

**FOURTH AMENDMENT TO AGREEMENT FOR
PROFESSIONAL SERVICES
(Design Professional)**

THIS FOURTH AMENDMENT TO AGREEMENT is made and entered into this 4TH day of SEPTEMBER, 2018, by and between the City of Merced, a California Charter Municipal Corporation (“City”), and Stantec Consulting Services, Inc., a New York Corporation, whose address of record is 200, 10160 – 112 Street, Edmonton AB, Canada T5K 2L6, (“Consultant”).

WHEREAS, City is undertaking a project to prepare Sewer Master Plan for the City of Merced (“Project”); and

WHEREAS, City and Consultant have previously entered into an Agreement for Professional Services (“Agreement”) dated April 1, 2013, a First Amendment to said Agreement dated June 16, 2014, a Second Amendment to said Agreement dated April 20, 2015 and a Third Amendment to said Agreement dated April 17, 2017; and

WHEREAS, City and Consultant desire to amend said Agreement to provide for additional services in connection with said project.

NOW, THEREFORE, the parties hereto, in consideration of the mutual covenants hereinafter recited, agree as follows:

1. Section 27, “ADDITIONAL SCOPE OF SERVICES,” is hereby added to the Agreement to read as follows:

“27. ADDITIONAL SCOPE OF SERVICES. The Scope of Services is amended in accordance with the changes outlined in Exhibit 1 attached hereto.”

2. Section 28, “ADDITIONAL COMPENSATION,” is hereby added to the Agreement to read as follows:

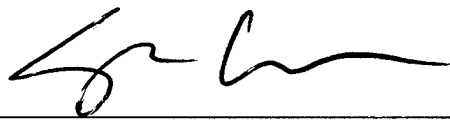
“28. ADDITIONAL COMPENSATION. The City shall pay to Consultant the not to exceed additional sum of One Hundred Thirty Thousand Four Hundred Dollars (\$130,400.00) for the additional services described in

Exhibit 1 and in accordance with the fee schedule set forth on Exhibit 1, attached hereto.”

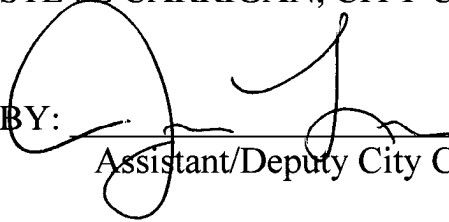
3. Except as herein amended, the Agreement dated April 1, 2013, First Amendment dated June 16, 2016, Second Amendment dated April 20, 2015 and Third Amendment dated April 17, 2017, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Fourth Amendment to Agreement to be executed on the date first above written.

CITY OF MERCED
A California Charter Municipal
Corporation

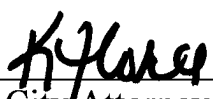
BY: 
City Manager

ATTEST:
STEVE CARRIGAN, CITY CLERK

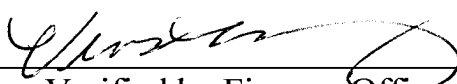
BY: 
Assistant/Deputy City Clerk



APPROVED AS TO FORM:

BY:  7/31/18
City Attorney Date

213469 P0# 109009
ACCOUNT DATA:

BY: 
Verified by Finance Officer V-16324
Funds Available MS 8/29/18
553-1107-532-17-00 113059
7/24/18

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\$ 130,400.00 NW 9/5/18 2

CONSULTANT
STANTEC CONSULTING SERVICES,
INC., A New York Corporation

BY: David Price
(Signature)

David Price
(Typed Name)

Its: Senior Associate
(Title)

BY: Steven L. Beck
(Signature)

Steven L. Beck
(Typed Name)

Its: Senior Principal
(Title)

Taxpayer I.D. No. 68-0309852

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Rocklin, CA 95765

TELEPHONE: (916) 773-8100

FAX: (916) 773-8448

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City of Merced
Sewer Master Plan Project Update
Scope of Services
Amendment No. 4

In April of 2013, the City of Merced (City) authorized Stantec Consulting Services, Inc. (Stantec) to prepare an update to the City's 2007 Draft Sewer Master Plan. The scope of this effort including Amendments No. 1, No. 2 and No. 3, authorized subsequently, includes the following major tasks:

