

T. Y. Lin International

SECOND AMENDMENT TO AGREEMENT FOR SERVICES #551-S1411

THIS SECOND AMENDMENT to that Agreement for Services #551-S1411 made and entered into by and between the County of El Dorado, a political subdivision of the State of California (hereinafter referred to as "County"), and T. Y. Lin International, a corporation duly qualified to conduct business in the State of California, whose principal place of business is 345 California Street, San Francisco, California 94104, and whose local office address is 1601 Response Road, Suite 260, Sacramento, California 95815, and whose mailing address is Department CH 16981, Palatine, Illinois 60055-6981 (hereinafter referred to as "Consultant");

RECITALS

WHEREAS, Consultant has been engaged by County to provide environmental and engineering services for the Bucks Bar Road at the North Fork Cosumnes River – Bridge Replacement Project for its Community Development Agency pursuant to Agreement for Services #551-S1411, dated July 15, 2014, and First Amendment to Agreement for Services #551-S1411, dated October XX, 2016, incorporated herein and made by reference a part hereof (herein after referred to as "Agreement");

WHEREAS, the parties hereto desire to amend the Agreement to add additional items of work to the Scope of Work, amending ARTICLE I, Scope of Services, and adding Exhibit A-2, Additional Scope of Work;

WHEREAS, the parties hereto desire to amend the Agreement to increase the not-to-exceed compensation amount of the Agreement by \$670,054.13, and to add a new rate schedule, including additional staff positions for the extended term of the Agreement, amending ARTICLE III, Compensation for Services, adding Amended Exhibit B, Amended Rate Schedule, and replacing Exhibit C, Cost Proposal*, with Amended Exhibit C, Amended Cost Proposal;

NOW, THEREFORE, in consideration of the foregoing and the mutual promises and covenants hereinafter contained, County and Consultant mutually agree to amend the terms of the Agreement in this Second Amendment to Agreement on the following terms and conditions:

- I. Exhibit A, Scope of Work, is amended to include Exhibit A-1, marked "Amended Scope of Work," and Exhibit A-2, marked "Additional Scope of Work," attached hereto and incorporated herein by reference. All references to Exhibit A in ARTICLE I, Scope of Services, and throughout the Agreement shall read Exhibit A, Exhibit A-1, and Exhibit A-2.
II. Exhibit C, Cost Proposal*, is replaced in its entirety with Amended Exhibit C, marked "Amended Cost Proposal," attached hereto and incorporated herein by

reference. All references to Exhibit C throughout the Agreement are substituted with Amended Exhibit C.

III. ARTICLE III, Compensation for Services, paragraphs two (2), six (6), seven (7), and ten (10) of the Agreement are amended in their entirety to read as follows:

For the period beginning July 15, 2014, the effective date of the Agreement, and continuing through the day before the effective date of this Second Amendment to the Agreement, for the purposes hereof, the billing rates shall be in accordance with Exhibit B, marked "Rate Schedule," incorporated herein and made by reference a part hereof.

For the period beginning with the effective date of this Second Amendment to the Agreement and continuing through the remaining term of the Agreement, for the purposes hereof, the billing rates shall be in accordance with Amended Exhibit B, marked "Amended Rate Schedule," incorporated herein and made by reference a part hereof. The billing rates specified in the Agreement shall include direct salary cost, employee benefits, overhead and fee, as applicable. Subconsultant services, if any are authorized herein, shall be invoiced at Consultant's cost, without markup, for the services rendered. Any invoices that include subconsultant costs shall be accompanied by backup documentation to substantiate Consultant's cost for the subconsultant services being billed.

For the purposes of budgeting the items of work identified in Exhibit A, Exhibit A-1, and Exhibit A-2, the maximum allowable billing amounts for each item of work are described in Amended Exhibit C. The amounts indicated in Amended Exhibit C represent the composition of the total not-to-exceed budget for the Project. In the performance of the scope of services to be provided under this Agreement, Consultant may request to reallocate the expenses listed in Amended Exhibit C among the various Scope of Work tasks and items of work, Other Direct Costs, and Optional Tasks identified therein (not including subconsultants), subject to County's Contract Administrator's written approval. Consultant may request to reallocate the amounts listed herein for its subconsultants among each individual subconsultant's tasks or items of work (subconsultant direct costs), Optional Tasks, and subconsultant's Other Direct Costs and not among the various subconsultants, subject to County's Contract Administrator's written approval. In no event shall the total not-to-exceed amount of the Agreement be exceeded.

The total amount of this Agreement, including all of the services detailed in Exhibit A, Exhibit A-1, and Exhibit A-2, including the Optional Tasks and Additional Optional Tasks, if any, which may be assigned, and inclusive of all work of subconsultants, costs, expenses, and Work Orders shall not exceed \$1,353,128.47. It is understood and agreed that there is no guarantee that this amount will be authorized under this Agreement through Work Orders.

Consultant shall attach copies of any progress reports required under the provisions of ARTICLE VII, Progress Reports, herein, that relate to the services being billed to every invoice submitted for payment under the terms of this Agreement. Copies of documentation attached to invoices shall reflect Consultant's charges for the specific services billed on those invoices. Invoices shall be mailed to County at the following address:

County of El Dorado
Community Development Agency
Transportation Division
2441 Headington Road
Placerville, California 95667
Attn: Stephanie Lisius
Administrative Technician

or to such other location as County directs.

