

**SECOND AMENDMENT TO AGREEMENT NO. 39000-22-R076842
BETWEEN THE COUNTY OF SAN MATEO AND CSW STUBER STROEH ENGINEERING GROUP
INC. TO AUTHORIZE MODIFICATIONS TO THE AGREEMENT**

THIS SECOND AMENDMENT TO THE AGREEMENT, entered into this 28th day of June, 2022, is by and between the County of San Mateo, a political subdivision of the State of California, hereinafter called "County," and CSW Stuber Stroeh Engineering Group, Inc., hereinafter called "Contractor". When referenced together hereinafter, the entities are collectively referred to as "Parties".

W I T N E S S E T H:

WHEREAS, pursuant to Government Code, Section 31000, County may contract with independent contractors for the furnishing of such services to or for County or any Department thereof;

WHEREAS, as authorized by County Board Resolution No. 076842, on or about August 6, 2019, the Parties entered into Agreement No. 39000-20-R076842 (the "Agreement") by which Contractor agreed to provide services for the County Parks Department ("Parks Department") including preparing plans, designs, environmental documents, and permit applications for potential coastal public access improvements and natural resource protection (the "Project") at the Tunitas Creek Beach Property (the "Property"), for the term of August 6, 2019, through August 6, 2022, in the amount not-to-exceed \$939,470; and

WHEREAS, consistent with the authority granted to the Parks Department by the County's Board of Supervisors through Board Resolution No. 076842, on or about March 9, 2020, the Parties entered into the First Amendment to the Agreement to increase the maximum compensation paid by the County to Contractor under the Agreement by \$10,400, to a not-to-exceed amount of \$949,870; and

WHEREAS, on or about March 31, 2022, the Parties discussed expanding the Agreement's Scope of Work to include additional services necessary to prepare and complete the Project; and

WHEREAS, the Parties therefore wish to amend the Agreement's Scope of Work: (1) to add additional outreach support related to the COVID-19 pandemic; (2) to include additional environmental surveys required to support the CEQA mitigated negative declaration; (3) to field assessment of water conditions and design a rate water extraction system; (4) to develop a septic system to treat wastewater on site; (5) to coordinate and design the undergrounding of overhead conductors with PG&E, AT&T, and Comcast; (6) to complete topographic surveys to illustrate the existing site conditions; and (7) to include technical surveys and design support for environmental mitigation; and

WHEREAS, to add these additional services to the Agreement, the Parties desire to enter into a Second Amendment to the Agreement: (1) to revise the Agreement’s Scope of Work to include additional services to the Project as mentioned above; (2) to increase the maximum compensation payable to Contractor by \$166,000, to a total not-to-exceed amount of \$1,115,870; and (3) to extend the term of the Agreement an additional fourteen (14) months to December 31, 2023; with all other terms of the Agreement unchanged.

NOW, THEREFORE, IT IS HEREBY AGREED BY THE PARTIES HERETO AS FOLLOWS:

1. Section 3 (“Payment”) of the Agreement, as amended, is amended to read as follows:

In no event shall County’s total fiscal obligation under this Agreement exceed ONE MILLION ONE HUNDRED FIFTEEN THOUSAND EIGHT HUNDRED AND SEVENTY DOLLARS (\$1,115,870).

2. Section 4 (“Term”) of the Agreement, as amended, is replaced in its entirety to read as follows:

Subject to compliance with all terms and conditions, the term of this Agreement shall be from August 6, 1019, through December 31, 2023.

3. The “Scope of Services” in Exhibit “A” of the Agreement, as amended, is amended to add the following:

TASK 7: ADDITIONAL SERVICES

7.1

Bat Consulting Services As required by the CEQA IS-MND, our team will retain Greg Tatarian to perform the following services:

- A. **Surveys.** Greg Tatarian will provide a single, daytime site visit to conduct a visual survey of the exterior and safely accessible interior spaces of the residence for signs of maternity season use by either Townsend’s big-eared bat (*Corynorhinus townsendii*) or pallid bat (*Antrozous pallidus*). To maximize potential for observation of maternity season roosting activity, the survey will be conducted between May 22 and July 31 when maternity colonies are expected to be present.

No night emergence surveys are proposed, however disturbance to any bats roosting inside the structure will be minimized through the use of infrared light and night vision equipment, and if a maternity colony is observed, the interior survey will be immediately concluded.

During the survey, observations of the existing conditions of the structure and any observed roost locations will be utilized to develop specific measures to prevent direct mortality of bats. We will provide a written report within 7 business days of completion of the field work that will detail methods, results, and recommendations. We will also include a reference to designs of a large replacement roost structure to be developed under Task 2. Cost is separate from Task 7.1b and Task 7.2, below.