- 1) Update New Land Use Assumptions (2030 Vision General Plan) and Wastewater Flows
- 2) Assess Available Capacity in Sewers
- 3) Determine Sewer System Needs at General Plan Buildout
- 4) Develop Interim Service Plan
- 5) Develop Sewer Repair and Replacement Program
- 6) Develop Industrial Waste Acceptance Decision Matrix
- 7) Project Meetings
- 8) Prepare Draft and Final Master Plan Report
- 9) Project Management and Administration
- 10) coordination and review of satellite pretreatment facilities engineering evaluation
- 11) Evaluate conveyance options for flows from University and Airport Satellite Industrial Pretreatment facilities
- 12) Expansion of the City WWTF
- 13) Estimate Cost of Handling waste streams from pretreatment facilities
- 14) Prepare Draft and Final Technical Memorandum
- 15) Project Definition and Organization (Environmental)
- 16) Preparation of the Environmental Checklist, Initial Study, and Notice of Preparation
- 17) Preparation of Draft EIR
- 18) Preparation of the Final EIR
- 19) Certification of the Final EIR and Project Approval
- 20) Environmental Documentation Project Management, Meetings and Quality Control
- 21) Asset Management Support
- 22) Satellite Treatment Information
- 23) Financing Options
- 24) Assessment District Formation Assistance

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Stantec has worked with City staff completing the tasks described above and in more detail in the attached Agreement for Professional Services dated April 1, 2013 (the Agreement), and subsequent Amendments Nos. 1, 2 and 3.

After the Draft Sewer Master Plan was produced in October 2016 City staff requested refinements of the evaluation of the remaining capacity in the existing trunk sewer system in the context of the approved, or “entitled” projects/properties in the North Merced area. That was, in part, based on comments received from both staff and stakeholders on the October 2016 Draft. The additional effort associated with these Tasks is described herein.

In addition to this evaluation of the “entitled” projects/properties in North Merced, the City also requested additional evaluation of the concept of a “satellite” treatment facility located in North Merced as an alternative to the recommended trunk sewer conveyances included in the Draft Sewer Master Plan (October 2016). The effort for this evaluation was not all anticipated in Amendment No. 3, where the evaluation of the satellite concept was initially described. Stakeholder and staff feedback on the Draft Master Plan resulted in a much more detailed assessment and comparison of collection system options based on the location of future treatment capacity. It also resulted in the Draft Wastewater Collection System (WCS) Master Plan, as it was renamed, to include additional material (three (3) new sections, or chapters and an executive summary). The effort for this additional work is described herein.

The City further engaged with stakeholders interested in the Draft WCS Master Plan (December 2017) which resulted in one (1) additional stakeholder meeting in November 2017 and one (1) additional workshop with the City Council in February of 2018 which were not anticipated in Amendment No. 3. In addition, Stantec staff participated in a presentation to the City Council on April 2, 2018. The effort to prepare for, attend and follow up on these meetings is described herein in Task 7.

Additional cost opinions authorized by Amendment No. 3 required some additional effort beyond that anticipated. To keep the public process going on the WCS Master Plan, budget for tasks previously authorized for environmental documentation (Task 17) were utilized by Stantec in consultation with City staff. This Amendment No. 4 Scope of Services attempts to describe fully the additional effort expended to date, including identifying additional budget for meetings, project management, and master plan preparation. In this Amendment No. 4, the additional costs are reflected in Tasks 7, 8 and 9.

This Amendment No. 4 includes additional effort for field studies in support of a project specific evaluation of specific potential construction impacts. Based on discussions during the EIR kickoff meeting with City staff (spring 2018) and the December 2017 updates to the Master Plan, the City believes Plan A has enough specificity and detail to be evaluated at a project specific level. Stantec will prepare the EIR at a program level to accommodate uncertainties with plan implementation (such as operational conditions and future connections), but where project level details exist, Project level analysis will be completed for components where such detail has been developed. This modification will require additional consideration for specific construction impacts and require additional surveys. In this Amendment No. 4, the additional costs are reflected in Tasks 15 through 20.