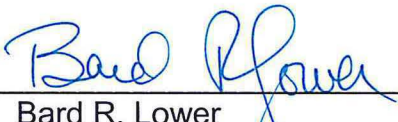
Except as herein amended, all other parts and sections of Agreement for Services #551-S1411, as amended, shall remain unchanged and in full force and effect.

Requesting Contract Administrator Concurrence:

By: 
John Kahling, P.E.
Deputy Director, Engineering
Headington Engineering Unit
Transportation Division
Community Development Agency

Dated: 11/16/16

Requesting Division Concurrence:

By: 
Bard R. Lower
Transportation Division Director
Community Development Agency

Dated: 11/16/16

Requesting Department Concurrence:

By: 
Roger Niello
Interim Director
Community Development Agency

Dated: 11/17/16

IN WITNESS WHEREOF, the parties hereto have executed this Second Amendment to Agreement for Services #551-S1411 on the dates indicated below.

-- COUNTY OF EL DORADO --

By: 
Ron Mikulaco, Chair
Board of Supervisors
"County"


Dated: 12/13/16

Attest:
James S. Mitrison
Clerk of the Board of Supervisors

By: 
Deputy Clerk

Dated: 12/12/16

-- T. Y. LIN INTERNATIONAL --

By: 
William Mark Ashley
Senior Vice President
Director West Region
"Consultant"

Dated: 11/8/16

By: 
Veronica Fennie
Chief Accounting Officer

Dated: November 4, 2016

T. Y. LIN INTERNATIONAL

Exhibit A-2

Additional Scope of Work

Project Understanding

The purpose of this Amendment is to respond to Caltrans' determination that additional environmental technical studies, mainly cultural resource studies, are needed for the Project. The additional Items of Work below involve performing or updating the needed environmental studies to determine potential environmental impacts of the Project and preparing the Draft Environmental Document. This Amendment provides for a higher level of CEQA/NEPA document in the form of an Environmental Impact Report/Environmental Assessment (EIR/EA).

Project History

A CEQA Initial Study/ Mitigated Negative Declaration (IS/MND) was prepared and publically circulated from July 22, 2015 to August 21, 2015. The IS/MND evaluated County's preferred 40 mph design speed replacement alternative consisting of a cast-in-place (CIP) pre-stressed (PS) single span concrete box girder bridge.

Eight (8) comment letters were received from members of the public and regulatory agencies during the public review period. The most significant of the comment letters were associated with cultural resources. The remaining comments related to the following general resource topics:

- Noise (construction and operations, demolition);
- Aesthetics/ Visual; and
- Traffic.

After consulting with Caltrans, County decided to prepare a CEQA EIR to further assess the environmental impacts of the Project. Based on the comment letters, Caltrans determined that additional documentation and research was needed to meet the requirements of Section 106 of the National Historic Preservation Act of 1966 as amended (NHPA) and its implementing regulations (36 CFR Part 800), the National Environmental Policy Act of 1969 as amended (NEPA), Assembly Bill AB 52, and other applicable historic preservation statutes. In a letter dated December 2, 2015, Caltrans outlines the Section 106 cultural resource compliance efforts to date and provides guidance on completing the Section 106 process. Caltrans decided that the cultural resource site needed to be formally evaluated for the National Register of Historic Places (NRHP). Previously, the cultural studies assumed the site was eligible for listing on the NRHP. Depending on the results of the technical studies, Caltrans indicated the Project could be categorically excluded from NEPA or that a NEPA Environmental Assessment/ Finding of No Significant Impact would be required.

Regulatory Context for Section 106 Cultural Resource Studies

Regulatory procedures for Section 106 of the NHPA at 36 CFR 800.4 (c)(1) require that any previously unevaluated properties within an area of potential effects (APE) of an undertaking must be evaluated to determine if they are eligible for the National Register of Historic Places (NRHP) and in this case, as a Traditional Cultural Property (TCP) as outlined in National Register Bulletin 38 and as a Tribal Cultural Resource (TCR) as defined in AB 52. National Register Bulletin 38 delineates the four (4) steps to determine eligibility of a site as a TCP as follows:

1. Ensure that the entity under consideration is a property;
2. Consider the property's integrity;
3. Evaluate the property with reference to the National Register Criteria; and
4. Determine whether any of the National Register criteria considerations (36 CFR 60.4) make the property eligible.

The National Register criteria for evaluation of a Project site includes the quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, sentiment, and association, as well as meeting the following criteria:

- A. That are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. That are associated with the lives of persons significant in our past; or
- C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. That have yielded or may be likely to yield, information important in prehistory or history.

