

**AMENDMENT NO. 1 TO THE AGREEMENT
FOR PROFESSIONAL SERVICES BETWEEN THE
CITY OF MANTECA AND MARK THOMAS & COMPANY, INC.**

This Amendment No. 1 (“Amendment”) to Agreement #C2023-118 (“Agreement”) between the City of Manteca and Mark Thomas & Company, Inc. is made and entered into this 7th day of December, 2023 by and between Mark Thomas & Company, Inc., a California corporation (“Consultant”) and the City of Manteca, a municipal corporation (“City”).

RECITALS

A. On September 27, 2023, the City of Manteca entered into an Agreement with Consultant to provide professional services for Design & Environmental Services for the Main Street Bike and Pedestrian Improvements Project CIP 20005.

B. City now desires to amend the Agreement in order to expand the scope of services to be undertaken by the Consultant.

C. Consultant represents that it has the necessary professional skills and experience to satisfactorily provide consulting services in a timely manner.

D. City desires to engage Consultant for the purposes of completing the scope of services identified.


NOW, THEREFORE, the parties hereby agree as follows:

1. Statement of Work. Attachment 1 to the Agreement is hereby amended to include the tasks set forth in Attachment 1 to this Amendment, attached hereto and incorporated herein by reference, “Statement of Work and Activities #2”.
2. Paragraph 4 of the Agreement is hereby amended to include:

Compensation for Amendment No. 1 services shall not exceed TWENTY FOUR THOUSAND THREE HUNDRED EIGHTY TWO DOLLARS & FORTY FIVE CENTS (\$24,382.45) without additional authorization from the City.
3. Except as otherwise provided in this Amendment, the Agreement shall continue in full force and effect.

TO EFFECTUATE THIS AMENDMENT, each of the parties has caused this Agreement to be executed by its duly authorized representative as of the date set forth in the introductory paragraph on page 1 above.

CITY OF MANTECA:



Toni Lundgren
City Manager

CONSULTANT:

Mark Thomas & Company, Inc.

(Type name of Consultant/form of organization)*

ATTEST:



Cassandra Candini-Tilton,
Director of Legislative Services

By: 


(Signature)
Zach Siviglia, President

(Type name and title)

COUNTERSIGNED:



Shay Narayan
Director of Finance

By: 

(Signature)
R. Matt Brogan, Secretary

(Type name and title)

COUNTERSIGNED:



Dawn Conesi, Nancy Branstien
Interim Director of Human Resources

Address: 701 University Avenue, Suite 200

Sacramento, CA 95825

Telephone: (916) 381-9100

APPROVED AS TO FORM:

L. David Nefouse, City Attorney

By: 

Daniella Green, Assistant City Attorney

ATTACHMENT 1

STATEMENT OF WORK AND ACTIVITIES #2

**MARK THOMAS**

October 20, 2023

23-00183

Kyzen Nicolas
Engineering Department
City of Manteca
1001 W. Center Street
Manteca, CA 95337

**RE: Manteca Main Street Bike and Ped Improvements, Additional Services Letter for
Pedestrian Hybrid Beacon Signal and Additional Curb Ramps**

Dear Mr. Nicolas:

Per your request, Mark Thomas & Company, Inc. (Mark Thomas) has prepared this additional services letter for the Main Street Bicycle and Pedestrian Improvements Project (Project). The anticipated design services included in the original scope of work were based on a budget of \$1.6 Million of local and Federal funds, as identified in the HSIP grant application, which are allocated for pavement resurfacing, restriping travel lanes, curb ramps, installing raised concrete medians and pedestrian median fences, and traffic signal modifications as identified in the Concept Plans provided with the RFP. Our scope of work encompasses civil and electrical design to prepare approved plans, specifications, and estimate (PS&E) for use by the City in bidding constructing the improvements.