In addition, this Amendment respectfully requests the City to authorize the budgets for tasks associated with CEQA document development and preparation to be adjusted for current rates. This work (Tasks 15 through 20) was originally authorized by Amendment No. 2 in 2015. Much of that work has been on hold since that time pending completion of the WCS Master Plan. This is reflected in Task 15 through 20 of this Amendment No. 4.

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City staff and Stantec have agreed that the Agreement approved in April 2013 should be amended to include the additional effort summarized above and detailed in this Amendment No. 4 Scope of Services.

This Amendment No. 4 proposes to modify the scope of services as follows:

TASK 1: UPDATE NEW LAND USE ASSUMPTIONS AND WASTEWATER FLOW

As described by the scope of services for Task 1 per the current Agreement.

Budget: No change. \$11,088

TASK 2: ASSESS AVAILABLE CAPACITY IN SEWERS

As described by the scope of services for Task 2 per the current Agreement.

Budget: No change. \$8,512

TASK 3: DETERMINE SEWER SYSTEM NEEDS AT GENERAL PLAN BUILDOUT

As described by the scope of services for Task 3 per the current Agreement.

Budget: No change. \$29,300

TASK 4: DEVELOP INTERIM SERVICE PLAN

As described by the scope of services for Task 4 per the current Agreement.

Budget: No change. \$22,250

TASK 5: DEVELOP SEWER REPAIR AND REPLACEMENT PROGRAM

As described by the scope of services for Task 5 per the current Agreement.

Budget: No change. \$16,500

TASK 6: INDUSTRIAL WASTE ACCEPTANCE DECISION MATRIX

As described by the scope of services for Task 6 per the current Agreement.

Budget: No change. \$21,150

TASK 7: PROJECT MEETINGS

The scope of this task is amended to include additional effort including:

- One (1) additional meeting with the Stakeholder group to present the Final Draft WCS Master Plan and discuss Financing options. November 2017 meeting preparation and follow-up.
- Two (2) additional City Council Workshops to present the Final Draft WCS Master Plan, the first of which took place in February 2018 and with the second held in April 2018. This effort includes meeting preparation, participation and presentation before the Council, as well as follow-up.
- Allowance for additional meetings with City staff at City offices in Merced.

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Therefore, Stantec is requesting the authorized amount of this task be increased as indicated here and in the attached Amendment #4 Consulting Services Fee Estimate Breakdown.

Revised Budget: \$56,400 (\$7,600 additional)

TASK 8: PREPARE DRAFT AND FINAL MASTER PLAN REPORT

The scope of this task is amended to include additional effort including:

- Development of three new introductory chapters and an Executive Summary, with changes throughout the prior (October 2016) draft Master Plan to address consistency with these new chapters and incorporate a new scenario analyzed as an option to the previously recommended/preferred plan. This additional scenario compares the provision of treatment and reclamation at the existing WWTRF site with provision of the same service at two locations 1) the existing WWTRF site (Plan A), and 2) a hypothetical second site in North Merced where a new NMWWTRF would be constructed along with extensive effluent storage and agricultural reuse facility improvements (Plan B). Feasible options were summarized in a new chapter 8, with recommendations on the preferred system plan. This resulted in the addition of a total of 4 new chapters and the Executive Summary.
- Development of cost estimates for the two WWTRF location options added to the report with this Amendment (no. 4), including various tabulations summarizing facilities the two options would have in common and facilities unique to each.
- Updates to the previously developed system hydraulic model to address comments provided by both City staff and stakeholders. Update of previously developed simulation scenarios.
- Additional effort required for preparation of a second draft report (Final Draft Master Plan).

Therefore, Stantec is requesting the authorized amount of this task be increased as indicated here and in the attached Amendment #4 Consulting Services Fee Estimate Breakdown.

Revised Budget: \$93,800 (\$32,800 additional)

TASK 9: PROJECT MANAGEMENT AND ADMINISTRATION

Additional budget is requested for Project Management and Administration effort to cover the balance of the additional WCS master planning work authorized by this Amendment No. 4. Project management for the environmental document (Tasks 15-20) is included in Task 20. The scope of this task (9) is amended to include additional effort related to managing the expanded Master Planning scope and additional Engineering support and oversight through project completion (effectively April 2018).