Discussion of Additional Technical Studies

Cultural Resources/ Section 106 Efforts Needed:

- Given the new information, Caltrans determined that County must hire an ethnographer who meets the professional qualification as outlined in *Appendix II of the National Register Bulletin 38: Guidelines for Evaluating and Documenting Traditional Cultural Properties*.
- The ethnographer shall be expected to conduct interviews with local Native American tribes and individuals and use pertinent data in evaluating the resource for the NRHP. This involves examination of documents and records concerning Native American tribes land use consultation (ethnographic research) and (ethnohistoric research).
- The results of the studies shall be included in the following documents submitted to Caltrans for review and approval:
 - Updated Area of Potential Effects (APE), if applicable;
 - Archaeological Survey Report (ASR) XPI Report;
 - Historic Property Survey Report (HPSR) - a summary document; and
 - Cultural Resource Evaluation Report.
- If the Cultural Resource Evaluation Report determines that any of the sites in the Project area are eligible for listing in the National Register, Consultant shall prepare a Finding of Effects (FOE) document describing the specific effects of the Project on any resources determined eligible for listing in the National Register.
- If the FOE determines that the Project would have an adverse effect on an eligible resource and that effect cannot be avoided or sufficiently minimized, then County will need to prepare a Section 106 Memorandum of Agreement (MOA) laying out the

measures that will be implemented to minimize or mitigate the adverse effects on the historic property.

- If the Project is determined to have an adverse effect on cultural resources that are protected under Section 4(f) of the National Transportation Act, such as listed or eligible built environment resources or archaeological resources that warrant preservation in place, Consultant shall complete a Section 4(f) document providing proof that there are no prudent and feasible alternatives.

PROJECT ALTERNATIVES

County has evaluated a range of rehabilitation and replacement alternatives for the Project. The additional CEQA/NEPA document shall revisit and evaluate the following alternatives:

- Rehabilitate (widen) by adding a parallel single lane bridge structure; or
- Replacement designs based on different design speeds, including:
 - 30 mph Replace on (approximately) current alignment;
 - 35 mph Replacement with a single span; or
 - 40 mph Replacement (preferred alignment) with a single span.

The widen/rehabilitate alternative would retain the existing design speed of approximately 20 mph. The widen/rehabilitate alternative would likely add a parallel single lane structure for northbound traffic. The current bridge would handle southbound traffic. The 30 mph design speed replacement alternative keeps the road close to the existing alignment. A 35 mph design speed alternative was also considered. The 40 mph design speed was determined to be a better option rather than the 35 mph design speed for constructability purposes.

The replacement bridge type could be constructed as a single, two (2), or three (3) span structure. County's preference is a single span structure that avoids the placement of abutments or piers in the North Fork Cosumnes River. A two (2) span structure would require a pier in the middle of the River and a three (3) span structure would likely place two (2) piers within the ordinary high water mark of the River.

The Scope of Work below outlines the additional Items of Work, tasks, and subtasks that are necessary for the successful development of the CEQA EIR/ NEPA EA for the Project.

Task 1: Project Management

Item of Work 1.3: Project Management Plan, Schedule, Invoices and Quality Control

Consultant shall coordinate with County's Project Manager and design team to obtain or exchange data, develop design alternatives, attend Project Development Team (PDT) meetings, and discuss scheduling implications of environmental regulations. Frequent coordination meetings and/or conference calls with County and the design team shall be required on an on-going basis to make decisions about scope, Project direction/approach, schedule, and management of stakeholders. Consultant assumes one half (1/2) hour long teleconference with County and the PDT every other week for the duration of the Project. Consultant shall attend County's Board of Supervisors hearing for the Project.

Consultant shall assist the PDT to coordinate, plan, organize, and facilitate two (2) public meetings to keep the community updated on the Project, receive input and comments, and comply with environmental process requirements. Notification for all public meetings shall comply with the requirements set forth in Caltrans Project Development Procedure Manual

(PDPM) Chapter 11 – Public Hearings. The first public meeting shall occur during the public comment period of Draft EIR with the objective of gathering public/agency comments on the content of the Draft EIR/EA. The second meeting shall be the Public Hearing to consider the Final EIR/EA.

Deliverables:

- Attendance and participation in two (2) public meetings.
- Schedule Updates, Invoices, and quality control reviews.
- One (1) monthly status update (Progress Report) to County with each monthly invoice.
- On-going Project management and administration of PDT and Project direction.

Task 2: Preliminary Engineering and Environmental

ENVIRONMENTAL TECHNICAL STUDIES

Item of Work 2.6 - Project Information Review/ Preliminary Information Study Update

The Preliminary Environmental Study (PES) identifies technical studies, coordination, and permits required to complete NEPA in accordance with Chapter 6 of the Caltrans Local Assistance Procedures Manual. If required, the current, signed PES shall be revised based on changes to the cultural resources site boundary referred to by the designation “CA-ELD-49”. Consultant shall review and update the PES as needed and coordinate with Caltrans to get the revised PES approved.

Deliverable:

- Revised PES submitted to Caltrans.

Schedule:

- Revised PES shall be submitted within one (1) month from Notice to Proceed.

Item of Work 2.7 - Section 106 Documentation Updates

Consultant shall review and revise the APE map, the ASR, the HRER, the HPSR and Environmentally Sensitive Area (ESA) Action Plan, as applicable. The revised documents shall address the proposed Project alternatives as applicable. This item of work also includes time for review of the draft EIR cultural sections and coordination regarding the proposed Section 106 Ethnographic Study.

Deliverables:

- Draft and Final Revised APE, ASR, HRER, HPSR, and ESA Action Plan.

