

FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES

THIS FIRST AMENDMENT TO AGREEMENT is made and entered into this ____ day of _____, 2020, by and between the City of Merced, a California Charter Municipal Corporation ("City"), and LSA Associates, Inc., a California Corporation, whose address of record is 20 Executive Park, Suite 200, Irvine, California 92614, ("Consultant").

WHEREAS, City is undertaking a project to construct a municipal well site; and,

WHEREAS, City and Consultant have previously entered into an Agreement for Professional Services ("Agreement") dated July 15, 2019; 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 22, "ADDITIONAL WORK," is hereby added to the Agreement to read as follows:

"SECTION 22. ADDITIONAL WORK. Consultant shall perform the additional work outlined in the proposal from Consultant to City dated August 25, 2020, attached hereto as Exhibit '1'."

2. Section 23, "ADDITIONAL COMPENSATION," is hereby added to the Agreement to read as follows:

"SECTION 23. ADDITIONAL COMPENSATION. City shall pay to Consultant the not to exceed additional sum of Eleven Thousand Five Hundred Fifty-Five _ Dollars and Six Cents (\$11,555.06) for the additional work described in the proposal attached hereto as Exhibit

'1' and in accordance with the rates set forth on Exhibit
'1'."

3. Except as herein amended, the Agreement dated July 15, 2020, shall remain in full force and effect.

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


CITY OF MERCED
A California Charter Municipal
Corporation

BY: _____
City Manager

ATTEST:
STEPHANIE R. DIETZ, INTERIM CITY CLERK

BY: _____
Assistant/Deputy City Clerk

APPROVED AS TO FORM:

BY:  9/17/20
City Attorney Date

ACCOUNT DATA:

BY: _____
Verified by Finance Officer

CONSULTANT
LSA ASSOCIATES, INC.,
A California Corporation

BY: 
Mike Trotta

Its: ~~President~~ CEO
(Title)

Taxpayer I.D. No. 94-2341614

ADDRESS: 20 Executive Park,
Suite 200
Irvine, CA 92614

TELEPHONE: (949) 533-0666

FAX: _____

E-MAIL: Mike.Trotta@lsa.net
Contracts@lsa.net



CARLSBAD
FRESNO
IRVINE
LOS ANGELES
PALM SPRINGS
POINT RICHMOND
RIVERSIDE
ROSEVILLE
SAN LUIS OBISPO

August 25, 2020

Mr. Joseph D. Angulo, P.G.
Acting Deputy Director Public Works
Public Works Department, City of Merced
1776 Grogan Road
Merced, CA 95341

Subject: Updated Scope of Work for Environmental Services for Municipal Well Site #22 –
Contract Amendment #1

Dear Mr. Angulo:

LSA submits this updated scope of work to provide environmental review services for the Merced Municipal Well #22 Project (proposed project) pursuant to the California Environmental Quality Act (CEQA). Following completion of the public scoping period for the Environmental Impact Report (EIR) for the proposed project, the City determined that reliance on a Mitigated Negative Declaration would be appropriate to fulfill the requirements of CEQA for the proposed project. In addition, water supply and stormwater transmission pipelines have been added to the project description. The following tasks from the approved scope of work have been modified as summarized below:

- **Task 2:** The technical analyses will be updated to reflect the addition of the transmission pipelines.
- **Task 5:** Preparation of a Focused Draft EIR has been replaced with preparation of an Initial Study and Mitigated Negative Declaration.
- **Task 6:** Preparation of a Final EIR has been replaced with preparation of a Response to Comments Memorandum.
- **Task 9:** Additional budget has been allocated to cover time need to coordinate the change in the scope of work.

This updated scope of work also includes the addition of Ken D. Schmidt & Associates (KDS) as a subconsultant to MKN & Associates (MKN) to assist with identifying and addressing potential environmental impacts associated with the hydrogeological conditions of the project site and surrounding areas. If you have any questions regarding this scope of work, please call Kyle or Amy at 559-490-1210 or e-mail us at kyle.simpson@lsa.net and amy.fischer@lsa.net.

Sincerely,

LSA Associates, Inc.


Amy Fischer
Principal


Kyle Simpson
Associate/Project Manager

2491 Alluvial Avenue, PMB 626, Clovis, California 93611 559.490.1210 www.lsa.net

LSA is a business name of LSA Associates, Inc.

