

**THIRD AMENDMENT TO AGREEMENT FOR
PROFESSIONAL SERVICES**

THIS THIRD AMENDMENT TO AGREEMENT is made and entered into this ___ day of _____, 2015, by and between the City of Merced, a California Charter Municipal Corporation (“City”), and Quad Knopf, Inc., a California Corporation, whose address of record is P.O. Box 3699, Visalia, California 93278, (“Consultant”).

WHEREAS, City is undertaking a project to prepare environmental technical studies for the Bear Creek Bike Path Project (“Project”); and

WHEREAS, City and Consultant have previously entered into an Agreement for Professional Services (“Agreement”) dated January 23, 2012, a First Amendment dated March 8, 2013, and a Second Amendment dated March 25, 2015; 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 26, “ADDITIONAL SCOPE OF SERVICES,” is hereby added to the Agreement to read as follows:

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

2. Section 27, “ADDITIONAL COMPENSATION,” is hereby added to the Agreement to read as follows:

“27. ADDITIONAL COMPENSATION. The City shall pay to Consultant the not to exceed additional sum of Twenty-Seven Thousand Fifty-Four Dollars (\$27,054.00) 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 January 23, 2012, First Amendment dated March 8, 2013, and Second Amendment dated March 25, 2015, shall remain in full force and effect.

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

CITY OF MERCED
A California Charter Municipal
Corporation

BY: _____
City Manager

ATTEST:
JOHN M. BRAMBLE, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

APPROVED AS TO FORM:
RANDOLPH S. HOM, CITY ATTORNEY

BY: Ken Boyd 11/10/15
City Attorney Date

ACCOUNT DATA:

BY: _____
Verified by Finance Officer

CONSULTANT
QUAD KNOPF, INC.,
A California Corporation

BY: 
(Signature)

Michael Knopf
(Typed Name)

Its: President
(Title)

BY: 
(Signature)

Janel Freeman
(Typed Name)

Its: CFD
(Title)

Taxpayer I.D. No. 94-2228472

ADDRESS: P.O. Box 3699
Visalia, CA 93278

TELEPHONE: (559) 733-0440

FAX: (559) 733-7821

E-MAIL: janel@quadknopf.



November 4, 2015

Mr. Ken Elwin
City of Merced
678 West 18th Street
Merced, California 95340

Subject: Final Scope and Costs for Redefined Bear Creek Bike Path Project

Dear Mr. Elwin:

You recently advised us that the City has determined that the Bear Creek Bike Path project (Project) has been redefined to remove the southern section along Bear Creek. Quad Knopf's participation in the Project began in 2012 when we conducted biological field reconnaissance surveys along two non-contiguous sections of proposed bike paths. The northern section extends approximately 800 feet west along La Mirada Drive, continues north along SR-59 and then east along the south side of Black Rascal Creek to a proposed bike/pedestrian bridge, where it continues north to its terminus with the existing Black Rascal path at Buena Vista Drive. The southern section was originally proposed to be on the east side of N. Bear Creek Drive. However, because it was determined that impacts would be greater on the east side of N. Bear Creek Drive – between Creekside and Brookside – than the west side, the path was moved to the west side of N. Bear Creek Drive. This change meant that the open sections of the Merced Lateral Canal that are adjacent to the west side of N. Bear Creek Drive would need to be undergrounded to make room for the bike path.

Technical documents, determined by Caltrans to be necessary in compliance with NEPA, were drafted and submitted to Caltrans, using the original northern section, and revised southern section of N. Bear Creek Drive. These technical documents are in various stages of review/revision, but because the Project description has been redefined to exclude the southern section, will need to be revised once again and resubmitted to Caltrans.

Per your request of October 22, 2015, we have attached a description, status, and cost estimates for the documents needed to complete the Project. We understand that there is limited time to complete these documents and have them approved by the various agencies before you must begin the construction phase. Please do not hesitate to contact me if you have questions or concerns regarding this amendment.

Sincerely,

Ginger White
Senior Planner

Enclosures: Attachment A: Scope of Work and Costs



Quad Knopf

Attachment A Scope of Work

The following tasks are needed to complete the Caltrans-required technical studies for NEPA compliance, CEQA compliance, and permitting from the California Department of Fish and Wildlife.

Task 1 NEPA – Technical Documents

Task 1.1 BA

Revise and update the BA based on the new Project Description. All figures and text will need to be revised to eliminate the southern section of the Project along Bear Creek. This document was submitted to Caltrans, and revised twice based on their comments. The cost estimate is based on the assumption that no additional revisions will be required. Document will be transmitted to the City electronically.

Time to Complete: 14 days from NTP
Deliverable: One (1) electronic copy and (1) hard copy
Cost: \$2,500

Task 1.2 NES

Revise and update the NES based on the new Project Description. This document must be consistent with the project description, figures, and analysis presented in the BA. It also contains additional information and figures regarding resources in addition to biological resources. Although some of the information from the BA can be utilized for both documents, in the NES all figures and text will need to be revised to eliminate the southern section of the Project along Bear Creek. A draft NES document was submitted to Caltrans, and revised once based on their comments. Caltrans submitted a second round of comments in March 2015, and the NES was partially revised, but has been on hold until additional information on the status of permits became available. The cost estimate is based on the assumption that no additional revisions will be required. Document will be transmitted electronically.

