team at key project milestones.

Consultant shall host three to four meetings over the course of this project at key moments:

- Meeting 1: Review project objectives, scope, and timeline; identify key stakeholder groups
- Meeting 2: Review and discuss existing conditions; identify challenging network issues
- Meeting 3: Provide feedback on initial recommendations
- Meeting 4: Review draft plan

Task 3.7 Online Outreach

Consultant will use a variety of engaging web-based tools through a project website. The site will promote outreach and education materials, document public workshops, promote the community survey, announce public events such as bicycling tours, and allow the public to provide feedback on the Draft Plan. The City website is being migrated to a new website in the summer of 2018; City staff will wait to see how that is working before determining whether a stand-alone website is needed or if project information will be hosted on the new City website.

The key feature of the project website will be a "pinnable" comments map (WikiMap) to supplement conventional public outreach. The focus of the WikiMap will be asking the public to identify bicycling destinations and point out key gaps in the existing network, such as challenging intersections. The information received will be integrated into Consultant's map analysis and will inform and support the development of the bicycle network.

Consultant will develop and implement a social media strategy to promote the project website and WikiMap to communities across San José. This strategy will advertise public outreach events, deadlines, and milestones. Consultant will use digital marketing channels to reduce barriers to entry for public comment. Consultant will also explore ways to expand the reach of major project events by using Facebook's live broadcast features to allow online participation during in-person events.

Consultant social media strategy will outline the channels and themes to be used at each phase of the project, and will include sample messaging, images, and schedules for each medium. Consultant will determine the best approach for the communities the project must reach, and ensure that the strategy will accomplish the project goals.

Task 3.8 Summary Outreach Reports (3)

Consultant will prepare up to three reports summarizing public input gathered during the outreach activities. The reports will organize community feedback into a framework that will be applied directly to complement the technical work in informing the draft Plan. For example, distinct sections will refer to policy and program input, while others will look at generalized facility comments versus specific facility comments for consideration.

- B. Deliverable:** Community Engagement Plan; memorandums summarizing the results of three public workshops; memorandums summarizing the results of ten community meetings; memorandums summarizing the results of three BPAC and four TAC meetings; project website and Wikimap; three summary outreach reports
- C. Completion Time:** The Consultant must complete the services and deliverable for this task in accordance with whichever one of the following time is marked:

☒ On or before the following date: ~~March 31, 2020~~ December 31, 2020 _____.

☐ On or before _____ Business Days from _____.

Standard Provision No. 2

Task No. 5, entitled "Bike Facility Recommendations," is amended to read as follows:

(Completion Date amended, see Subsection C below.)

A. Services:

Task 5.1 Matrix of Design Treatments

Drawing on the soon-to-be-adopted Complete Streets Design Guidelines, Consultant will develop a mutually agreed upon suite of treatment types to be used for facility recommendations. This treatment matrix will use cutting-edge facilities and draw upon the NACTO Urban *Bikeway Design Guide*, and the current update of the AASHTO *Guide for the Development of Bicycle Facilities*. The matrix will take an aggressive, progressive, and innovative approach to providing safe and comfortable facilities for the Interested but Concerned bicyclist (a person who would like to start bicycling but has concerns over issues like safety) especially with respect to use of Class IV separated bike lane facilities on major streets. This matrix will also include cost-effective design solutions for hot-spots (such as freeway on-/off-ramps and major intersections) and priority calmer streets (such as bike boulevards or neighborhood bikeways).

Task 5.2 Bikeway Study Network

This task will draw upon the existing conditions tasks related to analysis of demand, collisions, and network connectivity to identify a subset of San José's streets that should be evaluated for appropriate bicycle facility types. Consultant shall identify connectivity goals, such as creating low-stress crossings of major barriers at no less than half-mile increments, or ensuring that every neighborhood has a connection to the nearest full-service grocery store. This network will use existing low-stress streets as a first choice. Higher-stress streets, which require more investment (dollars and political), will be used where either no low-stress alternative exists nearby, or the low-stress alternative is less suitability due to other conditions (e.g. streets with high crime rates that result in low levels of personal safety). Consultant will also consider connections to existing and planned trails. The network that meets these goals will be the basis for Task 5.3.