Based on discussion at the project kick-off meeting on October 4, 2023, the City has requested the Mark Thomas design team provide design services, including preparation of PS&E for installation of Pedestrian Hybrid Beacons (PHB) system for the south crosswalk at the Main Street/Edison Street intersection to address recommendations from the City's recently approved Local Roadway Safety Plan. In addition, the City has requested design for reconstruction of curb ramps to comply with American's with Disabilities Act (ADA) standards at additional intersections not identified in the original scope of work. A detailed scope, budget and schedule to perform the additional services is below.

SCOPE OF SERVICES

TASK 1 – PEDESTRIAN HYBRID BEACONS AT THE MAIN ST/EDISON ST INTERSECTION

BEN|EN will prepare PS&E for installation of Pedestrian Hybrid Beacons (PHB) system for the south crosswalk at the Main Street/Edison Street intersection. The PHB system would



► October 20, 2023

include extinguishable “No Left Turn” signs. BEN|EN will submit PHB PS&E to the City of Manteca for review at 35% and 95% level. Any comments by the City will be incorporated into final PS&E.

In addition, BEN|EN will provide technical data such as electrical loading and voltage and assist the City in completing the PG&E application form for electric service.

TASK2 – ADDITIONAL CURB RAMP DESIGN

To complete design of the additional curb ramps, supplemental topographic surveys, base mapping, and construction detail sheets will be needed at the following locations:

- Main St/Argonaut St - Northwest and southwest corners. Existing ramps lack detectable warning surfaces and level landings.
- Main St/Jason St - Northeast and southeast corners. Existing ramps lack detectable warning surfaces and level landings.
- Main St/Joseph - Northwest and southwest corners. Existing ramps lack detectable warning surfaces and level landings.

Supplemental topographic surveys and base mapping will be completed at these locations based on the original scope of work for Task 3.2.

Curb ramp designs will be prepared for the locations described above and added to the 35%, 95% and Final PS&E packages for the Main Street Bicycle and Pedestrian Improvements Project. Up to two (2) additional construction detail sheets for curb ramp grading will be added to the plan sets.

DELIVERABLES

- PHB System Plans – Up to 2 sheets
- Topographic Base Mapping (20 Scale) at 6 additional intersection corners – AutoCAD Format
- Additional Construction Details for Curb Ramps – Up to 2 sheets

FEE ESTIMATE

Based on the attached Fee Proposal, the total contract budget will be increased by \$24,382.00 from \$303,818 to \$328,200. Budgets for design and construction support tasks may be redistributed as needed. Invoices will be submitted monthly on a time and materials basis.



► October 20, 2023

Thank you again for the opportunity to work with you on this project. If you have any questions, please contact me at (916) 215-2981.

Sincerely,
MARK THOMAS



Dan Blomquist, PE
Project Manager


Accepted:

Signature

Name/Title



COST PROPOSAL FOR: Manteca-Main Street Bike & Pedestrian Improvements (CO #1)

 MARK THOMAS								Subs		TOTAL COST
	Project Manager \$214	Project Engineer \$152	Design Engineer I \$115	Survey Manager I \$217	Project Surveyor II \$192	Survey Technician III \$136	Total Hours	Total MT Cost	Bennett Engineer	
1.0 PEDESTRIAN HYBRID BEACONS AT THE MAIN ST/EDISON ST INTERSECTION										
1.1 PHB Signal Design							0	\$0	11,837	\$11,837
Subtotal Phase 1	0	0	0	0	0	0	0	\$0	\$11,837	\$11,837
2.0 ADDITIONAL CURB RAMP DESIGN										
2.1 Supplemental Survey and Base Mapping			2	2	4	10	18	\$2,792	-	\$2,792
2.2 35% Plans, Specifications & Estimate	2	8	8				18	\$2,564	-	\$2,564
2.3 95% PS&E	2	24	24				50	\$6,835	-	\$6,835
Subtotal Phase 2	4	32	34	2	4	10	86	\$12,190	\$0	\$12,190
TOTAL HOURS	4	32	34	2	4	10	86			
Anticipated Salary Increases								\$0	\$355	\$355
OTHER DIRECT COSTS								\$0	\$0	\$0
TOTAL COST	\$856	\$4,862	\$3,910	\$434	\$768	\$1,360		\$12,190	\$12,192	\$24,382

