

**AMENDMENT NO. 6 TO AGREEMENT A3741G  
BETWEEN THE SANTA CLARA VALLEY WATER DISTRICT  
AND ERROL L. MONTGOMERY & ASSOCIATES, INC.**

This Amendment No. 6 (Amendment), effective as of the date it is fully executed by the Parties, amends the terms and conditions of the Standard Consultant Agreement No. A3741G (Agreement) dated July 2, 2014 as amended by Amendment No.1 dated February 9, 2016, Amendment No. 2, dated May 22, 2017, Amendment No. 3 dated June 12, 2018, Amendment No. 4 dated November 19, 2018, and Amendment No. 5 dated January 7, 2019 between SANTA CLARA VALLEY WATER DISTRICT (District) and ERROL L. MONTGOMERY & ASSOCIATES, INC. (MONTGOMERY & ASSOCIATES; Consultant), collectively, the Parties.

**RECITALS**

**WHEREAS**, Consultant has been performing professional services relating to a Groundwater Charge Zone Study; and

**WHEREAS**, the project budget is adequate to complete work under Tasks 1 through 5 and supplemental services under Task 6 previously authorized by Task Order, but no budget would be available to support unanticipated work; and

**WHEREAS**, additional work may be needed to support Valley Water Board of Directors consideration of proposed groundwater zones and/or zone implementation; and

**WHEREAS**, unanticipated work related to zone consideration and/or implementation will likely need to be expedited, requiring funding for related tasks to be available; and

**WHEREAS**, the Parties desire to increase the not-to-exceed amount allocated to Task 6 Supplemental Services to cover any unanticipated work.

**NOW, THEREFORE**, in consideration of the mutual promises and agreements stated herein and notwithstanding any provision to the contrary stated in the Agreement, Amendment No. 1, Amendment No. 2, Amendment No. 3, Amendment No. 4, or Amendment No. 5, District and Consultant hereby agree to amend the Agreement as follows:

1. In the Revised Appendix Two, Fees and Payments, Sections II Total Authorized Funding & III Cost Breakdown, to state as follows:

**"II. TOTAL AUTHORIZED FUNDING. (REVISED)**

Total payment for Services performed, as described in the Schedule(s) will not exceed a total amount of \$613,547 (Not-to-Exceed Fees or NTE). Consultant guarantees that it will complete the Scope of Services within this \$613,547 NTE. Under no conditions will the total compensation to the Consultant exceed this fixed fee payment amount without prior written approval in the form of an amendment to this Agreement executed by the District's Board of Directors (Board), or Chief Executive Officer, or designee, as authorized by the Board.

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**III. COST BREAKDOWN (REVISED)**

The NTE total compensation of this Agreement consists of the following task fee breakdown. No services will be performed or fees paid by the District to the Consultant for Supplemental Services without prior written authorization by the District as stated in Revised Appendix One, Scope of Services.”

**COST BREAKDOWN\***

<b>Task</b>	<b>Description</b>	<b>Original Total NTE Fees</b>	<b>Amendment No. 3 NTE Fee</b>	<b>Amendment No. 6 NTE Fee</b>	<b>Revised Total NTE Fee</b>
1	Project Management	\$70,352	\$8,064	\$0	\$78,416
2	Charge Zone Criteria and Study Methodology	\$56,930	\$0	\$0	\$56,930
3	Stakeholder Process	\$95,455	\$0	\$0	\$95,455
4	Groundwater Charge Zone Evaluation	\$123,550	\$0	\$0	\$123,550
5	Groundwater Charge Zone Boundaries and Final Study Report	\$19,986	\$0	\$0	\$19,986
6	Supplemental Services**	\$45,743	\$143,467	\$50,000	\$239,210
<b>Total Not-to-Exceed Amount</b>		<b>\$412,016</b>	<b>\$151,531</b>	<b>\$50,000</b>	<b>\$613,547</b>

Note: \*No additional NTE fees were added under amendments 1, 2, 4, or 5.

\*\*No services will be performed or fees paid to the Consultant for any Supplemental Services without prior written authorization in the form of an executed Task Order issued by the District as described in Task 6 of Appendix One of the Agreement.

