

FIRST AMENDMENT TO TULARE COUNTY AGREEMENT NO. 26847

THIS FIRST AMENDMENT ("Amendment") to Tulare County Agreement Number 26847 (the "Agreement") is entered into by and between the **COUNTY OF TULARE** ("COUNTY") and **DOKKEN ENGINEERING** ("CONSULTANT") as of June 12, 2018, with reference to the following:

A. The COUNTY and CONSULTANT entered into the Agreement on October 28, 2014, for the purpose of providing professional environmental consulting services; and

B. COUNTY and CONSULTANT now wish to amend the Agreement in order to provide for additional services by CONSULTANT and to increase the amount of compensation due to the CONSULTANT for providing additional services.

ACCORDINGLY, COUNTY and CONSULTANT agree as follows:

1. Section 2, "TIME FOR PERFORMANCE/TERM" of the Agreement is hereby revised to read as follows:

Time is of the essence in this Agreement. The services as described in Exhibit A and Exhibit A-1, will commence within five days of receipt of a written notice to proceed issued following acceptance of this Agreement by COUNTY. This Agreement shall terminate on June 30, 2020. Mutually acceptable changes in the scope, character, or complexity of the work, if such changes become desirable or necessary as the work progresses, will be accommodated by a supplemental agreement. An appropriate extension of time may be made in the form of a supplemental agreement in case of unavoidable delays. Corresponding warranted adjustments in payment will be made based upon the incorporated rate schedule.

2. Section 3 (e) "COMPENSATION" of the Agreement is hereby revised to read as follows:

COUNTY shall pay an additional \$89,497.56 (Eighty-nine thousand four hundred ninety-seven dollars and fifty-six cents) to cover additional services provided by the CONSULTANT as shown in Exhibit A-1, "Additional Scope of Work" and Exhibit B-1, "Cost Summary." These exhibits are incorporated herein by reference. The total amount payable by the COUNTY for services identified in Exhibit A, Exhibit B, Exhibit A-1, and Exhibit B-1 shall not exceed \$163,497.56 (One hundred sixty-three thousand four hundred ninety-seven dollars and fifty-six cents).

3. This First Amendment becomes effective as of June 12, 2018.

TULARE COUNTY AGREEMENT NO. 26847-A

4. Except as provided above, all other terms and conditions of the Agreement shall remain in full force and effect.

//

//

//

//

//

//

//

//

//

//

//

//

//

//

//

//

//

//

//

//

//

//

//

//

//

//

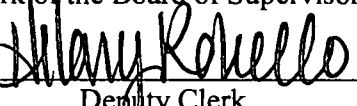
//

// **THE PARTIES**, having read and considered the above provisions, indicate their agreement by their authorized signatures below.

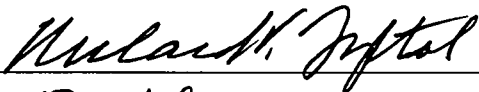
COUNTY OF TULARE

By 
Chairman, Board of Supervisors

ATTEST: Michael C. Spata,
County Administrative Officer/
Clerk of the Board of Supervisors

By 
Deputy Clerk

CONSULTANT

By 

Title President

By 

Title Secretary

[Pursuant to Corporations Code section 313, County policy requires that contracts with a Corporation be signed by both (1) the chairman of the Board of Directors, the president or any vice-president (or another officer having general, operational responsibilities), and (2) the secretary, any assistant secretary, the chief financial officer, or any assistant treasurer (or another officer having recordkeeping or financial responsibilities), unless the contract is accompanied by a certified copy of a resolution of the corporation's Board of Directors authorizing the execution of the contract. Similarly, pursuant to California Corporations Code section 17703.01, County policy requires that contracts with a Limited Liability Company be signed by at least two managers, unless the contract is accompanied by a certified copy of the articles of organization stating that the LLC is managed by only one manager.]

Approved as to Form
County Counsel

By  05/25/18
Deputy

Matter No. 2018771

Exhibit A - 1

Additional Scope of Work



Road D129 over Sand Creek Bridge Project

ENVIRONMENTAL SCOPE OF SERVICES – CONSTRUCTION SUPPORT

Dokken Engineering will incorporate all conditions promised in the environmental document and agency permits/agreements into the final constructed project in a manner that allows construction work to progress smoothly while avoiding delays or change orders.

Dokken Engineering will perform all environmental construction support and coordination, which will include the following:

TASK 1. PRE-CONSTRUCTION SURVEYS

Task 1.1. Nesting Bird and Raptor Survey

Dokken Engineering biologists would conduct a pre-construction nesting bird and raptor survey consistent with the requirements of Avoidance and Minimization Measure 2.4 (b) of the Final Lake or Streambed Alteration Agreement issued for this project and with Measure BIO-6 of the Final CEQA Categorical Exemption. All areas within 500 feet of the Project Area would be surveyed for presence of nesting raptors and all areas within 250 feet of the Project Area would be surveyed for presence of any nesting bird. The nesting bird survey shall be conducted within 7 days prior to the start of construction. If nesting birds are observed within the survey area, Dokken Engineering would map the location of the nest and coordinate with CDFW to determine appropriate buffer distances. The results of the nesting bird and raptor survey will be documented in a survey memorandum that will be submitted to the County and CDFW prior to project initiation.

Task 1.2. Special Status Species Survey

Dokken Engineering biologists would conduct a pre-construction special status species survey consistent with the requirements of Avoidance and Minimization Measure 2.3 (a) of the Final Lake or Streambed Alteration Agreement issued for this project. The survey would focus on California tiger salamander (CTS) but would also include all state or federally listed species with potential of occurring within the project area. The results of the special status species survey will be documented in a survey memorandum that will be submitted to the County and CDFW prior to project initiation.

