

**AMENDMENT NO. 2 TO
DESIGN SERVICES AGREEMENT
WITH RHA LANDSCAPE ARCHITECTS-PLANNERS, INC.**

This Amendment No. 2 to the Design Services Agreement is made and entered into as of August 2, 2023 ("Effective Date"), by and between the City of San Bernardino, a charter city and municipal corporation ("City") and RHA Landscape Architects-Planners, Inc., a California corporation ("Designer"). City and Designer are sometimes referred to herein individually as a "Party" and collectively as "Parties."

RECITALS

A. WHEREAS, the City and the Designer have entered into an agreement, dated, March 3, 2021, for the professional design of the Nicholson Neighborhood Park Project (the "Original Agreement").

B. WHEREAS, the City and Designer entered into Amendment No. 1 to the Original Agreement, dated August 3, 2022, which extended the term of the Original Agreement, added additional services, and increased the not-to-exceed amount to provide compensation for those additional services.

C. WHEREAS, the Parties now desire to amend the Original Agreement in order to include additional services, extend the term of the Original Agreement, and to provide compensation for the additional services.

NOW, THEREFORE, in consideration of the above recitals and the mutual covenants, conditions, and promises contained in this Amendment No. 2 and the Original Agreement, as previously amended, the Parties mutually agree as follows:

AGREEMENT

1. Incorporation of Recitals. The recitals listed above are true and correct and are hereby incorporated herein by this reference.

2. Services. The Services, as that term is defined in the Original Agreement, are hereby amended to include additional services related to the Nicholson Neighborhood Park Improvements Project. The additional services are more fully described in Exhibit "A-2", attached hereto to this Amendment No. 2 and incorporated herein by this reference.

3. Amendment to Section 3.1.2 of the Original Agreement. Section 3.1.2 of the Original Agreement shall be amended to read as follows:

"3.1.2 Term. The term of this Agreement shall be from March 03, 2021 to December 30, 2023, unless earlier terminated as provided herein. Designer shall complete the Services within the term of this Agreement, and shall meet any other established schedules and deadlines."

4. Compensation. The total not to exceed compensation amount shall be increased by Forty-Seven Thousand Three Hundred Dollars and Zero Cents (\$47,300.00) increasing the total not to exceed compensation amount from to Four Hundred Twelve Thousand Five Hundred Forty-Five Dollars and Zero Cents (\$412,545.00) to Four Hundred Fifty-Nine Thousand Eight Hundred Forty-Five Dollars

and Zero Cents (\$459,845.00).

5. Full Force. Except as amended by this Amendment No. 2, all provisions of the Original Agreement, as previously amended, including without limitation the indemnity and insurance provisions, shall remain in full force and effect and shall govern the actions of the Parties under this Amendment No. 2.

6. Electronic Transmission. A manually signed copy of this Amendment No. 2 which is transmitted by facsimile, email or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original executed copy of this Amendment No. 2 for all purposes. This Amendment No. 2 may be signed using an electronic signature.

7. Counterparts. This Amendment No. 2 may be signed in counterparts, each of which shall constitute an original.

[SIGNATURES ON FOLLOWING PAGE]

**SIGNATURE PAGE TO
AMENDMENT NO. 2 TO
DESIGN SERVICES AGREEMENT
WITH RHA LANDSCAPE ARCHITECTS-PLANNERS, INC.**

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment No. 2 on the Effective Date first herein above written.

CITY OF SAN BERNARDINO

DESIGNER

APPROVED BY:

**RHA LANDSCAPE ARCHITECTS-
PLANNERS, INC.**

Charles E. McNeely
Charles E McNeely,
Interim City Manager

Doug Grove
Signature
Doug Grove

APPROVED AS TO FORM:

Name
President
Title

Thomas Rice
Best Best & Krieger LLP
City Attorney

EXHIBIT A-2

SCOPE OF ADDITIONAL SERVICES

[ATTACHED]



AUTHORIZATION FOR ADDITIONAL WORK

TO: Okan Demirci, PE QSD/P
 City of San Bernardino
 Public Works Department
 201 North E Street 2nd Floor
 San Bernardino, CA 92401

Date: 6.13.2023
Project: Nicholson Neighborhood
 Park Improvements
RHA Project No. 21112
Authorization No. Project 8754

Dear Okan,

RHA Landscape Architects-Planners, Inc. has developed the following scope of services and fee schedule for landscape architectural services required on the Nicholson Park project. These services are being provided to you in addition to the original contract at your request.

Scope of Services

- 1) At the direction of the City of San Bernardino the Landscape, that were at 100% complete are being revised. City directed cost cutting measures which included the removal of the parking lot along Meridian Ave., the Pickleball courts, EV parking stalls had to be moved, fencing and walkways revised, and the irrigation redesigned.
- 2) Civil Engineering drawings that were at 100% complete are required to be revised. Revisions include grading for removal of the parking lot along Meridian Ave., the pickleball courts, fencing and walkways revisions. Additional work included modifications to the storm drains, hydrology study, and WQMP report.
- 3) Electrical Engineering drawings that were at 100% complete are required to be revised. Revisions include lighting and electrical for removal of the parking lot along Meridian Ave., moving of the EV stalls, removal of the pickleball court lighting and walkway lighting revisions.

Fee

1)	RHA Landscape Architectural Fees	\$ 8,500
2)	DBA Engineering Fees	\$29,000
3)	JCA Electrical engineering Fees	\$ 9,800
Total Additional Fees		\$47,300

Nicholson Park Project
Okan Demirci

June 13, 2023
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This additional work authorization is an addendum to the existing contract. The terms and conditions of the original contract are applicable to this addendum. Subsequent to your review of the above referenced scope of services, please sign and return this form to RHA Landscape Architects-Planners, Inc. A PDF version via email is sufficient.

Cordially,
RHA Landscape Architects-Planners, Inc.

Authorized by:
City of San Bernardino



Greg Meek

By: _____

Date: _____