ATTACHMENT 8

Cost Proposal 1

Cost Plus Fixed Fee or Lump Sum

Note: Mark-ups are Not Allowed



Prime Consultant



Subconsultant



2nd Tier Subconsultant

Consultant: **Mark Thomas & Company, Inc.**

Project No. _____

Contract No. _____

Date **10/20/2023**

DIRECT LABOR

Classification/Title	Name	Range	Hours	Actual Hourly Rate	Total
Principal	Matt Brogan	\$138 - \$165		\$ 174.42	\$ -
Sr. Engineering Manager		\$112 - \$148		\$ 137.82	\$ -
Engineering Manager		\$105 - \$126		\$ 115.69	\$ -
Design Manager		\$101 - \$126		\$ 115.69	\$ -
Sr. Project Manager	Dan Blomquist	\$75 - \$107		\$ 74.03	\$ -
Sr. Project Manager		\$75 - \$107		\$ 96.11	\$ -
Sr. Technical Lead		\$75 - \$107		\$ 96.11	\$ -
Project Manager		\$62 - \$88	4	\$ 77.61	\$ 310.44
Technical Lead		\$62 - \$88		\$ 77.61	\$ -
Sr. Project Engineer		\$56 - \$78		\$ 67.46	\$ -
Sr. Technical Engineer		\$56 - \$78		\$ 67.46	\$ -
Project Engineer	Arsalan Gharachorloo	\$50 - \$70	32	\$ 55.11	\$ 1,763.52
Project Engineer		\$50 - \$70		\$ 59.48	\$ -
Civil Engineering Designer		\$40 - \$67		\$ 56.94	\$ -
Design Engineer II		\$38 - \$62		\$ 51.50	\$ -
Design Engineer I		\$30 - \$52	34	\$ 41.71	\$ 1,418.14
Sr. Planner		\$38 - \$62		\$ 51.50	\$ -
Planner II		\$31 - \$53		\$ 42.80	\$ -
Planner I		\$28 - \$45		\$ 34.09	\$ -
Sr. Technician		\$40 - \$63		\$ 52.59	\$ -
Technician		\$23 - \$46		\$ 35.18	\$ -
Intern		\$17 - \$34		\$ 23.94	\$ -
Survey Division Manager		\$85 - \$126		\$ 115.33	\$ -
Survey Manager II		\$74 - \$96		\$ 87.77	\$ -
Survey Manager I		\$69 - \$89	2	\$ 78.70	\$ 157.40
Project Surveyor III		\$65 - \$91		\$ 80.51	\$ -
Project Surveyor II		\$60 - \$80	4	\$ 69.63	\$ 278.52
Project Surveyor I		\$52 - \$75		\$ 64.19	\$ -
Asst Surveyor III		\$45 - \$65		\$ 54.76	\$ -
Asst Surveyor II		\$41 - \$60		\$ 49.32	\$ -
Asst Surveyor I		\$35 - \$54		\$ 43.88	\$ -
Survey Specialist III		\$58 - \$87		\$ 76.53	\$ -
Survey Specialist II		\$45 - \$69		\$ 58.75	\$ -
Survey Specialist I		\$35 - \$56		\$ 45.70	\$ -
Lead Survey Technician		\$46 - \$67		\$ 56.94	\$ -
Survey Technician III		\$37 - \$60	10	\$ 49.32	\$ 493.20
Survey Technician II		\$34 - \$56		\$ 45.70	\$ -
Survey Technician I		\$19 - \$51		\$ 40.26	\$ -
Chief of Party (OE3)*		\$55 - \$73		\$ 62.02	\$ -
Instrumentperson (OE3)*		\$51 - \$67		\$ 56.58	\$ -

