

MEMORANDUM

DEPARTMENT OF PUBLIC WORKS
County of Placer

TO: BOARD OF SUPERVISORS DATE: June 3, 2014
FROM: ^{KS} KEN GREHM / PETER KRAATZ
SUBJECT: STATE ROUTE 49 PEDESTRIAN FACILITIES AND LANDSCAPING PROJECT,
AGREEMENT NO. 1154 - AMENDMENT NO. 1

ACTION REQUESTED / RECOMMENDATION

1. Adopt a Resolution authorizing the Chair of the Board of Supervisors to sign and execute Amendment No.1 to Professional Service Agreement No.1154 with County Counsel and Risk Management's review and approval, with Bennett Engineering Services, Inc. for civil engineering and environmental related services for an amount of Thirty Eight Thousand Five Hundred Seventy Dollars (\$38,570). The Agreement Amendment No.1 would increase the total agreement to an amount not to exceed \$88,395.
2. Authorize the Public Works Director to execute future contract amendments for additional professional services not to exceed \$10,000. There is no net County cost.

BACKGROUND / SUMMARY

The Department of Public Works is proposing to construct an eight foot wide sidewalk along the east side of State Route 49 from New Airport Road to Education Street. The project will construct new sidewalks, curb and gutter where needed and establish landscaping such as trees and shrubs. The new sidewalks will promote safe pedestrian access to local shopping areas and the landscaping will beautify these areas and make them more inviting to pedestrian traffic.

On June 18, 2013, the Department of Public works entered into Professional Service Agreement (PSA) No. 1154 with Bennett Engineering Services. The PSA included Civil Engineering design work to prepare project plans, specifications and estimate for the construction of new sidewalks, curb and gutter, drainage inlets, landscaping and irrigation along the east side of State Route 49 from New Airport Road to Education Street. Bennett Engineering also provided Project Management support, Utility Coordination, Encroachment Permits and Construction Support.

During the design phase, it was determined that additional environmental services are required. Addendum No.1 of the PSA No. 1154 consists of environmental support through the preparation of reports for Biological and Cultural Assessments, Wetland Delineation, Application and Permitting support.

ENVIRONMENTAL

The Professional Services Agreement is exempt from CEQA pursuant to CEQA Guidelines, Section 15306.

FISCAL IMPACT

Contract Amendment No.1 would increase the original contract by \$38,570. The total Professional Services contract will increase to an amount not to exceed \$88,395. This project is funded from the former Redevelopment Agency Bond Funds (100%). There are sufficient funds available in the 20013/2014 Fiscal Year Budgets for this agreement and appropriate funds will be budgeted in FY 2014-2015.

Attachments: Resolution
Location Map
Amendment 1 to Agreement No. 1154

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

In the matter of: A RESOLUTION AUTHORIZING THE CHAIR TO SIGN AND EXECUTE AMENDMENT NO.1 TO PROFESSIONAL SERVICE AGREEMENT NO.1154, WITH BENNET ENGINEERING SERVICES, INC. FOR CIVIL ENGINEERING AND ENVIRONMENTAL RELATED SERVICES WITH COUNTY COUNSEL AND RISK MANAGEMENT'S REVIEW AND APPROVAL, FOR AN AMOUNT NOT TO EXCEED \$38,570, AND AUTHORIZING THE PUBLIC WORKS DIRECTOR TO EXECUTE AGREEMENT AMENDMENTS FOR ADDITIONAL PROFESSIONAL SERVICES NOT TO EXCEED \$10,000 FOR THE STATE ROUTE 49 PEDESTRIAN FACILITIES AND LANDSCAPING PROJECT.

Resol. No:.....

The following RESOLUTION was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held _____,