Task 5.3 Identification of Facility Type

Due to the size of San José and the resulting study network, the first pass at facility selection will be using an automated GIS process with the Task 5.1 matrix. This will identify locations where crossing treatments are likely to be needed to connect low-stress streets across major ones. It will also give an initial idea for the appropriate facility class along roadways, including the potential for road diets based on traffic volume and roadway configuration data and flags for arterial/arterial intersections that may need design tweaks to be suitable for low-stress riding. Recommended projects will identify key feasibility details such as impacts to other modes such as parking and travel lane removal, and should communicate with the repaving program. In this task, Consultant shall identify appropriate project extents and bundling, whether based on implementation strategy (e.g., road diet vs. edge reconstruction), or project cost (e.g., no projects over \$100,000 total).

Task 5.4 End-of-Trip Facilities

This task will identify policies that the City can update or adopt to support high-quality end-of-trip facilities such as bicycle parking, bicycle rooms, tools/pumps, and showers. For bicycle parking, Consultant will recommend standards for installation and programs for working with private landowners to provide parking for employees, visitors, and customers, as well as solutions to address shared dockless bikes and scooters parking. Consultant will also provide language for the City to communicate the benefits of high-quality end-of-trip facilities to employers desiring LEED points, Bicycle Friendly Business designation, or Best Workplace rankings. If desired, this

task may also include recommendations for these types of facilities at City buildings so the City may act as a leader for other employers.

Task 5.5 Bike share System Improvements

Developing system improvement recommendations will include several efforts to understand how bike share is currently serving residents, employees, and visitors to San José. Consultant will liaise with Motivate and City staff about current expansion or station relocation plans for the Ford GoBike system, including consideration for coming BART expansion. Consultant will also review, and recommend edits and revisions of, City's proposed regulation and permitting system for shared micro mobility devices such as dockless e-scooters.

- B. Deliverable:** Matrix of design treatments; maps of study network and bicycle facility recommendations; list of bikeway projects; end-of-trip facility policy recommendations memo; bike share system improvements recommendation memo
- C. Completion Time:** The Consultant must complete the services and deliverable for this task in accordance with whichever one of the following time is marked:

☒ On or before the following date: ~~March 31, 2019~~ __ December 31, 2020 _____.

☐ On or before ____ Business Days from _____.

☒ **First** ☐☐**Revised Exhibit B: Compensation (Capital Projects)**

This revised Exhibit B is an attachment to the ☒First amendment to the Agreement.

Section 1 – Compensation Table

The Compensation Table is amended to reflect changes to all Tasks, excluding Task 2, as follows:

- Increase for Tasks 3, 5, 7, 8 and 9.
- Decrease for Tasks 1, 4, 6, Reimbursable Expenses, and Maximum Total Compensation.

Part 1 – Compensation for Basic Services						
Column 1	Column 2		Column 3			Column 4
Task Nos.	Basis of Compensation		Invoice Period			Compensation
1	<input checked="" type="checkbox"/> Time & Materials	<input type="checkbox"/> Fixed Fee	<input checked="" type="checkbox"/> Monthly	<input type="checkbox"/> Completion of Task(s)	<input type="checkbox"/> Completion of Work	\$50,244.00
2	<input checked="" type="checkbox"/> Time & Materials	<input type="checkbox"/> Fixed Fee	<input checked="" type="checkbox"/> Monthly	<input type="checkbox"/> Completion of Task(s)	<input type="checkbox"/> Completion of Work	\$52,310.00
3	<input checked="" type="checkbox"/> Time & Materials	<input type="checkbox"/> Fixed Fee	<input checked="" type="checkbox"/> Monthly	<input type="checkbox"/> Completion of Task(s)	<input type="checkbox"/> Completion of Work	\$177,647.00
4	<input checked="" type="checkbox"/> Time & Materials	<input type="checkbox"/> Fixed Fee	<input checked="" type="checkbox"/> Monthly	<input type="checkbox"/> Completion of Task(s)	<input type="checkbox"/> Completion of Work	\$21,152.00
5	<input checked="" type="checkbox"/> Time & Materials	<input type="checkbox"/> Fixed Fee	<input checked="" type="checkbox"/> Monthly	<input type="checkbox"/> Completion of Task(s)	<input type="checkbox"/> Completion of Work	\$103,840.00
6	<input checked="" type="checkbox"/> Time & Materials	<input type="checkbox"/> Fixed Fee	<input checked="" type="checkbox"/> Monthly	<input type="checkbox"/> Completion of Task(s)	<input type="checkbox"/> Completion of Work	\$23,042.00
7	<input checked="" type="checkbox"/> Time & Materials	<input type="checkbox"/> Fixed Fee	<input checked="" type="checkbox"/> Monthly	<input type="checkbox"/> Completion of Task(s)	<input type="checkbox"/> Completion of Work	\$139,807.00
8	<input checked="" type="checkbox"/> Time & Materials	<input type="checkbox"/> Fixed Fee	<input checked="" type="checkbox"/> Monthly	<input type="checkbox"/> Completion of Task(s)	<input type="checkbox"/> Completion of Work	\$31,197.00
9	<input checked="" type="checkbox"/> Time & Materials	<input type="checkbox"/> Fixed Fee	<input checked="" type="checkbox"/> Monthly	<input type="checkbox"/> Completion of Task(s)	<input type="checkbox"/> Completion of Work	\$41,895.27