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Chainperson (OE3)*		\$48 - \$65		\$ 54.76	\$ -
Apprentice (OE3)*		\$28 - \$50		\$ 39.53	\$ -
2-Person Crew (OE3)*		\$103 - \$129		\$ 118.96	\$ -
3-Person Crew (OE3)*		\$133 - \$169		\$ 158.85	\$ -
Utility Locator (PW North)*		\$44 - \$60		\$ 49.32	\$ -
2-Person Utility Locate (PW North)*		\$90 - \$108		\$ 97.20	\$ -
Chief of Party (OE12)*		\$64 - \$84		\$ 73.26	\$ -
Instrumentperson (OE12)*		\$58 - \$77		\$ 66.01	\$ -
Chainperson (OE12)*		\$58 - \$75		\$ 64.19	\$ -
Apprentice (OE12)*		\$24 - \$50		\$ 39.53	\$ -
2-Person Crew (OE12)*		\$122 - \$148		\$ 137.46	\$ -
3-Person Crew (OE12)*		\$146 - \$186		\$ 175.54	\$ -
Utility Locator (PW South)*		\$62 - \$78		\$ 67.82	\$ -
2-Person Utility Locate (PW South)*		\$125 - \$148		\$ 137.46	\$ -
LAUD Division Manager		\$85 - \$104		\$ 93.93	\$ -
Sr. LAUD Project Manager		\$77 - \$99		\$ 88.13	\$ -
LAUD Project Manager		\$65 - \$87		\$ 76.53	\$ -
Sr. Landscape Architect		\$41 - \$70		\$ 59.12	\$ -
Landscape Architect		\$38 - \$64		\$ 53.68	\$ -
Landscape Designer II		\$33 - \$53		\$ 42.43	\$ -
Landscape Designer I		\$27 - \$45		\$ 34.09	\$ -
Landscape Intern		\$17 - \$34		\$ 23.94	\$ -
District Manager-Engineer		\$110 - \$133		\$ 122.22	\$ -
Deputy District Manager		\$97 - \$120		\$ 109.89	\$ -
Operations Manager		\$78 - \$106		\$ 95.38	\$ -
Sr. Sanitary Project Engineer		\$68 - \$95		\$ 84.87	\$ -
Sanitary Project Engineer		\$57 - \$85		\$ 74.71	\$ -
Associate Sanitary Engineer		\$54 - \$75		\$ 64.19	\$ -
Assistant Sanitary Engineer		\$48 - \$67		\$ 56.22	\$ -
Sr. Inspector*		\$42 - \$60		\$ 49.32	\$ -
Inspector*		\$34 - \$52		\$ 41.35	\$ -
Inspector - Apprentice*		\$21 - \$40		\$ 29.38	\$ -
Area Manager - CM		\$105 - \$145		\$ 134.19	\$ -
Division Manager - CM		\$105 - \$134		\$ 123.31	\$ -
Sr. Resident Engineer		\$90 - \$118		\$ 107.35	\$ -
Sr. Project Manager - CM		\$80 - \$112		\$ 101.91	\$ -
Project Manager - CM		\$72 - \$103		\$ 92.85	\$ -
Resident Engineer		\$72 - \$103		\$ 92.12	\$ -
Project Controls/Scheduler		\$53 - \$88		\$ 77.25	\$ -
Inspector - CM*		\$43 - \$88		\$ 77.61	\$ -
Asst. Resident Engineer*		\$55 - \$89		\$ 78.70	\$ -
Office Engineer		\$38 - \$66		\$ 55.85	\$ -
Office Technician		\$22 - \$40		\$ 29.38	\$ -
Expert Witness		\$170 - \$185		\$ 179.16	\$ -
Strategic Consulting		\$170 - \$185		\$ 179.16	\$ -
Funding Manager		\$88 - \$114		\$ 103.36	\$ -
Sr. Funding Specialist		\$52 - \$78		\$ 67.10	\$ -
Funding Specialist		\$38 - \$67		\$ 56.94	\$ -
Project Accountant Manager		\$55 - \$78		\$ 67.10	\$ -