by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

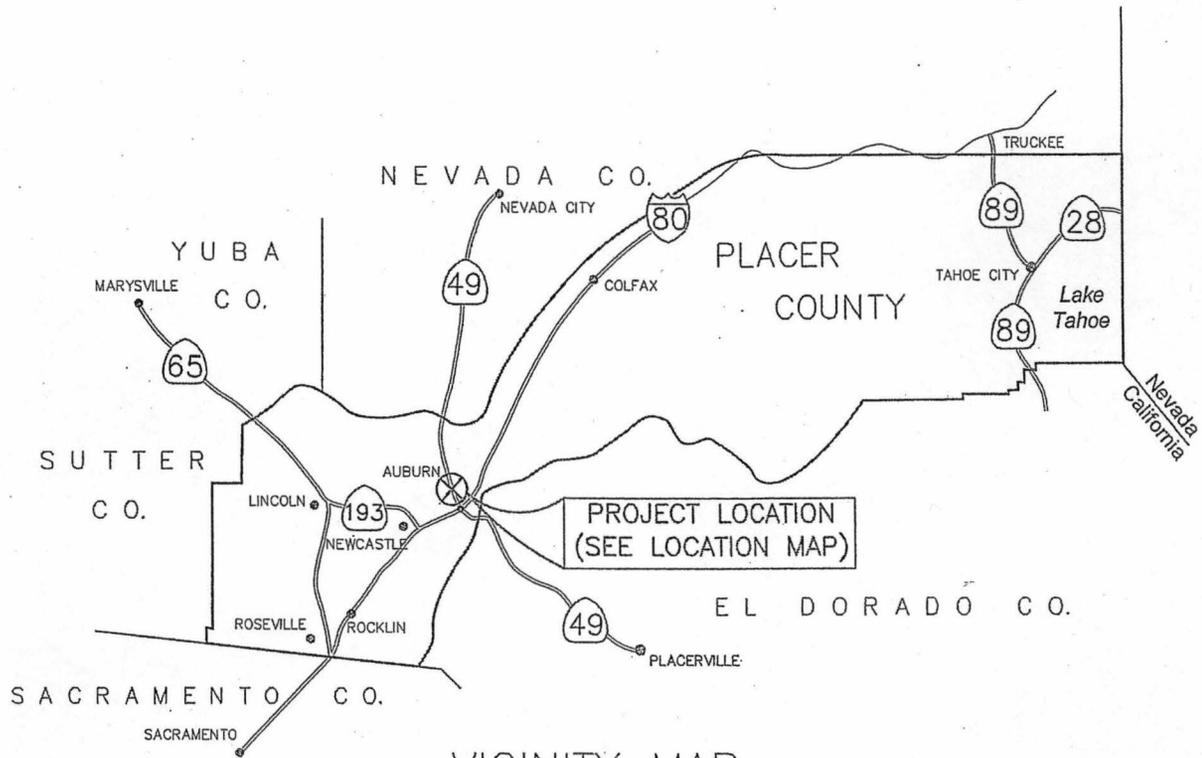
Attest:
Clerk of said Board

Chair, Board of Supervisors

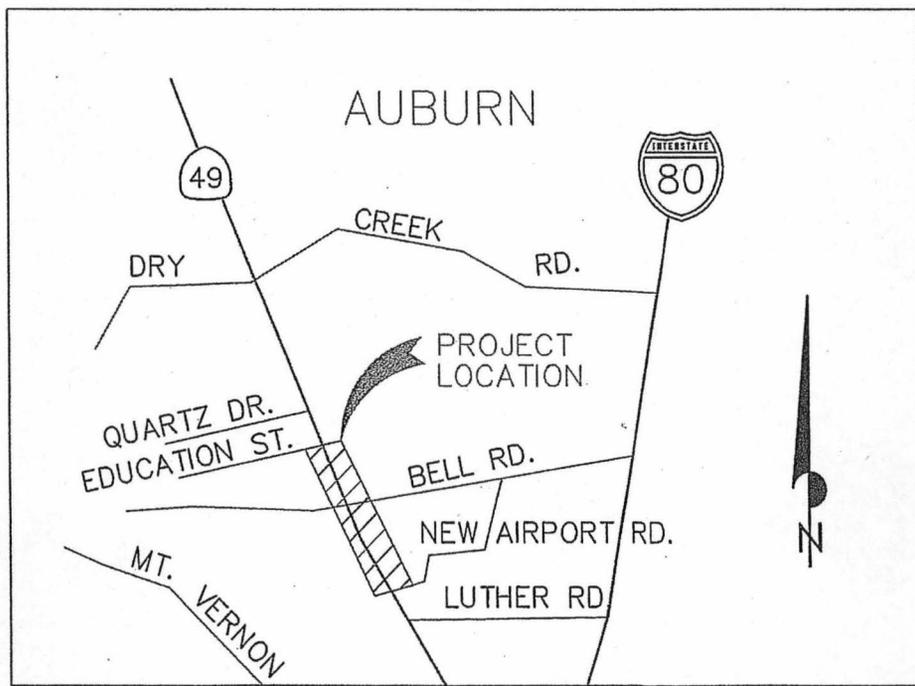
NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Placer, State of California, that this Board authorizes the Chair to sign with County Counsel and Risk Management's review and approval Amendment No. 1 to Professional Service Agreement No. 1154, with Bennett Engineering Services, Inc. for Civil Engineering and Environmental related services, for an amount not to exceed Thirty Eight Thousand Five Hundred Seventy Dollars (\$38,570).