Part 2 – Reimbursable Expenses		
<input type="checkbox"/> No expenses are separately reimbursable. The amount(s) in Column 4 of Part 1 include(s) payment for all expenses.	<input checked="" type="checkbox"/> Expenses are separately reimbursable in accordance with Subsection 10.5 of this Agreement. The maximum amount of reimbursable expenses is:	\$39,836.00
Part 3 – Subconsultant Costs		
<input checked="" type="checkbox"/> Subconsultant costs are not separately compensable. The amount(s) in Column 4 of Part 1 include(s) payment for subconsultants.	<input type="checkbox"/> Subconsultant costs are separately compensable in accordance with Subsection 10.6 of this Agreement. The maximum amount of compensation for subconsultant costs is:	\$
Part 4 – Additional Services		
<input type="checkbox"/> No money is budgeted for Additional Services, and the Director can not authorize any Additional Services.	<input checked="" type="checkbox"/> The Director may authorize the Consultant to perform Additional Services up to the following maximum amount:	\$50,000
Maximum Total Compensation (sum of Parts 1 through 4):		\$730,970.27

Section 2 – Schedule of Rates and Charges

The Schedule of Rates and Charges is revised as follows

San Jose Bike Plan - Final Fee										Winter Associates				Crossroads Lab		TOTAL	Additional Services, June-September 2020
Role	PIC	PM	Deputy PM	Planning Lead	Engineering Lead	Research Lead	Engineer/Planner/ GIS/graphics	TOTAL HOURS	TOTAL BUDGET	Outreach lead	Outreach support	TOTAL HOURS	TOTAL BUDGET	Principal	TOTAL BUDGET		
	\$240	\$230	\$135	\$115	\$190	\$150	\$115			\$195	\$105			\$140			
TASK 1 - Project Kick-off and Management																	
1.1 Kick-off Meeting, Final Work Plan & Schedule	2	12	24	8				46	\$7,400	12		12	\$2,340	4	\$60	\$10,300	
1.2 Ongoing Project Management	8	30	90	20				168	\$27,870	18		18	\$3,510	4	\$560	\$31,940	-\$2,636
1.3 Progress Reports & Invoicing		18	18					36	\$6,570	18		18	\$3,510	4	\$560	\$10,640	
TASK 2 - Existing Conditions																	
2.1 Collect and Organize Data		2	14	8			16	40	\$5,110			0	\$0		\$0	\$5,110	
2.2 Travel Patterns & Attitudes Survey	2	2	8	24			24	60	\$7,540			0	\$0		\$0	\$7,540	
2.3 Latent Demand	2	2	4	8			44	60	\$7,460			0	\$0		\$0	\$7,460	
2.4 Bicycle Network Analysis	2	2	4	8			44	60	\$7,460			0	\$0		\$0	\$7,460	
2.5 Collision Analysis	2	2	4			24	44	76	\$10,140			0	\$0		\$0	\$10,140	
2.6 Plan, Policy & Practices Review		2	16	8		2	24	52	\$6,600			0	\$0		\$0	\$6,600	
2.7 Existing Conditions Report	2	4	8	8			40	62	\$8,000			0	\$0		\$0	\$8,000	
TASK 3 - Outreach and Community Engagement																	
3.1 Community Engagement Strategy & Materials	1	4	8				40	53	\$6,840	16	40	56	\$7,320		\$0	\$14,160	
3.2 CBO Engagement		4	16				20	3,080		20	40	60	\$8,100		\$0	\$11,180	\$10,000
3.2 Public Workshops (3)	4	30	30				36	100	\$16,050	40	30	70	\$10,950	12	\$1,680	\$28,680	\$4,342