Schedule:

- Draft and Final Revised APE, ASR, HRER, HPSR, ESA Action Plan, and Section 106 documentation updates shall be submitted within six (6) months from Notice to Proceed

Item of Work 2.8 - Cultural Resources Investigations

Consultant shall complete the following cultural/ ethnographic studies to satisfy the requirements of Section 106 of the National Historic Preservation Act, NEPA, CEQA, AB 52, and other applicable historic preservation statutes as determined by Caltrans.

- **Item of Work 2.8.1 - Cultural Resource Evaluation – Regulatory Context and Native American Consultation**

The cultural resource evaluation shall require both consultation with knowledgeable individuals and ethnographic research. The objective of ethnographic consultation in determining eligibility of the site is to identify resources that may be eligible for the NRHP and the potential as a TCP within the Project's APE. Consultant shall complete the following steps required for the evaluation:

1. Seeking information from consulting parties, other individuals and organizations likely to have knowledge of, or concerns with, historic properties in the area, and identify issues relating to the undertaking's potential effects on historic properties;
2. Gathering information from Native American groups which may be of religious and cultural significance to them and may be eligible for the National Register;
3. During the consultation process, certain Native American representatives with knowledge of the site shall be considered Cultural Advisors. An individual Cultural Advisor who meets with the ethnographic researchers at the site will be compensated for its time and mileage. No compensation shall be provided for regular cultural committee meetings or participation on phone calls. Consultant assumes no more than fifteen (15) Cultural Advisor meetings shall occur on site.
4. Investigating the sun/shadow concerns at the site; and
5. In consultation with SHPO and Native American groups that attach religious and cultural significance to identified properties and guided by the Secretary of the Interior's Standards and Guidelines for Evaluation, applying the National Register criteria (36 CFR part 63) and as a TCP as outlined in the National Register Bulletin 38, to properties identified within the Project's APE.

In order to gather information pertaining to the eligibility of the site CA-ELD-49 as a TCP, and as outlined in National Register Bulletin 38, consultation with knowledgeable individuals is necessary. Consultant shall draft consultation letters and submit them to the organizations identified on the list provided by the Native American Heritage Commission. Consultant shall conduct follow-up phone calls within two (2) weeks of the letter submittal and request meetings with applicable tribal councils or representatives. These meetings shall provide an opportunity for consultation with knowledgeable individuals. Information shall be obtained for the archaeological sites as well as cultural resources that may not be archaeologically evident such as sacred sites or traditional cultural properties. This involves examination of documents and records concerning Native American tribe land use (ethnohistoric research) and consultation (ethnographic research).

Deliverables:

- Cultural resources evaluation and Native American consultation findings report.

Schedule:

- Cultural resources evaluation and Native American consultation findings report shall be submitted to County within five (5) months of the Notice to Proceed.

- **Item of Work 2.8.2 - Cultural Resource Evaluation – Ethnographic Research**

Consultant shall conduct archival research of resources that may contain information pertinent to the TCP evaluation of the site. There are numerous sources of published

and unpublished resources and photographs at the Pacific Legacy library, California repositories, and State and National archives that shall be used for the research.

Local archival sources shall include, but not be limited to, the California State Library and the State Archives, in Sacramento, County's Library and County Administrative records in Placerville, and University of California, Davis. In addition to the State Library in Sacramento, Bay Area archives contain a wealth of historical and ethnographic information, much of which is housed at the Bancroft Library at University of California, Berkeley and the California State Library, Sutro Library branch in San Francisco.

Not included in this budget is examination of the National Archives in Washington, D.C. It is possible that this information may be available at local or state sources. If research at the National Archives is deemed necessary, a budget shall be prepared and submitted to County's CA for this task.

Deliverables:

- Ethnographic research report.

Schedule:

- Ethnographic research report shall be submitted to County within five (5) months of the Notice to Proceed.

• **Item of Work 2.8.3 - Cultural Resource Evaluation – TCP Evaluation Report**

Consultant shall prepare a report of findings that shall evaluate cultural resources in the Project area that may be of religious and cultural significance to Northern Sierra Native American tribes to determine eligibility for listing in the NRHP, CRHR, and potentially as a TCP as defined in the National Register Bulletin 38 or TCR as defined in AB 52.

Historical information regarding land ownership obtained from County and State archives should document the nature of historical land use. Consultant shall trace and document when and how the Native American tribes resided in the Project area, and the types of land use that were practiced on and around the Project area; including, specific landscapes, sentimental areas, social events, and residential localities.

Deliverables:

- Draft and Final TCP Evaluation Reports.

Schedule:

- Draft TCP Evaluation Report shall be submitted to County within one (1) month of completion of Items of Work 2.8.1 and 2.8.2. County will have two (2) weeks to review and comment. Draft TCP Evaluation shall be submitted to Caltrans for review and comments.
- Final TCP Evaluation Report shall be submitted one (1) month after receipt of Caltrans comments.

• **Item of Work 2.8.4 - Cultural Resource Evaluation – Finding of Effects Report (FOE)**

If the cultural resource evaluation – TCP Evaluation Report determines that sites within the Project area are eligible for listing in the NRHP, Consultant shall prepare a Finding of Effect Document (FOE) Report describing the specific effects of the Project on any resources determined to be eligible for listing in the NRHP.