BE IT HEREBY RESOLVED by the Board of Supervisors of the County of Placer, State of California, that this Board authorizes the Public Works Director to execute future agreement amendments for additional civil engineering and environmental related services in an amount not to exceed \$10,000.

STATE ROUTE 49 PEDESTRIAN FACILITIES AND LANDSCAPING PROJECT VICINITY & LOCATION MAP



VICINITY MAP



LOCATION MAP

Professional Services Agreement - Amendment No. 1

PSA Number: 1154

Project Title: STATE ROUTE 49 PEDESTRIAN FACILITIES AND LANDSCAPING PROJECT

Description: Professional Services Agreement for Engineering Design and Environmental Services

This PSA Amendment No.1 ("Amendment") for additional professional services will increased the contract amount by \$38,570 for a total contract not to exceed amount of \$88,395 is entered into by and between the County of Placer, hereinafter referred to as "County," and Bennett Engineering Services Inc., hereinafter referred to as "Consultant this _____ day of _____, 2014 and affects; **ITEM 6 "AMOUNT OF PAYMENT"; ITEM 7 "PAYMENT SCHEDULE"; Exhibit A "ITEMS OF WORK"; and Exhibit C "PAYMENT SCHEDULE"** of the original Professional Services Agreement No.1154, dated June 18, 2011. PSA is hereby amended as follows:

a) **ITEM 6 – AMOUNT OF PAYMENT - This section shall be deleted and replaced in its entirety to read as follows:**

6. **AMOUNT OF PAYMENT.** As full payment for all services as set forth in Exhibits "A" including amendments and "C-1" herein, the COUNTY shall pay actual costs based on the proposed budget of each Task as shown in Exhibit "C-1" up to a total maximum sum of **EIGHTY EIGHT THOUSAND THREE HUNDRED NINETY FIVE DOLLARS (\$88,395)** to CONSULTANT as full payment for all services as set forth in Exhibits "A" including amendments and "C-1" attached hereto and by this reference incorporated herein. Payment for CONSULTANT services shall be at the rates and charges as set forth in Exhibit "D-1" attached hereto and by this reference incorporated herein.

CONSULTANT shall not be reimbursed for any additional expenses incurred unless prior written approval is given by the COUNTY through a fully executed written amendment. CONSULTANT shall not undertake any such work without prior written approval of the COUNTY.

Notwithstanding any other terms of this agreement, no payments shall be made to CONSULTANT until COUNTY is satisfied that services of such value have been rendered pursuant to this agreement.

All sub contracts in excess of \$25,000 shall contain the above provisions.

b) **ITEM 7 – PAYMENT SCHEDULE - This section shall be deleted and replaced in its entirety to read as follows:**

6. **PAYMENT SCHEDULE.** Payments shall be made to CONSULTANT as set forth in the Exhibit "C-1" entitled "Payment Schedule", attached hereto and by this reference incorporated herein. CONSULTANT shall bill COUNTY not more often than monthly for the work performed pursuant to this agreement. Billing submitted by the CONSULTANT shall be itemized by work activities (Tasks) as defined in the Scope of Services in conjunction with current cost. This contract shall be based upon actual costs plus a fixed fee. All payment requests will be subject to those items identified in Exhibit "C-1". The COUNTY shall review and pay approved charges within 30 days of receipt of the invoice.

Notwithstanding any other terms of this agreement, no payments shall be made to CONSULTANT until COUNTY is satisfied that services of such value have been rendered pursuant to this agreement.

The CONSULTANT shall comply with the Cost Principles, Title 48 Code of Federal Regulations (CFR) Chapter 1, Part 31, and Uniform Administrative Requirements, Title 49 CFR, Part 18, as required in this PSA.

Any costs for which payment has been made to Consultant that are determined by subsequent audit to be unallowable under 48 CFR, Federal Acquisition Regulations System, Chapter 1 part 31 et, seq., or 49 CFR Part 18 Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, are subject to repayment by Consultant to County.

