

April 24, 2012

EXHIBIT A - SCOPE OF SERVICES

For this phase of the project, the San Luis Obispo County Flood Control and Water Conservation District (District) has asked Waterways Consulting, Inc. (Engineer) to provide final engineering drawings and specifications for the Arroyo Grande Creek Flood Control Channel to meet the flood control objectives (Project) outlined in the Districts Proposition 1E and Proposition 84 grants with the State of California.

The general scope items to be completed by the Engineer shall include the following:

- Development of a final phasing plan and schedule to meet the objectives of District,
- Participate in inter-agency coordination/meetings,
- Preparation of a project schedule that includes design elements, permitting, bid process, and project implementation,
- Complete/update the hydraulic model,
- Update surveying information, as needed, for preparation of the bid documents,
- Prepare final construction plans, technical specifications, bid item list and construction cost estimate for the construction of the Project,
- Prepare design-level geotechnical report to assist in preparation of the engineering design,
- Provide easement documents for acquiring the required property for the proposed project which includes permanent easement figures and legal descriptions for necessary land acquisitions, as well as temporary construction easement figures for each impacted parcel,
- Assistance during the bid process, and
- Construction field services support.

Specific items of work to be performed by the Engineer are described in the following tasks:

Task 1: Plans and specifications

Task 1.1: Project Kick-off Meeting

The Engineer will develop a phasing plan and project schedule that takes into account construction feasibility, environmental constraints, and timing of obtaining environmental permits. The Engineer will present the plan to the District at a Kick-off Meeting. The result of the meeting will be a final scope of work and schedule from design through project implementation.

Task 1.2: Update topographic mapping

The Engineer shall update the existing topographic surveys of portions of the levees that were raised between the time of the aerial topographic survey and the Fall of 2011. The NAVD88 datum will be used for all survey activities. The updated survey will be performed in conjunction

with locating property monuments on the parcels to be encumbered by easements, as described in Task 2.2.

In addition to collecting localized supplemental topographic data, the Engineer will update, where necessary, the topographic data for the bed of Arroyo Grande Creek between the toes of the levees. These data were last surveyed in 2004 when the aerial topographic data was collected. Subsequent high flow events, as well as sedimentation associated with the presence of beaver dams, have likely altered the bed topography significant in some areas. Because it is likely that sedimentation is localized, the Engineer has proposed an iterative approach to limit the cost associated with a complete resurvey of the channel bed. The approach is as follows:

1. Locate and survey 1/3rd of the channel bed portions (levee toe to toe) of the HEC-RAS cross-sections (total of 22 out of 66 cross-sections).
2. Compare the new cross-section data to the old cross-section data.
3. Identify regions of the bed where significant aggradation has occurred.
4. Survey additional cross-sections, where necessary. This was assumed to be an additional 1/3rd of the HEC-RAS cross-sections and is included as a Supplemental Task (Task S-1.1). The budget in this task will only be utilized if it is necessary and is approved by the District in writing in advance of undertaking the work.

Following completion of the surveys, Waterways shall update current base map with supplemental topography and record property boundaries for use in final project design and modeling. Topographic surveys shall provide enough information to generate accurate hydraulic modeling results and earthwork quantities.

To support a hydraulic evaluation of the maximum flood protection that could be achieved along the north side of the flood control channel, cross-section data will be collected on Arroyo Grande Creek upstream of the Zone 1/1A. The Engineer will work with the District to gain access to this area with the intent of extending the model upstream for approximately 1,200 feet. These data will be integrated into the hydraulic model to evaluate channel capacity upstream of the flood control channel.

Task 1.3: Geotechnical Survey and Report

The Geotechnical Engineer will prepare a health and safety plan for the field work, and visit the site to coordinate access for field exploration. An encroachment permit will be obtained from the District for the field work. Any environmental studies, permits, or documents required for the field work will be provided to the Geotechnical Engineer by the District. The Geotechnical Engineer will mark the locations of the planned explorations and contact Underground Services Alert (USA) to review the locations relative to underground utilities. The Geotechnical Engineer will not be responsible for damages resulting from buried structures or underground utilities that are not brought to the attention of the Geotechnical Engineer and properly marked at the site.