- B. **Specific Recommendations for Measures to Prevent Direct Mortality of Bats.** Based on the results of the exterior and interior survey of the building, specific measures to prevent direct mortality of roosting bats resulting from subsequent demolition of the structure will be added to our report of the daytime maternity season building survey. Examples of such measures could include one or a combination of methods such as humane eviction, partial dismantling, and/or deterrent measures, which will be detailed in our report using annotated photos and drawings of the structure. Additional measures such as on-site monitoring by a qualified bat biologist during these activities will also be discussed.
- C. **Bat Habitat Design and Collaboration.** The team will collaborate to create a design for a replacement bat roost structure that provides suitable roost characteristics and openings to support use by Townsend's big-eared bats, the limiting species due to their primary use of large, open space roosts. This will include framing and foundation plans depicted in layout, elevation, and sections.

7.2

Rare Plant Surveys. As required by the CEQA IS-MND, our team will retain LSA to perform the following services

- A. **Survey.** LSA biologists will conduct two appropriately timed focused plant surveys within the proposed development footprint (and 50-foot buffer area along the project and trail boundaries) to determine if special-status plants are present. The surveys will be conducted in accordance with Mitigation Measure BIO-1 of the Initial Study/Mitigated Negative Declaration for the project, which lists 24 special-status plants as potentially occurring at the site, including the coastal marsh milk-vetch, which was recorded at the site in 2004. Inaccessible areas that are dominated by dense coastal scrub, riparian scrub, and other vegetation will not be surveyed due to access limitations.

These areas of dense vegetation are less likely to support special-status plants, since the special status plants that could occur at the site are understory herbaceous plant species that inhabit open areas within the coastal scrub and are not likely to occur within the dense scrub vegetation. The surveys are tentatively scheduled for late April/early May and mid-

June, 2022. The results of the plant surveys will be provided within a letter report, which will include a map of any special-status plants found during the surveys.

- B. **Cultural Resources.** Should the field survey require ground disturbance, LSA will provide an archeological monitor as required in Mitigation Measure CULT-1A. We will summarize the results of the monitoring in a report. This assumes up to two days of monitoring and no findings of cultural resources.

7.3

Alternatives Refinement. In our initial approach, our team was to develop three alternatives for Tunitas Creek Beach. However, project stakeholders sought additional clarity and refinements for the proposed park development. Our team revised documents on seven occasions to satisfy comment, which included both detailed design and illustrative concepts.

7.4

Water Testing and System Design. The new ranger residence must have a source of reliable potable water to allow its development. Through discussions with the County's Planning and Building Department, the residence must have an adequate water supply. Our analysis concluded the only viable source is Tunitas Creek. Thus, our team will retain Water Solutions to complete field testing of water quality within Tunitas Creek to develop a system to treat the raw water to potable standards. This will include the design of intake, pumps, tanks, as well as system including filters and ultraviolet system. In addition, we will secure permits from the RWQCB to serve the site.

7.5

Septic System Design. The initial plan did not anticipate creating an onsite septic system. However, in discussions with the County's Planning and Building Departments, this will be required. Our team will develop the design and secure permits for the underground septic system.

7.6

Overhead Conversion. The proposed project requires the undergrounding of overhead conductors along State Route 1. Our team initiated the undergrounding effort and is currently coordinating with PGE, ATT, and Comcast for their infrastructure. We will integrate the information into a joint trench composite drawings for use in construction.

7.7

Field Surveys. Our proposal indicated that field surveys would be considered an additional expense. In developing the design, we determined that additional topographic surveys were critical to establishing the locations of trees and other resources within the project area. During this task, our field surveyors will visit the site to collect data, which we will integrated into the base mapping.

7.8

Outreach Support. Our team and stakeholder finalized the engagement plan and prepared to host the first community meeting at the onset of COVID-19. This required a shift in effort from an in-person to online strategy. This process included the following events:

- A. Online survey to determine how folks may want to use Tunitas Creek Beach May 2020.
- B. Existing conditions and results from the online survey July 2020.
- C. A second survey related to design preferences July 2020
- D. Virtual community meetings in English and Spanish October 2020 regarding what is important to stakeholders
- E. An online presentation summarizes updates to the design and a survey regarding prefers.
- F. A community presentation in January 2021 related to the preferred project.
- G. Presentations to both the Parks Commission and Board of Supervisors in February 2021.
- H. A community open house in October 2021 at Tunitas Creek Beach

7.9

Other Support. We recommend providing an additional contingency to account for additional design services related to structural, electrical, or mechanical components for the project.:

7.10

SCHEDULE

The existing agreement commenced on August 6, 2019, and end on August 6, 2022. We anticipate the project will be completed in accordance with the following revised schedule:

Task	Completion
Secure Planning Approval	June 2022
Secure Building Permits	September 2022
House Demolition	Fall 2022
Park Improvement Bid	Fall 2022
Park Construction	March 2023 to September 2023