All sub contracts in excess of \$25,000 shall contain the above provisions.

c) **Exhibit A, SCOPE OF SERVICES, shall remain unchanged except for the addition of Task 5. The additional sections shall read as follows:**

Task 5 Environmental Support

Subtask 5.1 Biological Resource Assessment

Foothill Associates biologists shall review available materials regarding existing site conditions, biological resources, and wetlands for the property prior to field work (e.g. USGS topographic maps, NRCS soils maps, and California Natural Diversity Database (CNDDDB)). Foothill Associates shall then conduct a field survey to identify dominant plant communities on the site, identify sensitive vegetation communities, and evaluate the potential for the site to support special-status plant and wildlife species.

Upon completion of the field survey, a biological resources assessment shall be prepared that identifies biological resources and potential biological constraints, such as wetlands, assesses of the likelihood of special-status species or habitats to be found on the project site, and provides recommendations for any further studies

or permitting that may be required prior to development. The report will include a soil map, CNDDDB graphic, and map of biological communities and constraints. A draft report shall be submitted electronically to the Client for review in PDF format. Once Client comments are addressed, one hard copy and one electronic (PDF) copy of the final report shall be provided to the Client.

Deliverables:

- *Electronic (PDF) copy of the Application for client review.*
- *A single printed copy of the Biological Resource Assessment will be submitted to the Corps. A single hard copy and electronic (PDF) copy will be provided to the Client.*

Subtask 5.2 Wetland Delineation and Verification

Foothill Associates' biologist will conduct a field wetland delineation according to the 1987 U.S. Army Corps of Engineers (Corps) Wetland Delineation Manual, the Arid West Supplement, *Rapanos* Guidelines, and applicable wetlands regulations. Upon completion of the field delineation, Foothill Associates shall prepare a preliminary map of wetlands and other waters of the U.S. on the site according to the requirements as specified in the minimum standards for conducting a wetland delineation by the Sacramento District of the Corps of Engineers and submit the map and wetland delineation report to the client for review.

Upon client approval the wetland delineation map, report, and request for verification shall be submitted to the U.S. Army Corps of Engineers. If required, we will meet with Corps staff on site to review the delineation and provide any additional information that they request. This scope includes up to 12 hours of time for providing additional information, such as historical aerials and additional data points, at the request of Corps staff.

Deliverables:

- *Electronic (PDF) copy of the Application for client review.*
- *A single printed copy of the Wetland Delineation will be submitted to the Corps.*
- *A single hard copy and electronic (PDF) copy of the request for verification and the final, verified delineation will be provided to the Client.*

Subtask 5.3 Federal Clean Water Act Section 404 Nationwide 42 Permit and Nationwide 12 Permit.

Foothill Associates will prepare a Pre-Construction Notification for submittal to the Corps pursuant to the requirements for requesting authorization under the Federal Clean Water Act Section 404 Nationwide 42 Permit (NWP 42) "Recreational Facilities" and the Nationwide 12 Permit (NWP 12) "Utility Line Activities."

Foothill Associates will prepare and submit a Pre-construction Notification to the Corps requesting authorization for the placement of fill in waters of the U.S. associated with the construction of recreational and utility line improvements pursuant to Section 404 of the Federal Clean Water Act. A draft copy of the Notification will be provided electronically (PDF format) for client review. Upon approval, it will be submitted to the Corps.

This scope of work assumes that impacts associated with the proposed fill will not exceed 0.5 acre and that any fill proposed for placement within the 100-year floodplain will be completed in a manner consistent with all applicable state and local floodplain management requirements. Impacts authorized by the NWP 42 may not exceed the loss of 300 feet of any streambed, unless waived in writing by the District Engineer for ephemeral or intermittent stream beds.

The submittal will include all relevant project information as required for authorization under the NWP 42 and NWP 12, and specified pursuant to 33 CFR 325.1 and 72 FR 11092-11198. The following information will be required in order to prepare and submit the Application submittal package:

- Surface area of waters to be filled and dredge volume (development footprint provided in usable digital file format by the Client or Client's engineer and analyzed by Foothill Associates);
- Biological Resources Assessment (see **Task One**);
- Delineation of Waters of the United States (**Task Two**);
- Digital files for the project including the project boundary and/or area of potential effect, as applicable (usable file formats include DWG, DXF, or GIS-shape files, provided by the Client);
- Construction drawings, 11x17 hardcopies and electronic format (provided by the Client and/or Client's engineer); and
- Cultural Resource Assessment (see **Task Four**).