The Geotechnical Engineer will provide a one-day field exploration program to drill five (5) borings along the north levee in the proposed floodwall areas. Four borings will be to depths of approximately 20 feet below the top of the existing levee, and one of the borings in the area of

the proposed floodwall between Highway 1 and the UPRR Bridge will be to a depth of approximately 40 feet below the top of the existing levee. Proposed boring locations will be provided to the District in a Field Exploration Plan. The borings will be drilled using a truck-mounted drill rig equipped with hollow stem augers. Water will be added to the augers to help stabilize the hole if needed. The borings may be deepened or terminated at shallower depths depending on the conditions encountered during drilling. The Geotechnical Engineer will initially sample the borings at approximately 5-foot intervals using standard penetration test (SPT) split spoon and modified California split spoon samplers. The samples will be used to classify the materials encountered, and be retained for subsequent laboratory testing. The borings will be backfilled with 2-sack sand cement slurry upon the completion of the drilling.

Laboratory tests will be performed on selected samples obtained from the site to assist in characterizing the classification, permeability, compaction and strength of the existing levee and foundation materials. The actual types and numbers of tests will be determined based on the results of the field exploration program.

The Geotechnical Engineer will evaluate the potential for seepage and slope instability for the proposed levee improvements, and evaluate the need for mitigation requirements. At least 2 cross sections will be evaluated along the north levee. The seepage analysis will focus on whether or not there are sections of the levee reach where either the proposed improvements or foundation soil conditions would necessitate drainage or cut-off wall provisions to mitigate through seepage or under seepage of the north levee. These analyses will be evaluated in association with slope stability analyses and will consider the potential for seepage to impact the stability of the north levee relative to steady-state conditions at design flood elevations, and rapid drawdown conditions associated with the design flood elevations within the channel. The Geotechnical Engineer will also provide analyses for the basis of recommending grading, finished slopes, and floodwall parameters. Based on the results of these analyses the Geotechnical Engineer will provide opinions and recommendations regarding:

- Soil and groundwater conditions encountered;
- General condition, history, and material composition of the existing levees relative to seepage and stability;
- Suitability of onsite soils for use as compacted fill;
- Materials requirements for on-site or imported fill and aggregates;
- Site preparation and grading for flood wall areas;
- Fill placement and compaction requirements for the levee improvements;
- Slope stability and seepage considerations for the proposed north levee slopes and floodwalls based on the seepage conditions analyzed and the design flood event;
- Bearing pressures, minimum foundation embedment and width, lateral load resistance, and estimated settlement for floodwall design;
- Additional foundation embedment or width, if needed, to control seepage below the floodwall(s);
- Need for and estimated depth of sheet-pile cutoff wall to mitigate seepage;
- Subsurface drainage for control of seepage to mitigate adverse seepage through or beneath the levee (if needed); and

- Construction considerations for temporary slopes, excavation, and subgrade preparation.

The Geotechnical Engineer will prepare a Geotechnical Report for the design of the levee improvements. The report will summarize the results of the seepage and slope stability evaluations as well as the previous studies, and include field and laboratory data collected during the current and previous phases of work. The report will provide graphics showing the locations of the explorations, subsurface profiles, and typical sections for grading and floodwall design. A draft copy of the report will be submitted in electronic (pdf) format for review by the District and the Engineer. The Geotechnical Engineer may recommend that additional studies be performed depending on the results of the findings. A final draft of the report will be prepared once comments from the District and the Engineer have been received. Four copies and a digital (pdf) copy of the final report will be submitted.

Within the proposed level of effort, the Geotechnical Engineer will review the project plans and specifications for conformance with the recommendations of the Geotechnical Report and provide input to preparation of the geotechnical portions of the specifications. The review will be summarized in an email or memorandum. A letter summarizing the plan review and a statement of conformance can be provided, if requested.