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Sr. Project Accountant		\$41 - \$63		\$ 52.92	\$ -
Project Accountant		\$36 - \$57		\$ 46.79	\$ -
Sr. Project Coordinator		\$43 - \$63		\$ 52.59	\$ -
Project Coordinator		\$33 - \$52		\$ 41.71	\$ -
Sr. Project Assistant		\$34 - \$52		\$ 41.35	\$ -
Project Assistant		\$24 - \$42		\$ 31.92	\$ -
Sr. Technical Writer		\$35 - \$59		\$ 48.96	\$ -
Technical Writer		\$21 - \$42		\$ 31.92	\$ -
Sr. Graphic Manager		\$50 - \$73		\$ 62.74	\$ -
Sr. Graphic Designer		\$40 - \$64		\$ 53.68	\$ -
Graphic Designer		\$35 - \$56		\$ 45.70	\$ -

LABOR COSTS

a) Subtotal Direct Labor Costs	\$ 4,421.22
b) Anticipated Salary Increases (see page 2 for calculation)	\$ -
c) TOTAL DIRECT LABOR COSTS [(a) + (b)]	\$ 4,421.22

INDIRECT COSTS

d) Fringe Benefits (Rate: 95.61%)	e) Total Fringe Benefits [(c) x (d)]	\$ 4,227.13
f) Overhead & G&A (Rate: 55.05%)	g) Overhead [(c) x (f)]	\$ 2,433.88
h) General & Admin (Rate:)	i) Gen & Admin [(c) x (h)]	\$ -
	j) TOTAL INDIRECT COSTS [(e) + (g) + (i)]	\$ 6,661.01
FIXED FEE	k) TOTAL FIXED FEE [(c) + (j)] x fixed fee: 10%	\$ 1,108.22

l) CONSULTANT'S OTHER DIRECT COSTS (ODC) - ITEMIZE (Add additional pages if necessary)

Description of Item	Quantity	Unit	Unit Cost	Total
				\$ -

l) TOTAL OTHER DIRECT COSTS \$ -

m) SUBCONSULTANTS' COSTS (Add additional pages if necessary)

Subconsultant 1: Bennett Engineering	\$ 12,192.00
Subconsultant 2:	
Subconsultant 3:	
Subconsultant 4:	

m) TOTAL SUBCONSULTANTS' COSTS \$ 12,192.00

n) TOTAL OTHER DIRECT COSTS INCLUDING SUBCONSULTANTS [(l) + (m)] \$ 12,192.00

TOTAL COST [(c) + (j) + (k) + (n)] \$ 24,382.45

NOTES:

- Key personnel must be marked with an asterisk (*) and employees that are subject to prevailing wage requirements must be marked with two asterisks (**). All costs must comply with the Federal cost principles. Subconsultants will provide their own cost proposals.
- The cost proposal format shall not be amended. Indirect cost rates shall be updated on an annual basis in accordance with the consultant's annual accounting period and established by a cognizant agency or accepted by Caltrans.
- Anticipated salary increases calculation (page 2) must accompany.

ATTACHMENT 8

CALCULATIONS FOR ANTICIPATED SALARY INCREASES

Consultant Mark Thomas & Company

Project No. _____ Contract No. _____ Date 10/20/2023

1. Calculate Average Hourly Rate for 1st year of the contract (Direct Labor Subtotal divided by total hours)

Direct Labor Subtotal per Cost Proposal	Total Hours per Cost Proposal		Avg Hourly Rate	5 Year Contract Duration
\$ 4,421.22	86	=	\$ 51.41	Year 1 Avg Hourly Rate

2. Calculate hourly rate for all years (Increase the Average Hourly Rate for a year by proposed escalation %)

	Avg Hourly Rate		Proposed Escalation			
Year 1	\$ 51.41	+	5%	=	\$ 53.98	Year 2 Avg Hourly Rate
Year 2	\$ 53.98	+	5%	=	\$ 56.68	Year 3 Avg Hourly Rate
Year 3	\$ 56.68	+	5%	=	\$ 59.51	Year 4 Avg Hourly Rate
Year 4	\$ 59.51	+	5%	=	\$ 62.49	Year 5 Avg Hourly Rate