Time to Complete: 14 days from NTP
Deliverable: One (1) electronic copy and (1) hard copy
Cost: \$3,650

Task 1.3 Noise

The Noise Technical Memorandum was drafted and submitted to Caltrans in June 2014. Caltrans has indicated that they provided comments in September 2014; however, we have no

record of these comments. The Memo will need to be revised to eliminate the southern section of the Project, and to incorporate Caltrans' comments.

The cost estimate is based on the assumption that no additional revisions will be required once the existing comments from Caltrans have been incorporated. Document will be transmitted electronically.

Time to Complete: 7 days from NTP
Deliverable: One (1) electronic copy and (1) hard copy
Cost: \$450.00

Task 1.4 Floodplain and Hydraulic Study

The Location Hydrologic Study and Floodplain Encroachment Report was prepared and submitted to Caltrans. They have indicated that they submitted comments to the City in December 2013. Quad Knopf does not have a record of these comments. The Report will need to be revised to eliminate the southern section of the Project, and to incorporate Caltrans' comments.

Time to Complete: 10 days from NTP
Deliverable: One (1) electronic copy and (1) hard copy
Cost: \$450.00

Task 1.5 Cultural Resources Documents

The APE was prepared and submitted to Caltrans, and was later revised. Caltrans provided comments on the APE, the HRSR and the Cultural Resources Survey Report in October 2012. Quad Knopf will prepare a revised APE that includes only the remaining northern section of the Project. Our subcontractor, Sierra Valley Cultural Planning will need to address Caltrans' comments and revise the HRSR and Survey Report to include only the redefined Project.

Time to Complete: 14 days from NTP
Deliverable: One (1) electronic copy and (1) hard copy
Cost: \$1,200.00

Task 1.6 Visual Impact Analysis

The Minor VIA was prepared and submitted to Caltrans in April 2012. They have indicated that they submitted comments to the City in December 2013. Quad Knopf does not have these comments. The Report will need to be revised to eliminate the southern section of the Project in the figures, photos and text, and to incorporate Caltrans' comments.

Time to Complete: 10 days from NTP
Deliverable: One (1) electronic copy and (1) hard copy
Cost: \$450.00

Task 1.7 Water Quality Memo

The Water Quality Memo has been drafted, but because final information regarding permits was not available, it had not been submitted to Caltrans. The Memo will need to be revised to eliminate the southern section of the Project in the figures, photos and text.

Time to Complete: 10 days from NTP
Deliverable: One (1) electronic copy and (1) hard copy
Cost: \$450.00

Task 2 CEQA – Technical Documents

Task 2.1 Initial Study and Mitigated Negative Declaration

The completion of the Initial Study and Mitigated Negative Declaration is needed in compliance with CEQA because mitigation measures are needed to reduce impacts to less than significant for biological and water resources. The CEQA process requires consultation with Native American Tribes (contacting tribal members recommended by NAHC and allowing at least 30 days for response), for a minimum total of approximately 60 days to complete the draft. The draft would then need to be released for public comment for a period of 30 days. Finally, the document would need to be considered by the Planning Commission, and adopted by the City Council. Schedule and cost assumes the City will provide one set of comments to the draft IS/MND within seven (7) days of submittal of Administrative Draft. Quad Knopf will prepare project Notices for public comment period and State Clearing House.

Time to Complete: 120 days from NTP through Adoption (minimum, based on meeting dates)
Deliverable: One (1) electronic copy of Administrative Draft; one (1) electronic and two (2) hard copies of Draft for public review; one (1) electronic and five (5) hard copies of Final document for public review and adoption. Additionally fifteen (15) electronic copies of Draft and Final will be prepared as CDs for submission to State Clearinghouse.
Cost: \$15,000.00

Task 3 Permitting Process

Task 3.1 CDFW 1600 Permit

The removal of the section of the bike path along Bear Creek eliminates the need to underground the MID canal. Therefore, permit applications with US Army Corps and the Regional Water Quality Control Board are no longer necessary. Because the northern section of the Project includes riparian habitat, a California Department of Fish and Wildlife (CDFW) 1600 permit, otherwise known as a Streambed Alteration Agreement, is needed. The 1600 permit applicant cannot be submitted to the agency until the CEQA environmental documents have been completed. Other technical documents, such as Hydrology Reports, may also be needed. The permit and its accompanying documents will be compiled on a CD and submitted to the appropriate agency.

Time to Complete: 20 days from NTP: submission to agency upon adoption of the IS/MND
Deliverable: CD to include permit application, IS/MND, and technical documents as required by the agency
Cost: \$2,904.00
(Estimated Fee to Agency is \$4,912 which is not included in our cost)

Cost Estimate – All Tasks

Task	Cost
Task 1.1 BA	\$ 2,500
Task 1.2 NES	\$ 3,650
Task 1.3 Noise	\$ 450
Task 1.4 Floodplain and Hydraulic Study	\$ 450
Task 1.5 Cultural Resources Documents	\$ 1,200
Task 1.6 Visual Impact Analysis	\$ 450
Task 1.7 Water Quality Memo	\$ 450
Task 2.1 CEQA Document	\$15,000
Task 3.1 CDFW 1600 Permit	\$ 2,904
Grand Total	\$27,054