

**AMENDMENT NO. ONE TO AGREEMENT BETWEEN THE COUNTY OF SAN
MATEO AND ENVIRONMENTAL SCIENCE ASSOCIATES FOR
ENVIRONMENTAL SERVICES FOR THE ALPINE ROAD TRAIL
IMPROVEMENTS PROJECT**

THIS AMENDMENT NO. ONE to that certain Agreement, dated January 27, 2015, by and between the COUNTY OF SAN MATEO, hereinafter called "County," and ENVIRONMENTAL SCIENCE ASSOCIATES., hereinafter called "Consultant," and, is entered into this _____ day of _____, 2016.

W I T N E S S E T H:

WHEREAS, the County and Consultant entered into an Agreement to prepare environmental documentation and permitting services on January 27, 2015 for the Alpine Road Trail Improvements Project (Project); and

WHEREAS, the cost of the environmental documentation, studies, permitting, and construction support services for the Project will exceed the not-to-exceed amount provided in the Agreement; and

WHEREAS, the County and Consultant wish to amend the Agreement to increase the not-to-exceed amount by \$85,000 to \$385,000; and

WHEREAS, Amendment No. One to the Agreement is needed for the additional cost to complete the design of the project, respond to regulatory agency requests for additional information and environmental analysis, adjust the permitting approach, and provide construction support. The estimated Consultant staff time and associated costs for Amendment No. One are indicated in Exhibit "A" attached hereto.

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

1. The not-to-exceed amount as stated Section 3 and in Exhibit "B" of the Agreement shall be \$385,000 based upon Exhibit "A," Request for Additional Services Budget and Fees for Amendment No. One, attached hereto.
2. All other terms and conditions of the Agreement dated January 27, 2015, between the County and Consultant shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto, by their duly authorized representatives, have affixed their hands.

COUNTY OF SAN MATEO

By: _____
President, Board of Supervisors, San Mateo County

Date: _____

ATTEST:

By: _____
Clerk of Said Board

Environmental Science Associates


Consultant's Signature

Date: 4/27/16

Long Form Agreement/Business Associate v 8/19/08



550 Kearny Street
Suite 800
San Francisco, CA 94108
415.896.5900 **phone**
415.896.0332 **fax**

www.esassoc.com

April 7, 2016

Carter Choi and Krzysztof Lisaj
County of San Mateo, Department of Public Works
555 County Center, 5th Floor
Redwood City, CA 94063-1665

Subject: Alpine Road Trail Request for Additional Services

Dear Carter and Krzysztof:

This letter responds to your request for a scope and budget to provide additional professional environmental compliance and engineering services in support of the Alpine Road Trail Improvements Project. As discussed, this letter identifies environmental permitting work performed to date that is beyond the scope of the existing agreement, as well as additional work that has been requested by County staff and/or is expected to be required by permitting agencies prior to permit issuance. In addition, this letter includes a number of additional engineering support services identified by County staff as necessary to support the County's bid and construction administration processes. A detailed scope of work and cost estimate for these services is provided below.

Scope of Additional Services

Environmental Permitting Services

In the interest of maintaining schedule early in the design phase, despite regulatory agency non-responsiveness to requests for input, County staff directed the ESA team to move forward with design, environmental review, and permitting. The project, now in the 90% design phase, has completed the environmental review process and regulatory agency permit applications have been submitted. U.S. Army Corps of Engineers (Corps) and U.S. Fish and Wildlife Service (USFWS) staffers that did not to provide early input into the design, environmental review, and permitting phases, and who were not involved in the previous permitting effort, have now become engaged in the process.

This has resulted in additional effort required to educate Corps and USFWS staffers about the project, respond to requests for additional background information and analysis, and adjustments to the permitting approach. This has also had a ripple effect through other permit applications. In response, and under County staff's direction, ESA has proceeded with this work and drawn upon existing contract budget assigned to other tasks in order to fund this work, identified below as Task 1a.

Task 1a - Additional Permitting Services Completed

Additional out-of-scope environmental permitting services performed to date include, but are not limited to:

- Drafting correspondence to regulatory agency staff on behalf of County staff,



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- Preparing for and participating in calls with County and Corps staff to address Corps' late comments on permitting approach,
- Preparing for and participating in calls with County and USFWS staff to address USFWS questions regarding project description and extent of effects,
- Conducting additional technical analysis concerning temporary and permanent impacts to Waters of the U.S. in response to Corps staff's determination and information requests, and
- Revising the RWQCB and CDFW permit applications following Corps determination that the project would have both temporary and permanent impacts on waters of the U.S.

As evidenced by the recent correspondence from the Corps and the U.S. Fish and Wildlife Service staffs regarding permitting approach, extent of effects, and potential compensatory mitigation requirements, and given the lack of engagement from Regional Water Quality Control Board (RWQCB) and California Department of Fish and Wildlife (CDFW) staffs following submittal of permit applications in March, additional agency coordination will be required for the next several months. Finally, County staff has requested ESA serve as the County's designated agent for the Corps permitting process. The types of general services we expect will be required are identified below as Task 1b. Unfortunately, our remaining existing contract budget is insufficient to continue to provide these services which are beyond the scope of that contract.