The payment of in-lieu-fees and/or the purchase of mitigation credits at a Corps-approved mitigation bank will be proposed as compensatory mitigation for impacts to waters of the U.S.

Foothill Associates will provide agency liaison through all stages of the Section 404 Permitting process and will address any comments/questions concerning the aforementioned reports and application packet as necessary. It is assumed that the Client and project engineer will be available to coordinate with Foothill Associates staff in providing all necessary information for the permit application and any information needs subsequent to the initial pre-construction notification submittal including, but not limited to the following information: project description, final project design, construction schedule and name of contractor, equipment likely to be used, Best Management Practices (BMPs), proposed mitigation measures, etc.

This scope of work and cost estimate assumes negative findings on the property for historic resources eligible for listing under Section 106 of the National Historic Preservation Act.

Deliverables:

- *Electronic (PDF) copy of the draft Application for client review.*
- *Two (2) copies of the Section 404 Nationwide 42 and Nationwide 12 Permit Pre-construction Notification Packet will be submitted to the Corps. A single hard copy and electronic (PDF) copy will be provided to the Client.*

Subtask 5.4 Cultural Resource Assessment

To meet requirements for Clean Water Act, Section 404 permit from the U.S. Army Corps of Engineers, the Corps must conduct a National Historic Preservation Act, Section 106 consultation. The purpose of a Section 106 consultation is to avoid unnecessary harm to cultural resources listed on or eligible for the National Register of Historic Places. The Corps requires the applicant to provide professional services that include consulting with the Corps regulatory manager to determine the Area of Potential Effect (APE); provide a records search less than one year old; provide a Native American Heritage Commission sacred lands file search; contact Native Americans listed by the commission to solicit information on the location of sites important to Native tribe(s) and located within the APE; conduct a field inspection of the APE by a qualified archaeologist and produce a technical report.

The proposed scope of work is designed to identify potential historic properties including any buildings, structures, sites, objects and districts that are 50 years old or older or meet criteria of potential historic properties less than 50 years old. The efforts to identify potential historic properties will include a records search by the North Central Information Center, California Historical Resources Information System; a sacred lands file search and list of Native American contacts by the Native American Heritage Commission; contact with each person listed by the commission in a further effort to identify site(s) important to the native people; a field inspection by an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric and historical archaeology, and a written report that identifies all cultural resources located within the Area of Potential Effect (APE), addresses potential impacts, and meets the February 25, 2011 U.S. Army Corps of Engineers Guidelines.

This scope of work assumes no buildings or structures 50 years of age or older are present on the site, and does not include any archaeological excavation, extensive archival research, or specialized equipment.

Deliverables:

- *A single hard copy of the draft report will be provided for client review.*

- *Two (2) printed copies and one (1) digital copy of the Cultural Resources Technical Report will be submitted to the Corps. A single hard copy and a digital (PDF) copy will be provided to the Client.*

Subtask 5.5 Federal Endangered Species Act Section 7 Endangered Species Act Informal Consultation — United States Fish and Wildlife Service

Foothill Associates will request that the Corps initiate Section 7 consultation with the U.S. Fish and Wildlife Service and will provide agency liaison during consultation, which will occur concurrent with the Section 404 Permit process identified above in Task Three. It is anticipated, based on preliminary review of on-site resources and the anticipated lack of potential for habitat for federally-listed species present on the site, that consultation can be accomplished informally, and that the preparation of a Section 7 Biological Assessment will not be required. This scope of work does not include formal consultation or the preparation of a Section 7 Biological Assessment.

This scope of work and cost estimate includes attendance by Foothill Associates staff at a two field meetings on the project site with USFWS personnel and a two office meetings at the USFWS headquarters in Sacramento. The County's representative will be included on all correspondence with the USFWS.

Deliverables:

- *Agency correspondence as applicable.*

Subtask 5.6 Section 401 Water Quality Certification

Foothill Associates will prepare and submit a 401 Water Quality Certification Application to the Regional Water Quality Control Board (RWQCB). This submittal will include the 401 Water Quality Certification application form, the RWQCB fee calculator spreadsheet, and supporting figures showing the proposed impacts to aquatic features and any additional, relevant information. A draft copy of the application will be submitted electronically (PDF format) for client review. Upon client approval, the application will be submitted to the RWQCB.