Therefore, Stantec is requesting the authorized amount of this task be increased as indicated here and in the attached Amendment #4 Consulting Services Fee Estimate Breakdown.

Revised Budget: \$25,200 (\$10,700 additional)

TASK 10: COORDINATION AND REVIEW OF SATELLITE PRETREATMENT FACILITIES ENGINEERING EVALUATION

As described by the scope of services for Task 10 per the current Agreement and Amendment No. 3, thereto, which removed this task.

Budget: No change. \$0

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TASK 11: EVALUATE CONVEYANCE OPTIONS FOR FLOWS FROM UNIVERSITY AND AIRPORT SATELLITE INDUSTRIAL PRETREATMENT FACILITIES

As described by the scope of services for Task 11 per the current Agreement and Amendment No. 3, thereto, which removed this task.

Budget: No change. \$0

TASK 12: EXPANSION OF THE CITY WWTF

As described by the scope of services for Task 12 per the current Agreement and Amendment No. 3, thereto.

Budget: No change. \$30,000

TASK 13: ESTIMATE COST OF HANDLING WASTE STREAMS FROM PRETREATMENT FACILITIES

As described by the scope of services for Task 13 per the current Agreement and Amendment No. 3, thereto, which removed this task.

Budget: No change. \$0

TASK 14: PREPARE DRAFT AND FINAL TECHNICAL MEMORANDUM

As described by the scope of services for Task 14 per the current Agreement and Amendment No. 3, thereto.

Budget: No change \$20,400

TASK 15: PROJECT DEFINITION AND ORGANIZATION (ENVIRONMENTAL)

The scope of this task is amended to include additional effort including:

- Revisions to the draft Project Description resulting from modifications to the preliminary draft sewer master plan described in Amendment No. 3 and this Amendment No. 4, including modifications to the project alternatives presented in the master plan.
- In addition, since this effort was originally authorized in 2015 (Amendment No. 2), the billing rates for Stantec staff have been adjusted upward. Additional hours were added to this task in anticipation of public interest and coordination with the City regarding the alternatives and cumulative analysis.

Therefore, Stantec is requesting the authorized amount of this task be increased as indicated here and in the attached Amendment #4 Consulting Services Fee Estimate Breakdown.

Revised Budget: \$25,800 (\$10,700 additional)

TASK 16: PREPARATION OF THE ENVIRONMENTAL CHECKLIST, INITIAL STUDY, AND NOTICE OF PREPARATION

The scope of this task is amended to include additional effort including:

- Revisions to the draft Project Description resulting from modifications to the preliminary draft sewer master plan described in Amendment No. 3 and this Amendment No. 4, including modifications to the project alternatives presented in the master plan.

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- In addition, since this effort was originally authorized in 2015 (Amendment No. 2), the billing rates for Stantec staff have been adjusted upward. In addition, since this effort was originally authorized in 2015 (Amendment No. 2), the billing rates for Stantec staff have been adjusted upward. Additional hours were added to this task in anticipation of public interest and coordination with the City regarding the alternatives and cumulative analysis.

Therefore, Stantec is requesting the authorized amount of this task be increased as indicated here and in the attached Amendment #4 Consulting Services Fee Estimate Breakdown.

Revised Budget: \$12,500 (\$2,500 additional)

TASK 17: PREPARATION OF THE DRAFT EIR

The scope of this task is amended to include additional effort including:

- Revisions to the draft Project Description resulting from modifications to the preliminary draft sewer master plan described in Amendment No. 3 and this Amendment No. 4, including modifications to the project alternatives presented in the master plan. Based on discussions during the EIR kickoff meeting and updates to the Master Plan, Plan A has enough specificity and detail to be evaluated at a project specific level. Stantec will prepare the EIR at a program level to accommodate uncertainties with plan implementation (such as operational conditions and future connections) but where project level details exist Project level for components where such detail has been developed. This modification will require additional consideration for specific construction impacts and require additional surveys. We have included budget for this additional effort, which may include additional engineering support and will include desktop and field surveys by Stantec specialists for resources such as land use, biological, and cultural that have occurred after the initial kick off meeting.
- In addition, since this effort was originally authorized in 2015 (Amendment No. 2), the billing rates for Stantec staff have been adjusted upward. In addition, since this effort was originally authorized in 2015 (Amendment No. 2), the billing rates for Stantec staff have been adjusted upward. Additional hours were added to this task in anticipation of public interest and coordination with the City regarding the alternatives and cumulative analysis.