EXHIBIT 1

PROJECT UNDERSTANDING AND SCOPE OF WORK

PROJECT UNDERSTANDING

The City of Merced is proposing the construction and operation of a new municipal water production well. The proposed well would be located on a City-owned parcel west of the intersection of Cardella Road and Hatch Road, in unincorporated area of Merced County, north of the City. The proposed well would be a replacement for another City-owned well that is no longer in service. Following completion of the public scoping period for the project, the City determined that an EIR would not be required if additional information is included in the Initial Study.

In addition, the City has requested that the analysis evaluate the addition of transmission pipelines for water supply and stormwater within the Hatch Road right-of-way between the project site and East Yosemite Avenue.

SCOPE OF WORK

The scope of work for preparation of an updated Initial Study in support of a Mitigated Negative Declaration is detailed below. Task 2, Task 5, Task 6 and Task 8 of the approved scope of work has been modified or replaced with the scope of work included below.

Task 2: Technical Analysis

Based on the changes to the Project Description, LSA recommends that each of the technical analyses completed under Task 2 be updated to address potential environmental impacts.

2.1 *Air Quality and Greenhouse Gases*

LSA will update the December 2019 Air Quality and Greenhouse Gas Analysis technical memorandum based on updated project information, including construction emissions associated with constructing the transmission pipeline and roadway improvements, and comments received during the public scoping period.

2.2 *Biological Resources*

LSA will update the November 2019 Biological Resources Evaluation (BRE) based on updated project information and comments received during the public scoping period. LSA will complete the following tasks to update the BRE:

- Update species lists
- Review aerial imagery of the transmission line project area (assumed to be within paved limits of Hatch Road from the project site between East Cardella Avenue and East Yosemite)
- Revise memo accordingly and incorporate the approved project description
- Update figures

2.3 Cultural Resources

LSA will update the October 2019 Cultural Resources Study based on updated project information and comments received during the public scoping period. The update will include a Native American Heritage Commission (NAHC) Sacred Lands File (SLF) search, an updated project site map, and an archaeological sensitivity analysis that covers the location where the sewer transmission pipeline is proposed.

2.4 Noise

LSA will update the November 2019 Noise Analysis memorandum based on updated project information and comments received during the public scoping period.

2.5 Water Distribution System Infrastructure and Well Site Analysis

MKN will complete the following tasks in coordination with KDS:

- **Water, Sewer, and Storm Drain Improvements and Impacts Evaluation.** MKN will review the City's latest master planning documents and identify the required improvements to connect Well 22 to the City's existing water, wastewater collection, and storm drain systems. Based on the facilities required, pipeline alignments and sizes determined in the City's master planning documents, MKN will identify construction requirements required for constructing the facilities. This information will be used by LSA to determine environmental impacts resulting from the project. MKN will spend a total of up to 49 hours completing this task.
- **Well 22 Impacts on Private Wells Hydrogeologic Evaluation Research.** MKN and KDS will perform the following tasks:
 - Identify study area for evaluation (approximately ½ mile in all directions from the Well 22 site)
 - Obtain driller's logs from DWR for all wells located in study area and plot wells on a figure
 - Prepare table showing perforated intervals of each well using the logs from DWR
 - Assemble available data showing the influence of pumping from the Mehrten Formation on shallow wells
 - Review past hydrogeological work performed for UC Merced
 - Review available City Well No. 7 data
- **24-Hour Aquifer Test at City Well No. 7 (if needed).** KDS will perform a 24-hour aquifer test using City Well No. 7. KDS will perform drawdown and recovery measurements for the nested monitor wells and determine the influence of pumping from the Mehrten Formation on water levels in shallow wells.

- **Hydrogeological Evaluation Letter Report.** KDS will prepare a letter report summarizing its findings from the hydrogeologic evaluation research and Well No. 7 aquifer testing (if needed).

LSA will review the letter report prior to submitting the letter report to the City. MKN will complete the task described above for a total of \$7,646, plus \$354 in expenses. As a subconsultant to MKN, KDS will complete their portion of the task for \$11,836 (which includes a 10 percent subconsultant administration fee charged by MKN). (For budget tracking and invoicing purposes, all MKN/KDS charges for this task will be allocated under the line item budget for Task 10 as shown in Table 1 below.)

Deliverables

- Updated Air Quality and Greenhouse Gases Technical Memorandum
- Updated Biological Resources Technical Memorandum
- Updated Draft Cultural Resources Report
- Updated Final Noise Report
- Hydrogeological Evaluation Letter Report

Task 5: Initial Study and Mitigated Negative Declaration

LSA will update the Initial Study, prepared under Task 3 of the approved scope of work, to address applicable comments received during public scoping period and to update the Initial Study to address potential environmental impacts related to the addition of transmission lines as part of the project. The Initial Study will incorporate the updates to the Technical Studies, as described under Task 2. The Initial Study will be completed to support the use of a Mitigated Negative Declaration. The following scope of work will be completed to prepare an Initial Study/Mitigated Negative Declaration (IS/MND).