Deliverables:

- Draft and Final FOE Report, if applicable.

Schedule:

- Draft FOE Report shall be submitted to County within three (3) months of completion of Item of Work 2.8.3.
- Final FOE Report shall be submitted to County within one (1) month of receipt of comments from County.

• **Item of Work 2.8.5 - Cultural Resource Evaluation – Memorandum of Agreement (MOA)**

If Caltrans determines that the Project shall have an adverse effect on the qualities that make the resource eligible for listing based on the FOE, the Project proponents must make all efforts to avoid or minimize the harm. If the adverse effect cannot be avoided, Consultant shall prepare a Memorandum of Agreement (MOA). The MOA shall lay out the measures that shall be implemented to minimize or mitigate the adverse effects to the site and establish responsibility for implementing each of the measures.

Deliverables:

- Draft and Final MOA.

Schedule:

- Draft MOA shall be submitted to County within one (1) month of completion of Item of Work 2.8.4.
- Final MOA shall be submitted to County within one (1) month of receipt of comments from County.

• **Item of Work 2.8.6 - Section 4(f)**

If Caltrans determines that a Section 4(f) evaluation is necessary, Consultant shall prepare a Section 4(f) Report. Section 4(f) of the Department of Transportation Act (1966), like Section 106 of the Historic Preservation Act, requires the consideration of a transportation project's effect on historic properties. The eligibility criteria for listing a resource on the NRHP, the boundaries delineation of the resource, and its contributing or non-contributing elements under Section 106 are also critical to determining the applicability of Section 4(f), and the outcome of a Section 4(f) evaluation. Even though each of the statutes requires separate compliance, the two (2) laws shall be addressed in a concurrent and coordinated research effort. The compliance documents, including the FOE for Section 106 and Section 4(f) Evaluation shall also be coordinated in their preparation for presentation to the agencies of jurisdiction, including Caltrans, State Historic Preservation Officer, Advisory Council on Historic Preservation, and FHWA.

Deliverables:

- Draft and Final Section 4(f) Report, if applicable.

Schedule:

- Draft Section 4(f) Report shall be submitted to County within three (3) months of completion of Item of Work 2.8.5.
- Final Section 4(f) Report shall be submitted to County within one (1) month of receipt of comments from County.

Item of Work 2.9 - Natural Environment Study Report Addendum Update

Consultant shall update the existing Natural Environment Study (NES) Addendum #1 that was sent to Caltrans on August 26, 2015. The temporary construction footprint and permanent impacts may vary between the Project alternatives. Consultant shall conduct biological studies

in the Project area. The NES shall incorporate the results of biological studies and summarize coordination efforts with the resource agencies. The NES shall describe the existing biological environment and how the Project affects that environment, and provide the technical information concerning plants, animals and natural communities occurring in the Project study area.

Literature Research/ Coordination: The literature research shall include a query of the California Natural Diversity Data Base (CNDDDB) for a list of special-status species and habitats that occur in the vicinity of the Project site and obtain a list from the USFWS of federal-listed species that could potentially be affected by the Project.

Field Survey: Consultant shall conduct fieldwork to determine if any changes have occurred in the Project area since the time of the last NES Update. The field review shall determine the potential for occurrence of special-status species and sensitive habitats.

NES Addendum Update: The draft and Final NES Addendum Update shall evaluate any new Project alternatives and potential Project impacts and incorporate resource agency comments. Consultant shall prepare avoidance, minimization, and mitigation measures as needed.

Deliverable:

- Draft and Final NES Addendum Update with Alternatives.

Schedule:

- Final NES Addendum Update shall be submitted to County within two (2) months from Notice to Proceed.

Item of Work 2.10 - Update CEQA Air Quality and Greenhouse Gas Analysis

The proposed Project alternatives do not increase the capacity of Bucks Bar Road. Consultant shall review and revise the existing air quality and GHG Analysis included in the previously prepared CEQA IS/MND. As recommended in the El Dorado County AQMD Guide to Air Quality Assessment, construction emissions shall be estimated for the Project using the Sacramento Metropolitan Air Quality Management District's current Road Construction Emissions Model (RCEM), Version 7.1.5.1. The RCEM was developed to estimate emissions from linear project types including road and bridge construction. The RCEM shall be used to model the construction emissions associated with the various proposed alternatives for the Project.

Deliverables:

- Draft and Final Updated CEQA Air Quality and GHG Analysis.

Schedule:

- Draft and Final Updated CEQA Air Quality and GHG Analysis shall be submitted to County within three (3) weeks from Notice to Proceed.

Item of Work 2.11 - CEQA/ NEPA Documentation

The assumed CEQA/ NEPA documentation required for the Project is an Environmental Impact Report/Environmental Assessment (EIR/EA). Consultant assumes this is the appropriate documentation for this Project due to substantial evidence supporting a fair argument that this Project may have a significant impact on the environment. This document shall be prepared pursuant to Caltrans Standard Environmental Reference (SER) standards as a joint CEQA/NEPA document including the following components:

- **Item of Work 2.11.1 - Notice of Preparation & Notice of Completion:** Consultant shall prepare the Notice of Preparation (NOP) using County's preferred format in accordance with section 15082 of the CEQA guidelines. The NOP shall be

posted with County's Recorder-Clerk and the State Clearinghouse (SCH) to begin the thirty (30) day public review period. Consultant shall prepare the Notice of Completion (NOC) to accompany the NOP.