4. Exhibit “B” (“Payments and Rates”) of the Agreement, as amended, is amended to add the following:



TUNITAS CREEK BEACH PARK
TABLE 1. REQUEST TO MODIFY CONTRACT ALLOWANCE

03.31.2022

Task	Description	CSW ST2		WRT		LSA		Water Solutions		Greg Tatarian		Total
		Hours	Fee	Hours	Fee	Hours	Fee	Hours	Fee	Hours	Fee	
1	Bat Consulting Services	55	\$ 9,000	0		0		0		38	\$ 6,000	\$ 15,000
2	Rare Plant Surveys	0		0		100	\$ 18,000	0		0		\$ 18,000
3	Alternatives Refinement	139	\$ 23,000	246	\$ 43,000	0		0		0		\$ 66,000
4	Water Testing and System Design	133	\$ 22,000	0		0		219	\$ 35,000	0		\$ 57,000
5	Septic System Design	121	\$ 20,000	0		0		0		0		\$ 20,000
6	Overhead Conversion	194	\$ 32,000	0		0		0		0		\$ 32,000
7	Field Surveys	145	\$ 24,000	0		0		0		0		\$ 24,000
8	Outreach Support	30	\$ 5,000	103	\$ 18,000	0		0		0		\$ 23,000
9	Other	0		0		0		0		0		\$ 20,000
	Total	818	\$ 135,000	349	\$ 61,000	100	\$ 18,000	219	\$ 35,000	38	\$ 6,000	\$ 275,000

TUNITAS CREEK BEACH PARK
TABLE 2. REVISED CONTRACT BUDGET SUMMARY

Consultant	Total Budget	Total Cost	Budget Remaining	Budget Transfer	Additional Allowance
CSW ST2	\$ 346,270.00	\$ 375,769.67	\$ (29,499.67)	\$ 70,020.00	\$ 64,980.00
WRT	\$ 332,000.00	\$ 312,003.00	\$ 19,997.00	\$ 21,000.00	\$ 40,000.00
LSA	\$ 106,100.00	\$ 53,643.00	\$ 52,457.00	\$ (30,000.00)	\$ -
CE&G	\$ 63,500.00	\$ 28,182.28	\$ 35,317.72	\$ -	\$ -
Greg Tatarian	\$ -	\$ -	\$ -	\$ -	\$ 6,000.00
Water Solutions	\$ -	\$ -	\$ -	\$ -	\$ 35,000.00
Other	\$ 102,000.00	\$ -	\$ 102,000.00	\$ (61,020.00)	\$ 20,000.00
Total	\$ 949,870.00	\$ 769,597.95	\$ 180,272.05	\$ -	\$ 165,980.00

TUNITAS CREEK BEACH PARK
TABLE 3. DISTRIBUTION OF FUNDS BY TASK

Task	Task Title	Coastal Conservancy Grant	Invoiced to Date	Remaining Funds	Transfer	Additional Allowance	Revised Remaining Budget
1	Opportunities and Constraints Assessment	\$101,820	\$100,145	\$1,675.50	(\$1,676)		\$0
2	Alternatives Analysis	\$280,340	\$278,235	\$2,104.67	(\$2,104.67)		(\$0)
3	Schematic Design	\$159,030	\$148,258	\$10,772.50	(\$10,773)		\$0
4	Environmental Review & Permitting	\$88,510	\$39,493	\$49,017.50	(\$30,000)		\$19,018
5	Final Design	\$223,340	\$217,940	\$5,400.00	\$44,553	\$165,980	\$215,933
6	Bidding and Construction Support	\$83,330		\$83,330.00	\$0		\$83,330
7	Other Consultant Expenses	\$13,500	\$9,457	\$4,042.78	\$0		\$4,043
8	Grant Management	\$0		\$0.00	\$0		\$0
TOTAL		\$949,870	\$793,527	\$156,343	\$0	\$165,980	\$322,323

5. All other terms and conditions of the Agreement between County and Contractor dated August 6, 2019, except as amended by the First Amendment to this Agreement and/or this Second Amendment to the Agreement, shall remain in full force and effect.

In witness of and in agreement with this Agreement's terms, the parties, by their duly authorized representatives, affix their respective signatures:

For Contractor: [CSW STUBER STROEH ENGINEERING GROUP, INC.]

Robert
Stevens
Contractor Signature

Digitally signed by Robert
Stevens
Date: 2022.06.23 09:57:34
-07'00'

06/23/22
Date

Robert Stevens
Contractor Name (please print)



For County:

COUNTY OF SAN MATEO

By:

President, Board of Supervisors, San Mateo County

Date:

ATTEST:

By:

Clerk of Said Board