5.1 Administrative Draft IS/MND

LSA will prepare an Administrative Draft IS/MND with updated figures and tables, as appropriate, to illustrate the project site and the study's findings. The Administrative Draft IS/MND will be updated to reflect changes made to the technical analyses, described above under Task 2.

The Administrative Draft IS/MND will be provided to the City for review and comment. LSA will provide one electronic version in MS Word and PDF formats for review by City staff.

5.2 Screencheck Draft IS/MND

Based on a single set of consolidated and non-contradictory comments from City staff, LSA will amend the Administrative Draft IS/MND, and will prepare a Screencheck Draft IS/MND for the City to review. We have allotted time for responding to changes; however, if this task exceeds the cost allotted in the budget due to changes in project description or requests for additional analysis that are not necessary to prepare a legally-adequate document, a budget adjustment may be required.

LSA will provide one electronic version in MS Word and PDF formats for review by City staff to verify that all requested changes have been made and all appendix materials, references, and final graphics are acceptable. LSA will also provide the City with an electronic compare version of the Screencheck

Draft. This version will show text changes made to the Administrative Draft IS/MND in underline and strikeout for the City to more easily confirm that all comments and edits are fully incorporated into the Screencheck Draft IS/MND.

5.3 *Public Review IS/MND*

LSA will make any minor necessary revisions to the Screencheck Draft IS/MND, and will prepare the Public Review IS/MND. LSA will coordinate with the City on the number of printed copies needed as well as prepare the required copies for distribution at the State Clearinghouse. LSA will also prepare a Notice of Completion, in accordance with the CEQA Guidelines. The City will be responsible for local distribution and noticing.

Deliverables

- Administrative Draft IS/MND
- Screencheck Draft IS/MND
- Public Review IS/MND
 - For City distribution: 25 hard copies and 70 CD copies
 - For State Clearinghouse: Electronic copy of IS/MND
- Notice of Completion for State Clearinghouse

Task 6: Response to Comments Memorandum

LSA will review comments received from the public and public agencies on the Public Review IS/MND during the 30-day public review period, and will prepare responses to CEQA comments in a memorandum format, as necessary. This scope and budget assume up to approximately 12 hours to prepare responses to comments. Should an unexpectedly large volume of comments be submitted, LSA will request an adjustment in the budget to cover work beyond the assumed level.

Deliverables

- Administrative Draft Response to Comments Memorandum
- Final Response to Comments Memorandum

Task 9: Project Management and Meetings

Additional budget has been allocated to this task to account for LSA coordination with MKN and the City to adjust the scope of work.

BUDGET SUMMARY

Table 1 provides an estimate of the budget required to complete each task described above. The change in the scope of work would require \$47,726. As shown in Table 1, the total remaining budget under LSA's total contract that could be allocated to this change in scope is \$36,170.94. As a result, LSA is requesting a budget augment of \$11,555.06 to address changes identified in this Contract Modification. Table 2 provides a summary of the total project budget.

Table 1: Contract Modification Cost Estimate

Task	Cost Estimate
Task 2.1: Air Quality and GHG	\$2,065.00
Task 2.2: Biological Resources	\$2,280.00
Task 2.3: Cultural Resources	\$3,885.00
Task 2.4: Noise	\$940.00
Task 2.5: Water Distribution	\$550.00
Task 5: Initial Study/Mitigated Negative Declaration	\$11,220.00
Task 6: Response to Comments Memorandum	\$4,200.00
Task 9: Project Management and Meetings	\$2,750.00
Task 10: MKN/KDS	\$19,836.00
Contract Modification Total	\$47,726.00
Available Budget^a	\$36,170.94
Contract Modification Augment	\$11,555.06

^a According to LSA's records, a total amount of \$49,418.69 has been billed to-date, with \$45,003.33 budget remaining. Of the \$45,003.33 in remaining budget, \$8,832.39 has been excluded from the Available Budget amount because it is allocated to Task 7 (MMRP), Task 8 (Hearings), and Reimbursable Expenses, and those budgets would remain in order to complete these tasks for the updated Initial Study.

Table 2: Contract Budget Summary

	Budget Amount
Contract Modification Augment	\$11,555.06
Total Approved Budget	\$94,422.02
New Total Contract Amount	\$105,977.08