Deliverables:

- Draft NOP and Draft NOC.

Schedule:

- Draft NOP and Draft NOC shall be completed within seven (7) weeks after the completion of Item of Work 2.
- Public review shall be an additional thirty (30) days following the completion of the Draft NOP and Draft NOC.

- **Item of Work 2.11.2 – Administrative Draft EIR/EA and Environmental Document Review Checklist:**

Consultant shall prepare an Administrative Draft CEQA EIR/ NEPA EA (EIR/EA) that incorporates the purpose and need of the Project, the Project description, and the results from the technical studies. The Administrative Draft EIR/EA shall address the Human Environment, Physical Environment, Biological Environment, and Cumulative Impacts. The Administrative Draft EIR/EA shall determine if the Project shall have any significant impacts on the environment under both State and Federal standards, identify potential mitigation measures for such impacts, if any, and determine if the mitigation measures shall reduce all impacts below a level of significance. The Administrative Draft EIR/EA shall include a locally-preferred alternative that shall be circulated to the public. After the public circulation period, a preferred alternative shall be selected by the PDT for the Final EIR/EA. Consultant shall also prepare the required Environmental Document Review Checklist for submittal to Caltrans.

Deliverables:

- Administrative Draft EIR/NEPA EA and Environmental Document Review Checklist.

Schedule:

- Administrative Draft CEQA EIR/NEPA EA and Environmental Document Review Checklist shall be submitted to County and Caltrans four and one half (4.5) months following the completion of Items of Work 2.7, 2.8.4, 2.8.6, 2.9, 2.10, and 2.11.1.

- **Item of Work 2.11.3 - Notice of Availability and Circulation of the Draft EIR/EA:**

Following approval of the Administrative Draft EIR/EA by County and Caltrans, Consultant shall circulate the Draft EIR/EA for public review for a period of forty-five (45) days. Consultant shall coordinate the preparation of the distribution list with County and Caltrans.

Pursuant to CEQA requirements Consultant shall prepare a Notice of Availability for the Draft EIR/EA pursuant to CEQA requirements. The Notice of Availability, along with the Draft EIR/EA and technical studies, shall be made available at County offices, the Public Library, and electronically during the forty-five (45) day public circulation and review period. The Draft EIR/EA shall also be distributed to other reviewing government agencies through the California State Clearinghouse.

Deliverables:

- Draft EIR/EA and Notice of Availability.

Schedule:

- Draft EIR/EA and Notice of Availability shall be prepared within one (1) week of completion of Item of Work 2.11.2
- Public comment period shall be open for forty-five (45) days.

- **Item of Work 2.11.4 - Public Scoping Meeting:**

During the forty-five (45) day public review period, County shall hold a Public Hearing to solicit comments about the Project. Consultant shall attend and present, as applicable, at one (1) public scoping meeting. Consultant shall document comments received and prepare a written summary of the comments.

Deliverables:

- Meeting minutes and written summary of the comments.

Schedule:

- Meeting minutes and written summary of the comments shall be submitted to County within one (1) week of the public scoping meeting.

- **Item of Work 2.11.5 - Develop Database for Comments:**

Consultant shall develop a database to track comments and responses to comments received during the public review period and the public scoping meeting. The database shall be provided to County in electronic format as part of the formal public record.

Deliverables:

- Database for comments and responses.

Schedule:

- Consultant shall coordinate with County to determine an acceptable timeframe for the database to be delivered following public review period and the public scoping meeting.

- **Item of Work 2.11.6 - Prepare Responses to Comments:**

At the close of the forty-five (45) day public review period, Consultant shall meet with County, Caltrans staff, and other PDT members as needed, to review comments received on the draft EIR/EA and discuss potential responses. Consultant shall prepare draft and final responses to comments for submittal to the agencies for review. Agency comments shall be incorporated into the response to comments document, which shall be submitted to Caltrans as an appendix in the Final EIR/EA.

Deliverables:

- Draft and Final responses to comments.

Schedule:

- Draft and final responses to comments shall be prepared within three (3) weeks of completion of item of work 2.11.3.

- **Item of Work 2.11.7 - NEPA Environmental Commitment Record & CEQA Mitigation Monitoring & Reporting Program:**

Consultant shall prepare the Environmental Commitment Record (ECR), including monitoring forms, to ensure that the environmental measures contained in the EIR/EA are properly implemented. The ECR shall be included as an appendix in the final EIR/EA. The ECR is a summary of all avoidance, minimization, and mitigation measures developed during the environmental process. The ECR shall also meet the requirements of the CEQA Mitigation Monitoring Reporting Program (MMRP).

Deliverables:

- ECR and MMRP.

Schedule:

- ECR and MMRP shall be prepared within one (1) week of completion of Items of Work 2.11.10 and 2.12.

- **Item of Work 2.11.8 - Prepare Final EIR/EA and Findings of No Significant Impact:**

Following public review of the Draft Environmental Document, the Final EIR/EA document shall be prepared. The CEQA portion shall be a Final EIR. A possible outcome under NEPA is the preparation of a Findings of No Significant Impact (FONSI). If appropriate, refinements to the Project may be made during the preparation of the Final EIR/EA.

Deliverables:

- Final EIR/EA and FONSI.

Schedule:

- Final EIR/EA and FONSI shall be submitted to County within two (2) weeks of completion of Item of Work 2.11.6.

- **Item of Work 2.11.9 - Statement of Overriding Consideration & Finding of Fact:**

If the EIR/EA process determines that the Project shall cause significant impacts, Consultant shall prepare a Draft Findings of Fact pursuant to State CEQA Guidelines Section 15091 for each of the significant effects identified in the Final EIR/EA. The Findings of Fact shall describe the effect, cite one (1) or more applicable findings under Section 15091, and describe evidence that supports the selected findings. Consultant shall coordinate the drafting of these Findings of Fact with County staff. Consultant shall prepare a Statement of Overriding Considerations to address any significant effects of the Project that are unavoidable, explaining the economic, legal, social, technological, or other benefits of the Project that outweigh its unavoidable environmental impacts. The statement shall be based on substantial evidence in the record. Consultant shall work with County in preparing the Statement of Overriding Considerations and Finding of Fact.

Deliverables:

- Finding of Fact and Statement of Overriding Considerations.

Schedule:

- Finding of Fact and Statement of Overriding Considerations shall be submitted to County within two (2) weeks of completion of Item of Work 2.11.8.

- **Item of Work 2.11.10 - Notice of Determination and Filings:**

Consultant shall file a Notice of Determination with County's Recorder-Clerk's Office within five (5) days of approval of the Final EIR/FONSI (pursuant to CEQA guidelines).

Deliverables:

- Notice of Determination and Filings.

Schedule:

- Notice of Determination and Filings shall be completed with one (1) week of completion of Item of Work 2.11.9.

Item of Work 2.12 - Permit Applications

Consultant shall prepare applications for U.S. Army Corps of Engineers Section 404, Regional Water Quality Control Board Section 401, and California Department of Fish and Wildlife 1602 Streambed Alteration Agreement permits and submit to County for review and approval. County will be responsible for submittal of the permit applications and payment of any associated fees. Consultant shall coordinate as necessary with the agencies to obtain the permits on County's behalf.

Consultant shall request and work to obtain a preliminary jurisdictional determination from the Army Corps of Engineers based on the Preliminary Jurisdictional Delineation Report (Dokken, 2011) and additional data obtained by Sycamore during 2014 biological field surveys.

Activities:

- Prepare permit applications after the approval of CEQA and NEPA.
- Request a preliminary jurisdictional determination from the Army Corps of Engineers.

Deliverables:

- Permits for the Army Corps of Engineers Section 404, Regional Water Quality Control Board Section 401, and California Department of Fish and Wildlife 1602 Streambed Alteration Agreement.
- Preliminary jurisdictional determination from the Army Corps of Engineers.

Schedule:

- Permit applications shall be completed within one (1) month of completion of Item of Work 2.11.10.

Item of Work 2.13 – Additional Environmental Coordination

Consultant shall perform additional environmental coordination, studies, and submittal reviews. The revised level of effort for the environmental documentation is expected to result in additional and more detailed technical studies including the addition of the required ethnographic study. Consultant shall coordinate with County for any deliverables determined necessary and the applicable schedule for this Item of Work.

Task 5: Plans, Specifications, and Estimate (PS&E)

Item of Work 5.6 – Additional Bridge Alignment Reviews

Consultant assumes the bridge alignment shall be shifted and a review of how this affects the previous engineering work completed for Type Selection, 30% level submittal and 65% level

submittal shall be required. Consultant's review includes Hydraulics, geotechnical, civil support and structures (bridge and retaining walls) analysis, design and reports.

County shall issue Consultant a written Work Order for this Item of Work. Based on the findings of the additional studies and reports completed above, Consultant shall submit to County a written scope of work identifying the additional tasks necessary, the deliverables and schedule, and a budget for those tasks. Consultant shall not proceed with any work under this Item of Work without prior written approval, in the form of a written Work Order, from County's Contract Administrator.

Task 6: Optional Tasks

Additional Optional Tasks

County may require Consultant to perform the following additional items of work. If services are required for Additional Optional Tasks, County shall issue separate Work Orders for Consultant to perform such Additional Optional Tasks. The deliverables described for the additional items of work shall be reviewed and revised concurrent with the request for authorization to complete the additional items of work. Prior to the issuance of a Work Order, Consultant shall submit a schedule for any deliverables to County for review. County may require Consultant to submit a revised and detailed scope of work for the individual items of work prior to issuing Work Orders for the work to be performed.

Item of Work 6.6 - Traffic Operational Analysis Memorandum

The current 40 mph alternative does not require long term road closure with a detour. Other alternatives may require long term road closure with a detour. If determined necessary by County, Consultant shall prepare a Traffic Operational Analysis Memorandum for any long term road closures.

Deliverables:

- Draft Traffic Operational Analysis Memorandum.
- Final Traffic Operational Analysis Memorandum.