In addition to the work described above, the Geotechnical Engineer will perform an optional task (Task 3.6), if requested by the District, to drill two (2) additional borings with associated coordination, laboratory testing, seepage and stability analyses, and reporting. The additional borings would be located on the south levee crest, downstream of the 22nd St. Bridge, in the vicinity of existing structures adjacent to the levee (Bejo Seeds). The optional services would be provided as part of the Proposition 1E project, and would be performed subsequent to, and/or separate from, the basic scope of services outlined above. District authorization for this work shall be provided prior to starting the field work.

Task 1.4: Hydraulic Modeling (updates and revisions)

The Engineer currently maintains a HEC-RAS model for the project and has been working with the District over the past year updating the model with site specific roughness coefficients and running a range of flooding scenarios for the District. For this task, the Engineer will continue to utilize and update the HEC-RAS model through all phases of the design process to ensure that the flood control and freeboard objectives are being met.

It is also the desire of the District to protect the north levee from floods that significantly exceed the level of flood protection provided under Alternative 3a. The hydraulic model will be a critical tool in determining the optimum levee elevation on the north side to achieve this objective. The first step in the process will be to evaluate the capacity of Arroyo Grande Creek upstream of the flood control channel. Once this is determined the Engineer will use the hydraulic model to assist in the design of appropriate actions on the north levee to provide the associated level of flood protection. To conduct this analysis it may be necessary to run an unsteady model to determine the volume of water that would overtop the south levee and re-enter the flood control channel near the downstream end of the project area. The results of this analysis will assist in the design task and identify options to meet the defined flood control

objectives. Design options may include floodwalls or raising the levees and constructing retaining walls to limit impacts to properties outside of the existing District easements.

Task 1.5: 50% PS&E

The Engineer shall prepare 50% level drawings, technical specifications and cost estimate. The 50% drawings shall be sufficiently accurate and complete to determine project layout, impacts, opportunities, constraints and quantities. The 50% cost estimate shall be in a format that represents the final bid form, with measurement and payment specified for individual work items. The 50% specifications shall, at a minimum, consist of a table of contents of the anticipated technical specifications.

Deliverables:

- 50% Design Plans in PDF format, (2) sets full size plans
- Outline/Table of Contents of Technical Specifications
- 50% Engineer's Cost Estimate
- Draft Hydraulic Study/Design Report (see Task 1.8)

Task 1.6: 95% PS&E

The Engineer shall prepare 95% level drawings, technical specifications and cost estimate. The 95% drawings shall be close to completion, including details, and shall incorporate District comments made on the 50% drawings. The 95% cost estimate shall be in a format that represents the bid items and shall accurately reflect the design. A description of all work included in each pay item shall be included in the cost estimate. The 95% specifications shall include all technical specifications for the project. All PS&E items at the 95% level of completion shall be formatted for use in the public bidding process and in accordance with the County of San Luis Obispo's bidding procedures and formats.

The 95% level drawings and specifications shall incorporate environmental mitigation measures, as required by the Environmental Impact Report, WMP and any regulatory agency permits that have been obtained at the time of 95% design review. Regulatory permits from CDFG, ACOE, RWQCB, and the local Coastal Development Permit are anticipated to be obtained by District staff by December of 2012. Encroachment permits for work within the State Highway system (Hwy 1 Bridge) and UPRR will be required and obtained by the District and the design drawings shall incorporate any revisions necessary to meet UPRR encroachment and Caltrans Highway Design Manual criteria and/or encroachment requirements as requested by the District.

The District will coordinate with the utility companies to determine and identify potential conflicts. The District will also meet with utility companies and verify location of utility conflicts in the field by potholing and surveying utilities anticipated to be in conflict with the proposed project after the District receives 50% design drawings. The data provided by the District shall be incorporated in the 95% PS&E set. The District will provide the utility location information to the Engineer for purposes of completing the final construction plans.

Deliverables:

- 95% Design Plans in PDF format, (2) sets full size plans
- Draft Technical Specifications in WORD and PDF formats

- Bid Item List and Engineer's Cost Estimate
- Final Hydraulic Study/Design Report (see Task 1.8)

Task 1.7: 100% PS&E

The final drawings, specifications, & estimate shall incorporate all comments made by the District in previous reviews. Final drawings shall be stamped and signed by a registered professional engineer in the State of California. Final Engineer's estimate shall be in a format that represents actual bid items and quantities.