2. In the Revised Appendix Two, Fees and Payments, Section Hourly Rate Schedule, to state as follows:

<b>Classification</b>	<b>Original Hourly Rate</b>	<b>Effective Rate July 1, 2018 Amendment No. 3</b>	<b>Effective Rate 12/10/2019 Amendment No. 5</b>	<b>Effective Rate 12/10/2019 Amendment No. 6*</b>
<b>Errol L. Montgomery &amp; Associates, Inc.</b>				
Derrick Williams, Scientist 8	\$215	\$225	\$225	-
Cameron Tana, Scientist 7	\$195	\$210	\$210	-
Georgina King, Scientist 6	\$185	\$200	\$200	-
Senior Hydrologist/Hydrogeologist 1-2	\$160-\$175	\$165-\$180	-	-
Hydrologist/Hydrogeologist 3-4	\$125-\$150	\$135-\$150	-	-
Hydrologist/Hydrogeologist 1-2	\$100-\$115	\$105-\$120	-	-

Groundwater Charge Zone Study  
Final Amendment No. 6 to Agreement A3741G  
Ver: 2/10/2020

CAS File No. 4528

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Office Support	\$65	\$80	\$80	-
GIS/Data Specialist	-	-	\$135	-
Scientist 5 (Sr. Hydrogeologist 2)	-	-	\$180	-
Scientist 4 (Hydrogeologist 4)	-	-	\$150	-
Scientist 3 (Hydrogeologist 3)	-	-	\$135	-
Scientist 2 (Hydrogeologist 2)	-	-	\$120	-
Scientist 1 (Hydrogeologist 1)	-	-	\$105	-
<b>The Catalyst Group, Inc.</b>				
Charles Gardiner, Principal	\$180	\$205	\$205	-
Linadria Porter, Project Manager	\$130	\$145	\$145	-
Nicholas Dewar, Facilitator	\$180	\$205	\$205	-
<b>Towill Inc.</b>				
Frank Borges, Senior Project Manager	\$167.79	\$204	\$204	-
Associate Surveyor			-	\$155
Survey Technician	\$109.43	\$124	\$124	-
Senior Land Surveyor	-	-	\$204	-
Senior Project Manager	-	-	-	\$200
Project Surveyor	-	-	\$172	-
Instrument Person	-	-	-	\$136
CADD Technician	-	-	\$128	-
Party Chief	-	-	\$147	-
Chain Person	-	-	\$128	-
Geomatics Principal	-	-	\$204	-
Geomatics Analyst	-	-	\$124	-
Apprentice	-	-	-	\$116
Project Coordinator	-	-	-	\$98
Project Assistant	-	-	-	\$77

Note: Additional Classifications (effective 12/10/2019) approved via letter to Consultant issued February 5, 2020

3. All other terms and conditions of Agreement A3741G, Amendment No.1, Amendment No. 2, Amendment No. 3, Amendment No. 4, and Amendment No. 5 not amended as stated herein, remain in full force and effect.

*(SIGNATURES FOLLOW ON NEXT PAGE)*

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**IN WITNESS WHEREOF, THE PARTIES HAVE SET FORTH BELOW THEIR CONSENT TO THE TERMS AND CONDITIONS OF THIS AMENDMENT NO. 6 TO AGREEMENT NO. A3741G THROUGH THE SIGNATURES OF THEIR DULY AUTHORIZED REPRESENTATIVES.**

**SANTA CLARA VALLEY WATER DISTRICT**

District


**ERROL L. MONTGOMERY &  
ASSOCIATES, INC.**

Consultant

By:

\_\_\_\_\_  
Nai Hsueh  
Chair, Board of Director

By:

  
\_\_\_\_\_  
Cameron Tana, P.E.  
Consultant Project Manager

Date:

\_\_\_\_\_

Date:

  
\_\_\_\_\_  
February 14, 2020

ATTEST:

\_\_\_\_\_  
Michele King CMC  
Clerk/Board of Directors

Firm Address:  
1550 East Prince Road  
Tucson, AZ 85719

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