Task 1.3. California Tiger Salamander Burrow Mapping

Dokken Engineering biologists would survey for and map all fossorial mammal burrows within the project area and a 50-foot buffer consistent with the requirements of Avoidance and Minimization Measure 2.3 (b) of the Final Lake or Streambed Alteration Agreement issued for this project. The location of each burrow and a 50-foot protective buffer would be mapped with GPS and marked on site with flagging. The results of California Tiger Salamander Burrow Mapping will be documented in a GIS map and included with a survey memorandum that will be submitted to the County and CDFW prior to project initiation.



TASK 2. CONSTRUCTION SUPPORT

Construction support tasks assume 20 working days per month; and 99 total working days (5 months' total construction duration). Construction is assumed to start on July 1st, 2018 end by December 1st, 2018. Full time CTS monitoring is required during the species' active season defined by the California Department of Fish and Wildlife as November through May; therefore, it is assumed that approximately 80 working days would occur outside of the CTS active season and 19 working days would occur during the CTS active season.

Task 2.1. Environmental Awareness Training

Dokken Engineering staff would prepare training materials and provide environmental awareness training to inform all construction personnel of pertinent environmental commitments. Environmental trainings will include specific project information for each resource and will be given in accordance with the appropriate agency standards. It is assumed that environmental awareness training would be provided no more than four (4) times during the CTS inactive season (June - October) to accommodate for crew changes during construction. During the CTS active season, the full-time biological monitor would assume training responsibilities.

Task 2.2. Periodic Environmental Compliance Monitoring

Dokken Engineering staff would provide periodic environmental compliance monitoring during construction. Compliance with environmental measures would be documented by the environmental monitor in the Environmental Commitments Record (ECR) which would include all measures from the CEQA and NEPA documents as well as all regulatory environmental permits. Following construction, the completed ECR would be submitted as part of permit closeout packages to the regulatory agencies to document project compliance with environmental commitments. Periodic environmental compliance monitoring would be completed approximately monthly during the CTS inactive season (June - October). During the CTS active season, the full-time biological monitor would assume environmental compliance monitoring responsibilities.

Task 2.3. Full Time California Tiger Salamander Monitoring

Dokken Engineering biologists would provide full time CTS monitoring during the CTS active season (November - May) as required by Avoidance and Minimization Measure 2.3 (b) of the Final Lake or Streambed Alteration Agreement issued for this project. In addition to monitoring the construction site for CTS activity, the full-time monitor would assume environmental awareness training and environmental compliance monitoring during this time. It is assumed that the project would require 19 working days of full time CTS monitoring during the months of November through March.

Task 2.4. Post Construction Permit Closeouts

Dokken Engineering will document post construction site conditions and submit project closeout notifications as required by environmental permits. The Permit Closeout packages will contain before and after site photographs, the completed ECR, and a statement that the project was completed in accordance with the commitments set forth in the environmental permits.



Task 2.5 Additional California Tiger Salamander Monitoring (OPTIONAL)

It is assumed that only 19 working days of full time CTS monitoring will be needed; however, if construction delays occur, this task allows up to 50 additional monitoring days, if needed. Dokken shall not commence performance of these optional tasks until the specific notification to proceed has been issued. Tulare County will not pay for any work performed on this optional task prior to the issuance of the specific notice to proceed.

Exhibit B - 1
Cost Summary

Environmental Construction Support Road D129 Sand Creek Bridge

Cost Proposal with Estimated Labor Hours & Cost
May 17, 2018

Task Description	DOKKEN ENGINEERING						
	Environmental QA/QC	Senior Environmental Planner	Associate Environmental Planner	Environmental Planner/Biologist	TOTAL HOURS	OTHER DIRECT COST	TOTAL COST
Billing Rates	\$232.50	\$156.93	\$122.06	\$98.81			
TASK 1.0 - Pre-Construction Surveys	2	4	24	28	58		\$6,788.88
1.1 Nesting Bird and Raptor Survey	1	2	10	12	25		\$2,952.70
1.2 General Wildlife Survey			4	4	8		\$883.48
1.3 California Tiger Salamander Burrow Mapping	1	2	10	12	25		\$2,952.70
TASK 2.0 - Construction Support	8	44	206	438	696	\$5,520	\$82,708.67
2.1 Environmental Awareness Training	2	4	12	12	30		\$3,743.19
2.2 Periodic Environmental Compliance Monitoring	4	8	12	12	36		\$4,835.92
2.3 Full Time California Tiger Salamander Monitoring		10	50	110	170	\$1,520	\$20,061.56
2.4 Post Construction Permit Closeouts	1	2	2	4	9		\$1,185.73
2.5 Additional Full Time CTS Monitoring (OPTIONAL)	1	20	130	300	451	\$4,000	\$52,882.28
TOTAL BASE HOURS	9	28	100	166	303		
TOTAL BASE COST	\$2,092	\$4,394	\$12,206	\$16,403		\$1,520	\$36,615.27
TOTAL OPTIONAL HOURS	1	20	130	300	451		
TOTAL OPTIONAL COST	\$232	\$3,139	\$15,868	\$29,643		\$4,000	\$52,882.28
GRAND TOTAL HOURS	10	48	230	466	754		
GRAND TOTAL COST	\$2,325	\$7,533	\$28,074	\$46,046		\$5,520	\$89,497.56