Deliverables:

- Final Construction Documents by **January 2013**
- 100% Design Plans in PDF and AutoCAD formats, (6) sets full size plans
- Final Technical Specifications in WORD and PDF formats
- Bid Item List and Engineer's Cost Estimate in EXCEL and PDF formats
- (6) hard copies of PS&E's for submission with application for Caltrans Encroachment Permit

Task 1.8: Phasing Revisions (Optional Task)

In the event that construction of the levee raise portion of the project occurs over more than one season and the District decides to separate the work into more than one bid, the Engineer will separate the final construction drawings into two separate documents that represent the work being completed under each phase. The budget in this task will only be utilized if it is necessary and is approved by the District in writing in advance of undertaking the work.

Task 1.9: Hydraulic Study / Design Report

The Engineer shall prepare a design report summarizing the results of the hydraulic analysis as well as the design approach and design elements. Based on our past experience, preparing a report to accompany the design provides an important communication tool when discussing the project with a client as well as regulatory agency staff. The Engineer will submit a Draft Design Report with the submittal of the 50% engineering drawings for review. Following comment, the Design Report will be revised and a Final will be submitted, in PDF format, with the 95% submittal.

Deliverables:

- Draft Hydraulic Study/Design Report with 50% PS&E submittal
- Final Hydraulic Study/Design Report with 95% PS&E submittal
- Updated HEC-RAS model files

Task 2: Right of Way Acquisition Documents

The objective of this task is to determine and identify land area and type of property rights needed for the Project. The Engineer shall prepare final easement documents for acquiring the required property for the proposed project which includes permanent easement figures and legal descriptions for necessary land acquisitions, as well as temporary construction easement figures for each impacted parcel.

Because land acquisition negotiations can take a long period of time, this is a critical path task and shall be the first order of work once enough of the design is completed/known to effectively move forward and complete this task. Draft easement documents shall be submitted no later than the 50% design submittal. Final easement documents will address all District comments.

Task 2.1: Research Record Property Boundaries

This task covers time spent researching record property boundary information for the existing Arroyo Grande Creek channel easement and the estimated nine (9) parcels to be encumbered by temporary construction and permanent levee easements, including record maps and vesting deeds. Record property boundary will be laid out electronically.

Task 2.2: Locate Property Monumentation

The Engineer shall field locate sufficient property monumentation to accurately position record boundaries with respect to the Alternative 3a levee design. This effort will be coordinated with the supplemental topographic survey work discussed in Task 1.2. This will not constitute a fully resolved boundary survey.

Task 2.3: Prepare Legal Descriptions and Plat Maps

Prepare metes and bounds legal descriptions for eight (8) temporary construction easements and one (1) permanent levee easement. Prepare nine (9) plat maps to accompany legal descriptions.

Task 3: Technical Meetings with District

This is a multi-faceted project with many stakeholders and environmental conditions. In order to ensure coordination during the design phase, the Engineer will attend up to five (5) meetings with the District and other necessary stakeholders to review the design concepts and details, as they are developed. The District will arrange the meeting and the staff assigned to the meeting will be agreed upon by the District prior to scheduling.

At least one meeting shall be at the project site. At a minimum, meetings should be made at project kick-off, at 50% design submittal, and at the 95% design submittal. The remaining meetings shall be reserved for working out any design issues that come up and that are not able to be addressed at the kick-off, 50% design, or 95% design stages.

Task 4: Bid Period Assistance

This task is limited to providing assistance to the District following completion of the Final Design Drawings and prior to selection of the contractor.

With respect to the plans and technical specifications, the Engineer will assist the District during the bid period with issues such as answering contractor questions, interpreting bid documents for prospective bidders, and preparing any necessary addenda. The District will be responsible for preparing the final bid package, including the General Provisions, final bid forms and Agreement.

Work on this task by the Engineer shall not be undertaken without written direction from the District.