Therefore, Stantec is requesting the authorized amount of this task be increased as indicated here and in the attached Amendment #4 Consulting Services Fee Estimate Breakdown.

Revised Budget: \$164,100 (\$21,100 additional)

TASK 18: PREPARATION OF THE FINAL EIR

As described by the scope of services for Task 18 per the current Agreement and Amendment No. 2, thereto. Since this effort was originally authorized in 2015 (Amendment No. 2), the billing rates for Stantec staff have been adjusted upward. In addition, in anticipation of more public comments on the Draft EIR than originally estimated in Amendment No. 2, hours were added to this task for responding to comments.

Therefore, Stantec is requesting the authorized amount of this task be increased as indicated here and in the attached Amendment #4 Consulting Services Fee Estimate Breakdown.

Revised Budget: \$37,250 (\$17,000 additional)

TASK 19: CERTIFICATION OF THE FINAL EIR AND PROJECT APPROVAL

As described by the scope of services for Task 19 per the current Agreement and Amendment No. 2, thereto. Since this effort was originally authorized in 2015 (Amendment No. 2), the billing rates for Stantec staff have been adjusted upward. In addition, in anticipation of more public comments on the Draft EIR than originally estimated in Amendment No. 2, hours were added to this task for completing the administrative record.

Therefore, Stantec is requesting the authorized amount of this task be increased as indicated here and in the attached Amendment #4 Consulting Services Fee Estimate Breakdown.

Revised Budget: \$7,600 (\$3,000 additional)

TASK 20: ENVIRONMENTAL DOCUMENTATION PROJECT MANAGEMENT, MEETINGS AND QUALITY CONTROL

As described by the scope of services for Task 20 per the current Agreement and Amendments No. 2 and 3, thereto. Since this effort was originally authorized in 2015 (Amendment No. 2), the billing rates for Stantec staff have been adjusted upward.

In addition, hours were added to this task for coordination (conference calls, meetings, etc.) with the City.

Therefore, Stantec is requesting the authorized amount of this task be increased as indicated here and in the attached Amendment #4 Consulting Services Fee Estimate Breakdown.

Revised Budget: \$43,700 (\$14,700 additional)

TASK 21: ASSET MANAGEMENT SUPPORT

As described by the scope of services for Task 21 per the current Agreement and Amendment No. 3, thereto, which removed this task.

Budget: No change. \$0

TASK 22: SATELLITE TREATMENT INFORMATION

As described by the scope of services for Task 21 per the current Agreement and Amendment No. 3, thereto.

Budget: No change. \$8,200

TASK 23: FINANCING OPTIONS

As described by the scope of services for Task 23 per the current Agreement and Amendment No. 3, thereto.

Budget: No change. \$11,500

TASK 24: ASSESSMENT DISTRICT FORMATION ASSISTANCE

The scope of this task is amended to include additional effort including:

- Additional effort required for preparation of mapping for the Project Delineation task (Task 24.1) identified in authorized Amendment No. 3.

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Therefore, Stantec is requesting the authorized amount of this task be increased as indicated here and in the attached Amendment #4 Consulting Services Fee Estimate Breakdown.

Revised Budget: \$ 123,000 (\$10,300 additional)

SUMMARY

Stantec will work with City staff throughout the process to ensure that the City's expectations and objectives are met, and that the City is informed of the status of the work under each task.

Stantec will invoice the City for charges incurred on a time and material basis. The overall budget authorization for this effort is increased to \$768,050

Stantec is ready to proceed upon receipt of written authorization from the City. Please feel free to contact the Project Manager, Dave Price, with any questions you have regarding this proposal at 360-560-1069.