A copy of the final, certified CEQA document prepared for the project is required to be submitted to the RWQCB prior to issuance of the 401 Water Quality Certification.

Foothill Associates will act as a liaison with the RWQCB during the application review process and will respond to questions concerning the application, requests for additional information, and other correspondence as necessary.

Application fees are the responsibility of the Client, and are based on the amount of fill to be placed in Waters of the U.S. and non-federal waters, including wetlands.

Deliverables:

- *Electronic (PDF) copy of the draft Application for client review.*

- *One (1) copy of the 401 Water Quality Certification Application will be submitted to the Central Valley Regional Water Quality Control Board. A single hard copy and electronic (PDF) copy will be provided to the Client.*
- *Graphics: Site and Vicinity, Wetland Delineation, Land Use and Impacts, and Proposed Storm Water Facilities.*

Subtask 5.7 CDFW 1600 Streambed Alteration Notification

Foothill Associates will prepare a Streambed Alteration Notification for submittal to the California Department of Fish and Wildlife (CDFW) and provide liaison during the application review process. The draft application will be submitted electronically in PDF format for client review. Upon client approval, the application will be submitted to the CDFW.

A copy of the final, certified CEQA document, as well as a copy of the Department of Fish and Wildlife filing fee receipt, is required to be submitted to CDFW prior to issuance of the Draft Agreement.

Agency processing fee, based on the construction costs of work to be completed within the streambed, is not included in this scope of work and is the responsibility of the Client.

Deliverables:

- *Electronic (PDF) copy of the draft Notification for client review.*
- *One (1) copy of the Notification will be submitted to the North central Region (Region 2) of the California Department of Fish and Wildlife. A single hard copy and electronic (PDF) copy will be provided to the Client.*

Subtask 5.8 Additional Meetings / Project Support (Optional)

If additional time or submittals are required to respond to requests for information from regulatory agencies other than outlined above, they will be provided as part of this task. This task includes:

- Time for 1 additional meeting with the Corps, either in the field or at their office, and up to 8 hours of phone and e-mail correspondence in relation to the wetland delineation;
- Up to 8 hours of telephone and e-mail correspondence with the USFWS in regards to the Section 7 consultation.

- d) **Exhibit C, PAYMENT SCHEDULE, shall be removed and replaced in its entirety with amended Exhibit C-1 "Payment Schedule" attached to this amendment.**
- e) **Exhibit D, CONSULTANTS CHARGE RATES, shall be removed and replaced in its entirety with amended Exhibit D-1 "Consultants Charge Rates" attached to this amendment.**

- f) All other sections of this PSA, exhibits, and amendments remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties have hereunto set their hands the year and date first above written.

APPROVED AS TO PROCEDURE

By: _____
Ken Grehm, Director
Department of Public Works

Date: _____

"COUNTY"
STATE OF CALIFORNIA
COUNTY OF PLACER

By: _____

Date: _____

APPROVED AS TO FUNDS

By: _____
Auditor, Placer County

Date: _____

"CONSULTANT"

Bennett Engineering Services Inc.

By: _____
Corporate Officer Signature # 1
(Signature Notarized & Corp. Resolution*)

By: _____
Print Name and Title

Date: _____

APPROVED AS TO FORM

By: _____
County Counsel, Placer County

Date: _____

By: _____
Corporate Officer Signature # 2
(Signature Notarized)

By: _____
Print Name and Title

Date: _____

ATTACHMENTS:

- Exhibit C-1 - Payment Schedule
- Exhibit D-1 - Consultant Staff and Standard Charge Rates

Federal Employer Identification Number

"If Contractor is a corporation, PSA must be signed by the following two corporate officers, one from each category: (1) Chairman of the Board, President or any Vice President, and (2), Corporate Secretary, any Assistant Corporate Secretary, Chief Financial Officer or any Treasurer or Assistant Treasurer, unless an authenticated copy of a resolution of the corporation which delegates to a single officer the authority to bind the corporation is attached to this PSA.
If Contractor is another type of business entity, such as a partnership or limited liability company, PSA must be signed by officer(s) possessing legal authority to bind the entity. An authenticated copy of a resolution, partnership agreement, operating agreement or other legal evidence of signature authority must be attached to this PSA."

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