3.3 Project Presentations (10)		8	30				40	78	\$10,490	36	52	88	\$12,480		\$0	\$22,970	\$10,000
3.4 City BPAC Meetings (3)	3	12	24				24	63	\$9,480	15		15	\$2,925		\$0	\$12,405	
3.5 Bike Plan TAC Meetings (4)	3	16	24				24	67	\$10,400	15		15	\$2,925		\$0	\$13,325	
3.6 Online Outreach & Survey	2	4	16	40			140	202	\$24,260			0	\$0		\$0	\$24,260	\$10,000
3.7 Summary Outreach Reports (3)	2	6	15	8			48	79	\$10,325	20	20	40	\$6,000		\$0	\$16,325	
TASK 4 - Policy Recommendations																	
4.1 Best Practices Review: Policies	2	2	8			4	30	46	\$6,070	8	16	24	\$3,240		\$0	\$9,310	
4.2 Bicycling Co-Benefits Literature Review	2	2	8			4	30	46	\$6,070	8	16	24	\$3,240		\$0	\$9,310	
4.3 Policy Recommendations Memo	2	2	8			4	30	46	\$6,070			0	\$0		\$0	\$6,070	-\$3,538
TASK 5 - Bike Facility Recommendations																	
5.1 Matrix of Design Treatments	10	4		16	20	10	80	140	\$19,660			0	\$0	40	\$5,600	\$25,260	
5.2 Bikeway Study Network	10	4		40	10		30	94	\$13,270			0	\$0	40	\$5,600	\$18,870	
5.3 Identification of Facility Type	10	4		40	20		30	104	\$15,170			0	\$0		\$0	\$15,170	\$33,760
5.4 End-of-Trip Facilities	2	2		8			30	42	\$5,310			0	\$0		\$0	\$5,310	
5.5 Bikeshare System Improvements	2	2	8				30	42	\$5,470			0	\$0		\$0	\$5,470	
TASK 6 - Support Programs																	
6.1 Best Practices Review: Programs	2	8	8	8	2	4	40	72	\$9,900	8	16	24	\$3,240		\$0	\$13,140	
6.2 Program Recommendations Memo	2	8	8	8	2	4	40	72	\$9,900	8	16	24	\$3,240		\$0	\$13,140	-\$3,239
TASK 7 - Cost Estimates & Implementation Schedule																	
7.1 Project Prioritization	2	8	8	30			80	128	\$16,050			0	\$0		\$0	\$16,050	
7.2 Cost Estimates	2	10	8	20	20		80	140	\$19,160			0	\$0		\$0	\$19,160	
7.3 Implementation Schedule	4	8	10	30	8		60	120	\$16,020			0	\$0		\$0	\$16,020	\$2,677
7.4 Funding Strategy	2	8	8	16	10		40	84	\$11,740			0	\$0		\$0	\$11,740	
7.5 Conceptual Design	6	19	40	30	30		200	325	\$43,360			0	\$0	220	\$30,800	\$74,160	
TASK 8 - Draft Plan																	
8.1 Administrative Draft Plan	6	20	20	30			46	122	\$17,480	8		8	\$1,560		\$0	\$19,040	
8.2 Response to Comments	2	8	20	16			30	76	\$10,310	4		4	\$780		\$0	\$11,090	\$1,067
TASK 9 - Final Plan																	
9.1 Public Draft Plan (InDesign)	2	4	16				40	62	\$8,160			0	\$0		\$0	\$8,160	
9.2 Response to Comments	2	10	20	30			40	102	\$13,530	4		4	\$780		\$0	\$14,310	
9.3 Final Plan	2	10	20	14			40	86	\$11,690			0	\$0		\$0	\$11,690	\$7,735
Translation Services																\$20,000	-\$16,432
CBO Stipends																\$34,000	\$2,268
EMC Research Survey																\$50,000	
TOTAL HOURS	109	323	571	476	122	56	1614			258	246			324			
TOTAL BUDGET	\$26,160	\$74,290	\$77,085	\$54,740	\$23,180	\$8,400	\$185,610	\$449,465		\$50,310	\$25,830		\$76,140	\$45,360	\$45,360	\$674,965	\$56,004.27

Additional Services Exhibit

See the revised Scope of Services in Exhibit A above.