Task 1b - Additional Permitting Services Anticipated

Additional out-of-scope environmental permitting services likely to be necessary in the coming days, weeks, and months include, but are not limited to:

- Serving as the County's designated Agent for the Corps Section 404 permit,
- Responding to future information requests from regulatory agency staff, including performance of additional technical analyses and graphics production,
- Supporting County staff in future teleconference calls with regulatory agency staff,
- Supporting County staff during one additional site visit with regulatory agency staffers to discuss project impacts and mitigation.

Task 1c - Prepare Fish Rescue Plan (Optional Task)

As an optional service, ESA will prepare a Fish Rescue Plan in conformance with the fisheries conservation measures identified in the Biological Assessment prepared for the National Marine Fisheries Service (NMFS). ESA staff will obtain dewatering plan information from the contractor and develop a fish rescue plan for work at Sites 2 and 3 that specifies the protocols that will be followed to rescue and relocate steelhead from habitats during dewatering and to safely handle and transport steelhead to pre-determined release sites. In addition, the plan will



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identify measures to minimize streamflow changes downstream of any sites that need to be dewatered. The plan will also specify the minimum necessary qualification of the fish biologists conducting these activities. This scope of work provides for ESA staff's response to one round of consolidated comments from NMFS and CDFW.

Table 1 presents a summary of the costs associated with Tasks 1a and 1b. As requested, we have divided these costs among those that have been incurred to date (Task 1a) and those that are anticipated through completion of the environmental permitting process (Task 1b). As the table indicates, we estimate the costs associated with this work to be approximately \$37,000, the majority of which (approximately \$25,000) is to support future work (Task 1b). The fee for Optional Task 1c, which is not included in the above estimate, would be \$4,250.

It is important to note that, due to the uncertainty of the regulatory process at this stage (where the permit applications are in the hands of the regulatory agencies and the process is largely beyond the control of the County and ESA), the list and costs for Task 1b represent our best estimate. However, unforeseen circumstances may arise that necessitate additional ESA staff time and effort. For example, in the interest of maintaining schedule, we are moving forward with 90%- and 100%-complete designs. The latest plans contain design refinements based upon further technical analyses and direction from County staff. However, these refinements do not include input from the permitting agencies. While not expected, should agency staff require substantial changes to the design at this stage, additional funds would be required to address those changes.

Engineering Services

In addition to the above environmental permitting services, County staff has requested a cost estimate for performance of various engineering services to support the project's bidding and construction administration processes. The list of bidding and construction administration services identified by County staff as potentially requiring ESA's support are listed below as Tasks 2a and 2b.

Task 2a - Bidding Services

- Attending a pre-bid meeting in field,
- Issuing addenda, and
- Responding to Requests for Information (RFI's)

Task 2b - Construction Administration Services

- Attending a pre-construction meeting,
- Reviewing shop drawings submitted by Contractor,
- Issuing addenda,
- Responding to RFI's,



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- Attending up to 10 site meetings to answer technical questions regarding creek restoration/environmental design,
- Attending a final walk-through,
- Preparing a final punch list (in coordination with BKF), and
- Preparing as-built drawings of improvements (in coordination with BKF).

Table 1 presents the estimated costs of performing the identified engineering support services. As the table indicates, we estimate a cost of approximately \$30,000 to complete this work. This estimate includes about \$4,400 for Bidding Services (Task 2a) and roughly \$25,500 for Construction Support (Task 2b). We assume the County would provide its own construction inspector/manager. In addition to the services requested, ESA staff is available to provide daily observation or inspection, preparation of change orders or record drawings, permitting compliance and/or post-construction monitoring, as needed.

Fee Estimate

Table 1 provides a summary of costs associated with performance of the above-described work. As the table indicates, we estimate the total cost of primary scope items to be \$66,770. Given the difficulty estimating the exact level of effort associated with the future work identified herein, we would provide these services on a time-and-materials basis as requested by the County. Finally, as also noted in the table, the cost of Optional Task 1c (Fish Rescue Plan), which is not included in the primary scope budget, would be \$4,250.

TABLE 1. FEE ESTIMATE SUMMARY

Alpine Road Trail Additional Permitting and Engineering Services	
Task 1a. Additional Permitting Services Completed	\$ 12,560
Task 1b. Additional Permitting Services Anticipated	\$ 24,285
Task 2a. Bidding Services	\$ 4,420
Task 2b. Construction Administration Services	\$ 25,505
Total Project Cost	\$ 66,770
<i>Optional Task 1c. Prepare Fish Rescue Plan</i>	<i>\$ 4,250</i>
Total Project Cost with Optional Task 1c	\$ 71,020



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In summary, we appreciate the opportunity to submit this scope and budget for additional services to support implementation of this important project. We enjoy working with your team and look forward to helping the County see this project through to fruition. Should you have any questions, please do not hesitate to call or email.

Sincerely,

A handwritten signature in blue ink, appearing to read "Elijah Davidian". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Elijah Davidian
Project Manager
415-896-5900
edavidian@esassoc.com

A handwritten signature in black ink, appearing to read "Alisa Moore". The signature is cursive and elegant, with a prominent loop at the end.

Alisa Moore
Project Director/Contract Manager
415-896-5900
amoore@esassoc.com