3. Calculate estimated hours per year (Multiply estimate % each year by total hours)

	Estimated % Completed Each Year		Total Hours per Cost Proposal		Total Hours per Year	
Year 1	40.00%	*	86.0	=	34.4	Estimated Hours Year 1
Year 2	30.00%	*	86.0	=	25.8	Estimated Hours Year 2
Year 3	30.00%	*	86.0	=	25.8	Estimated Hours Year 3
Year 4	0.00%	*	86.0	=	0.0	Estimated Hours Year 4
Year 5	0.00%	*	86.0	=	0.0	Estimated Hours Year 5
Total	100%		Total	=	86.0	

4. Calculate Total Costs including Escalation (Multiply Average Hourly Rate by the number of hours)

	Avg Hourly Rate (calculated above)		Estimated hours (calculated above)		Cost per Year	
Year 1	\$ 51.41	*	34	=	\$ 1,768.49	Estimated Hours Year 1
Year 2	\$ 53.98	*	26	=	\$ 1,392.68	Estimated Hours Year 2
Year 3	\$ 56.68	*	26	=	\$ 1,462.32	Estimated Hours Year 3
Year 4	\$ 59.51	*	0	=	\$ -	Estimated Hours Year 4
Year 5	\$ 54.12	*	0	=	\$ -	Estimated Hours Year 5
Total Direct Labor Cost with Escalation				=	\$ 4,623.49	
Direct Labor Subtotal before Escalation				=	\$ 4,421.22	
Estimated total of Direct Labor Salary Increase				=	\$ 202.27	Transfer to Page 1

NOTES:

1. This is not the only way to estimate salary increases. Other methods will be accepted if they clearly indicate the % increase, the # of years of the contract, and a breakdown of the labor to be performed each year.
2. An estimation that is based on direct labor multiplied by salary increase % multiplied by the # of years is not acceptable. (i.e. \$250,000 x 2% x 5 yrs = \$25,000 is not an acceptable methodology).
3. This assumes that one year will be worked at the rate on the cost proposal before salary increases are granted.
4. Calculations for anticipated salary escalation must be provided.

Certification of Direct Costs:

I, the undersigned, certify to the best of my knowledge and belief that all direct costs identified on the cost proposal(s) in this contract are actual, reasonable, allowable, and allocable to the contract in accordance with the contract terms and the following requirements:

1. Generally Accepted Accounting Principles (GAAP)
2. Terms and conditions of the contract
3. Title 23 United States Code Section 112 - Letting of Contracts
4. 48 Code of Federal Regulations Part 31 - Contract Cost Principles and Procedures
5. 23 Code of Federal Regulations Part 172 - Procurement, Management and Administration of Engineering and Design Related Service
6. 48 Code of Federal Regulations Part 9904 - Cost Accounting Standards Board (when applicable)

All costs must be applied consistently and fairly to all contracts. All documentation of compliance must be retained in the project files and be in compliance with applicable federal and state requirements. Costs that are noncompliant with the federal and state requirements are not eligible for reimbursement. Local governments are responsible for applying only cognizant agency or Caltrans accepted Indirect Cost Rate(s).

Prime Consultant or Subconsultant Certifying:

Name: R. Matt Brogan

Title *: Vice President

Signature: 

Date of Certification: 10/20/2023

Email: mbrogan@markthomas.com

Phone number: (916) 381-9100

Address: 701 University Avenue, Suite 200, Sacramento, CA 95825

* An individual executive or financial officer of the consultant's or subconsultant's organization at a level no lower than a Vice President or a Chief Financial Officer, or equivalent, who has authority to represent the financial information utilized to establish the cost proposal for the contract.

List services the consultant is providing under the proposed contract: