

**MEMORANDUM  
DEPARTMENT OF FACILITY SERVICES  
COUNTY OF PLACER**

To: **BOARD OF SUPERVISORS** Date: **MARCH 8, 2011**  
From: **JAMES DURFEE / WILL DICKINSON**  
Subject: **PROJECT 04834, SHERIDAN WATER SUPPLY IMPROVEMENTS PROJECT:  
FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT  
KNO20969 WITH AECOM**

**ACTION REQUESTED/RECOMMENDED:** Adopt the attached Resolution authorizing the Director of Facility Services to execute the First Amendment to Agreement KNO20969 with AECOM Technical Services, Inc. for preparation of environmental documentation for the Sheridan Water Supply Improvements Project 04834, in an amount not to exceed \$20,500, upon review and approval by Risk Management and County Counsel. This Amendment will bring the total amount of the Agreement to \$65,467.

**BACKGROUND:** On July 8, 2010, Procurement Services approved an Agreement with AECOM in an amount not to exceed \$44,967 to prepare an environmental document for the Sheridan Water Supply Improvements Project. The proposed project consists of the installation of a new potable water production well and/or storage tank that will improve the capacity and reliability of the existing water supply system.

When the contract was awarded, a project site was not yet selected. Once a preferred site was confirmed, AECOM conducted a field review of the site which confirmed the presence of vernal pools. AECOM's initial consultation with the US Fish and Wildlife Services (USFWS) determined that use of the selected site for the project would impact vernal pools located on and near the property, and therefore be subject to the requirements of the federal Endangered Species Act. These requirements include preparation of a Biological Assessment that identifies the characteristics of the vernal pool habitat, discusses the potential for species occupation of the pool, and describes mitigation strategies.

Staff negotiated an Amendment to the Agreement with AECOM to prepare the Biological Assessment report and permit application materials necessary for consultation with the USFWS, for a cost not to exceed \$15,500. The Amendment also includes \$5,000 in Additional Services that can be authorized by the Director of Facility Services, if necessary, to fund additional work needed to complete the environmental review process. In order to proceed with the work, staff is requesting your Board's approval of the Amendment, which is available for review at the Clerk of the Board's Office.

**ENVIRONMENTAL CLEARANCE:** Preparation of the environmental documents included in the scope of work will meet the requirements of the California Environmental Quality Act (CEQA) and the National Environmental Protection Act (NEPA).

**FISCAL IMPACT:** The cost of completing the work included in the Amendment is \$20,500, bringing the total amount of the Agreement to \$65,467. Sufficient funding for the Amendment exists in the Capital Project Budget for the Sheridan Water Supply Improvements Project.

AVAILABLE FOR REVIEW AT THE CLERK OF THE BOARD'S OFFICE: AECOM AGREEMENT

ATTACHMENT: AECOM FIRST AMENDMENT

CC: COUNTY EXECUTIVE OFFICE

JDWD/CH/LM

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# Before the Board of Supervisors County of Placer, State of California

In the matter of: A RESOLUTION AUTHORIZING THE  
DIRECTOR OF FACILITY SERVICES TO EXECUTE THE  
FIRST AMENDMENT TO AGREEMENT KNO20969 WITH  
AECOM FOR PREPARATION OF ENVIRONMENTAL  
DOCUMENTATION FOR PROJECT 04834, THE SHERIDAN  
WATER SUPPLY IMPROVEMENTS PROJECT

Reso. \_\_\_\_\_

The following RESOLUTION was duly passed by the Board of Supervisors of  
the County Placer at a regular meeting held \_\_\_\_\_ by the  
following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

\_\_\_\_\_  
Chairman, Board of Supervisors

Attest:

\_\_\_\_\_  
Clerk of said Board

**BE IT HEREBY RESOLVED** by the Board of Supervisors, County of Placer, State of California to authorize the Director of Facility Services to execute the First Amendment to Agreement KNO20969 with AECOM Technical Services, Inc. in an amount not-to-exceed \$20,500, for preparation of environmental documentation for Project 04834, Sheridan Water Supply Improvements Project, upon review and approval by Risk Management and County Counsel.

**AGREEMENT: KNO20969**

**DESCRIPTION: FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT  
KNO20969 FOR THE SHERIDAN WATER SUPPLY IMPROVEMENTS  
PROJECT – ENVIRONMENTAL REVIEW**

This First Amendment is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2011, by and between COUNTY of PLACER, hereinafter referred to as the COUNTY, and AECOM Technical Services, Inc., hereinafter referred to as CONSULTANT.

**WITNESSETH**

WHEREAS, on July 8, 2010, the COUNTY and CONSULTANT entered into an Agreement for the purpose of preparing an the environmental document for the Sheridan Water Supply Improvements Project,

WHEREAS, the COUNTY and CONSULTANT desire to amend the Agreement to redefine the duties and responsibilities of the parties,

NOW, THEREFORE, it is hereby agreed by the parties as follows:

- I. Modify the last sentence of Paragraph 2 of the Agreement to read: The total amount payable for all services provided under this Agreement, including Additional Services, shall not exceed **SIXTY-FIVE THOUSAND FOUR HUNDRED SIXTY-SEVEN AND NO/DOLLARS (\$65,467.00)** without prior written approval of County.
- II. Revise Exhibit A to include Exhibit A-1 attached.
- III. Replace Exhibit B-1 Payment Schedule with Revised Exhibit B-1 attached.
- IV. All other terms and conditions of the Agreement shall remain unchanged and in full force and effect.

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**County of Placer**

By: \_\_\_\_\_  
James Durfee, Director of Facility Services

\_\_\_\_\_ Date of Board Approval

**Consultant**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Phillip Dunn, Vice President

**Approved as to Form**

**Approved as to Funds**

By: \_\_\_\_\_  
Placer County Counsel

By \_\_\_\_\_  
Placer County Auditor

Attachment A-1: Amended Scope of Services  
Attachment B-1: Revised Payment Schedule

**EXHIBIT A-1  
FIRST AMENDMENT TO EXHIBIT A  
AMENDED SCOPE OF SERVICES**

The scope is hereby amended to include the preparation of a Biological Assessment and permit application materials (Task 10) necessary for consultation with the U.S. Fish and Wildlife Service.

**Task 10 –Section 7 Compliance: Biological Assessment**

Pursuant to the Federal Endangered Species Act (ESA), the U.S. Fish and Wildlife Service (USFWS) and National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS) have authority over projects that may affect the continued existence of federally listed species. Because the project is receiving federal funds from the Department of Agriculture (Rural Utilities Service), compliance with Section 7 of ESA would be required. This Scope of Services assumes the Department of Agriculture will be the lead federal agency for the Section 7 consultation.

Initial Consultation

CONSULTANT biologists shall consult with USFWS regarding potential effects to species that are federally listed or proposed for listing as Threatened or Endangered and species considered as Candidates for listing. This initial consultation shall include discussion of the anticipated approach for the overall process and provide the opportunity for agency feedback regarding preliminary conclusions in efforts to reduce the chance of surprises and subsequent delays later in the process. This scope assumes that species regulated by NMFS do not occur in the vicinity of the project area and that such initial consultation with NMFS would not be necessary.

Biological Assessment and Permit Application Materials

CONSULTANT shall prepare the Biological Assessment (BA), including all applicable permit application materials, in accordance with USFWS guidelines. The BA shall include a summary of consultation to date, description of the proposed action, description of the environmental baseline, an account of each species addressed, an assessment of project effects, description of measures to minimize and compensate for potential effects, and an effect determination for each species. Based on the proposed site plan and the site visit previously performed by CONSULTANT's biologist, species anticipated to be addressed in the BA include Conservancy fairy shrimp, longhorn fairy shrimp, vernal pool tadpole shrimp, and vernal pool fairy shrimp.

This task includes one coordination meeting with USFWS, if required, and telephone / email conversations as needed.

CONSULTANT shall submit the draft BA to the County and Department of Agriculture for review and comment. Upon receipt of comments, CONSULTANT shall prepare a second draft BA for review by the County and Department of Agriculture. One subsequent draft incorporating comments will be completed, if needed.

After submittal of the final BA and permit application materials, formal Section 7 consultation should be initiated by the Department of Agriculture. The effort required to complete the formal consultation can vary greatly, depending on a number of factors, such as the extent of potential effects, proposed mitigation, and USFWS staff assigned to the project. The cost reflected for this task assumes completion of the consultation within the ESA timeframe as defined in the Section 7 regulations (or approximately 180 days). If the consultation process becomes more-lengthy or complicated than anticipated, additional effort may be required.

#### Mitigation Research

During preparation of the BA, CONSULTANT's staff shall research available mitigation banks and identify the anticipated mitigation costs associated with the mitigation ratios identified in the BA for both direct effects (i.e., assuming complete removal of the on-site vernal pool) and indirect effects (i.e., avoiding the onsite vernal pool).

CONSULTANT shall provide up to two (2) drafts of the BA each to the County and Department of Agriculture for review, combine and incorporate all comments into one (1) final electronic file, and submit final copies to the Department of Agriculture and the County. The Department of Agriculture shall be given one (1) hard copy of the BA and the County shall be given (1) electronic and (2) hard copies.

CONSULTANT shall attend one (1) coordination meeting with USFWS, if required, to discuss affected species, project characteristics, permit requirements, and permitting schedules. CONSULTANT shall conduct additional telephone/email coordination with the USFWS as needed to ensure that the permit application materials are technically accurate and meet the needs of the USFWS.

CONSULTANT shall report findings of available mitigation banks and anticipated mitigation costs in a memorandum.

#### ***Deliverables:***

- **1<sup>st</sup> Draft BA** - one (1) electronic copy (Word) of the BA each to the County and Department of Agriculture within 21 days of receiving project description information
- **2<sup>nd</sup> Draft BA** - one (1) electronic copy (Word) of the BA each to the County and Department of Agriculture within 7 days of receiving County comments on 1<sup>st</sup> Draft BA
- **Summary of Mitigation Options** – one (1) electronic memorandum (Word) to the County submitted with 2<sup>nd</sup> Draft BA
- **Final BA and Permit Application**- one (1) electronic copy (PDF) and two (2) hard copies to the County; and one (1) hard copy Department of Agriculture within 7 days of receiving County comments on 2<sup>nd</sup> Draft BA

Said Scope of Services may be amended only with the prior written approval of the Consultant and the Placer County Director of Facility Services however, in no event shall such amendment create any additional liability to the County.

## SCHEDULE

Receive Authorization from County to Commence Work	Project Initiation
Receive Final Project Description Information	Week 1
Submit Draft Project Descriptions	Week 3
(New) Submit 1st Draft Biological Assessment (BA) to County and Department of Agriculture	Week 4
Receive Comments on Draft Project Descriptions and (New) BA	Week 5
Submit Final Project Descriptions and (New) 2 <sup>nd</sup> Draft BA to County and Department of Agriculture	Week 6
(New) Receive Comments on and Submit Final BA to County and USFWS	Week 7
Submit Preliminary Analysis	Week 10
Submit Administrative Draft IS/EA	Week 13
Receive Comments on Administrative Draft IS/EA	Week 16
Release IS/MND for Public Review	Week 19
End 30-day Public Review	Week 23
Prepare Responses to Comments	Week 25
Public Hearing on Proposed Project	TBD
Prepare NOD Following Project Approval	TBD

**END OF EXHIBIT A-1  
AMENDED SCOPE OF SERVICES**

**EXHIBIT B-1, REVISED  
PAYMENT SCHEDULE**

Task No.	Task Description	Original Budget	Change	Revised Budget
1	Project Initiation	\$ 3,250.00	\$ -	\$ 3,250.00
2	Project Descriptions & Alternatives	\$ 4,474.00	\$ -	\$ 4,474.00
3	Preliminary Analysis	\$ 7,581.00	\$ -	\$ 7,581.00
4	Admin Draft IS / EA	\$ 19,313.00	\$ -	\$ 19,313.00
5	Public Draft IS / EA	\$ 2,572.00	\$ -	\$ 2,572.00
6	Mitigation Monitoring and Reporting Program	\$ 1,951.00	\$ -	\$ 1,951.00
7	Response to Comments and Final MND	\$ 2,700.00	\$ -	\$ 2,700.00
8	Adoption Hearing and NOD	\$ 1,926.00	\$ -	\$ 1,926.00
9	<b>Additional Services</b>	\$ -	\$ <b>5,000.00</b>	\$ <b>5,000.00</b>
	9a. Vernal Pool Delineation	\$ 1,200.00	\$ -	\$ 1,200.00
10	<b>Section 7 Compliance: Biological Assessment</b>	\$ -	\$ <b>15,500.00</b>	\$ <b>15,500.00</b>
<b>Total</b>		\$ 44,967.00	\$ 20,500.00	\$ 65,467.00

**END OF EXHIBIT B-1, REVISED  
PAYMENT SCHEDULE**