Item of Work 6.7 - Updated Visual Impact Assessment and Scenic Resource Evaluation

An updated, revised, and expanded Visual Impact Assessment, including photo simulations, may be required to evaluate the alternatives for the environmental documents (Cultural/ 106/ 4(f)). Consultant shall submit to County the updated Visual Impact Memorandum and photo simulations, if required.

Deliverables:

- Updated Visual Impact Memorandum.
- Photo Simulations.

Item of Work 6.8 - Update the Hazardous Waste Initial Site Assessment / Investigations ADL / National Emissions Standards for Hazardous Air Pollutants Sampling

Caltrans may require asbestos containing material (ACM) sampling for National Emissions Standards for Hazardous Air Pollutants (NESHAP) notification. Consultant shall complete the sampling and prepare draft and final versions of the Updated Initial Site Assessment (ISA)

reports, if required by Caltrans, for County and Caltrans review. Consultant shall incorporate any comments received during the review and prepare the Final Updated ISA report.

Deliverables:

- Draft Updated ISA Report.
- Final Updated ISA Report.

Assumptions:

- No new or additional technical studies shall be identified by Caltrans during PES update process.
- County will secure Right-of-Entry for the duration of the Project.
- County will provide plans and profile drawings of the Project. Plans should designate horizontal and vertical road alignments, limits of roadway and driveway improvements and cut/fill slopes.
- County will determine limits of retaining walls and utility relocates which are necessary for impact evaluation.
- Biological studies shall be conducted according to the Project schedule.
- Changes to the Project design that result in modifications to technical studies or the environmental document may require modification to the scope of work and/or cost estimate.
- County will prepare the staff report, recommendations, and findings for County's Board of Supervisors.
- County will provide environmental filling and permit application fees.
- Due to any unforeseen delays, the estimated deliverables schedules may need to be revised. Consultant shall coordinate any changes in schedule with County's Contract Administrator.

T.Y. Lin International

Amended Exhibit B

Amended Rate Schedule

T.Y. Lin International Job Title	Hourly Rate Range
Principal	\$ 344 – 359
QA/QC	\$ 193 – 345
Senior Project Manager	\$ 220 – 290
Project Engineer	\$ 165 – 235
Senior Bridge Engineer	\$ 137 – 194
Associate Bridge Engineer	\$ 110 – 152
Assistant Bridge Engineer	\$ 82 – 125
CADD Manager	\$ 110 – 180
Senior Transportation Engineer	\$ 137 - 194
Associate Transportation Engineer	\$ 110 - 152
Assistant Transportation Engineer	\$ 82 – 125
Administrative Assistant	\$ 55 – 97

Other direct Project charges including subconsultant services, special reproductions, delivery charges and the other direct costs listed in Amended Exhibit C, will be billed at actual cost. Any invoices that include other direct costs, shall be accompanied by backup documentation to substantiate Consultant's costs for the services being billed on those invoices.

Reimbursement for mileage expenses for Consultant and for any subconsultants, if applicable, shall be compensated in accordance with the provisions of ARTICLE III, Compensation for Services, of this Agreement.

T. Y. Lin International

Amended Exhibit C

Amended Cost Proposal

Scope of Work

Task 1	Project Management	\$	61,680.97
Task 2	Environmental	\$	54,508.24
Task 3	Hydraulics	\$	2,400.58
Task 4	Geotechnical	\$	3,600.88
Task 5	Plans, Specifications, and Estimate (PS&E)	\$	253,483.03
	Consultant Subtotal	\$	375,673.70

Subconsultants:

Sycamore Environmental Consultants, Inc.

Task 1	Project Management	\$	46,460.78
Task 2	Environmental	\$	526,652.32
	Optional Tasks	\$	21,850.00
	Other Direct costs	\$	15,056.20
		\$	610,019.30

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Task 1	Project Management	\$	5,183.29
Task 3	Hydraulics	\$	29,076.05
Task 4	Geotechnical	\$	52,332.96
Task 5	Plans, Specifications, and Estimate	\$	19,453.73
	Optional Tasks	\$	14,794.63
	Other Direct Costs - Drilling and Traffic Control, Laboratory Testing, Drill Cutting, Drum Disposal, Mileage, Reproduction, Postage, and Other Miscellaneous Charges	\$	27,714.51
		\$	148,555.17
	Subconsultant Subtotal	\$	758,574.47

<u>T. Y. Lin International - Other Direct Costs</u>	\$	3,104.57
	\$	3,104.57

<u>Optional Tasks</u>	\$	215,775.73
	\$	215,775.73

Total Proposed Agreement Budget Cost Estimate \$ 1,353,128.47

All expenses and their distribution among Tasks are estimates only. This Exhibit represents the composition of the total not-to-exceed budget for this Agreement. In the performance of the Scope of Work to be provided in accordance with this budget, Consultant may request to reallocate the expenses listed herein among the various Scope of Work tasks and items of work, Other Direct Costs, and Optional Tasks identified herein (not including subconsultants), subject to County's Contract Administrator's written approval. Consultant may request to reallocate the amounts listed herein for its subconsultants among each individual subconsultant's tasks or items of work (subconsultant direct costs), Optional Tasks, and subconsultant's Other Direct Costs and not among the various subconsultants, subject to County's Contract Administrator's written approval. In no event shall the total not-to-exceed amount of the Agreement be exceeded.