Task 5: Construction Support Services

This task item is primarily focused on providing field inspection services during the construction phase of the sediment and vegetation management portion of the project, as well as installation of log structures. The District is not requesting full resident engineer and contract administration services. Construction phase support services during the levee raise and spillway mitigation construction will be required only as necessary and requested by the District. Services will be performed over a two to three year phased construction window, depending on the results of the final phasing plan. Requested services may include, but are not limited to the following:

- Attend key construction meetings ;
- Prepare any necessary plan revisions due to unforeseen circumstances encountered during the construction;
- Provide technical assistance in answering contractor and District questions;
- Field observation, as requested by the District;
- Staking, and
- Preparation of record-drawings.

Work on this task by the Engineer shall not be undertaken without written direction from the District.

Task 5.1: Meetings

For this task, the Engineer will be available to attend three construction-related meetings that occur outside of the time that the Engineer is on site for construction observation services. Those meetings may include a pre-construction meeting, interim meetings with the District and/or regulatory agency staff to review site conditions and progress, or final inspection prior to the contractor removing equipment from the site.

Task 5.2: Review Submittals, Issue RFI's, Issue Addenda

This task relates to review and design services that occur following selection of the contractor and during project construction. The Engineer shall be available to review contractor submittals, issue RFI's, or issue addenda to the design, as necessary. The budget assumption is based on past experience with similar projects and assumes the Engineer will issue addenda for up to five (5) revisions. The Engineer shall be available on a time and materials basis for services outside this budget and directly requested by the District.

Task 5.3: Technical Assistance and Observation

For this task it is assumed that most of the effort of the Engineer will occur during sediment removal and construction of the instream enhancements (i.e. log structures). The budget assumes that construction will occur over a 2 month period and that the Engineer will be on site

an average of 1.5 days per week over that duration to help ensure that the work is progressing in accordance with the intent of the construction documents. If work is extended or additional site visits are required, the Engineer shall perform this monitoring on a time and materials basis at the request of the District. Daily photo logs and site journals shall be prepared to document progress in accordance with grant agreement conditions and verify requests for payment.

The Engineer will be available to:

- Observe and report to the District on work progress and quality
- Reject work that does not conform to the requirements of the contract documents
- Review the Contractor's request for interpretation and changes
- Review contract documents with the Contractor's Superintendent
- Issue supplemental instructions or field orders
- Approve substitutions
- Issue proposal requests
- Maintain records
- Review and distribute project schedule prepared by Contractor
- Maintain punch-list

The Engineer will not:

- Authorize deviations from the contract documents without the Districts approval
- Personally conduct tests or confirm Contractor's adherence to line and/or grade
- Assume any of the Contractor's responsibilities
- Advise on construction means, methods, or techniques
- Approve substitute materials without the Districts review and approval
- Expedite the work of the Contractor without consulting with the District
- Certify record drawings
- Reject work authorized by the District
- Issue work change directives, except in case of emergency
- Approve change orders
- Stop work

Special Inspections shall be ordered, scheduled, and contracted directly by the Contractor or the District.

Permit compliance shall be the responsibility of the Contractor.

Payment requests shall be submitted directly to the District. The Engineer shall be available to assist in determining percentage of work completed in response to payment requests, at the request of the District.

Task 5.4 – Stake Limits of Disturbance¹

Hub and lath will be set to stake the temporary construction easements on the land side of the levee. Offset stakes will be provided approximately every 200 feet along line-of-sight throughout the project reach. A limit of disturbance staking diagram will be provided to the District and Contractor. (Approximately 170 stakes)

Task 5.5 – Provide Rough Grade Stakes

Hub and lath will be set to stake levee and floodwall alignments for rough grading. Offset stakes will be provided approximately every 100 feet, at grade breaks and angle points. Offset stakes will be set for both the land and water sides of the levee. Cuts and fills will be given to tops and toes of levees and flood walls. A rough grade staking diagram will be provided to the Client and Contractor. (Approximately 400 stakes)

Task 5.6 – Provide Finish Grade Stakes

Hub and lath will be set to stake levee and floodwall alignment for finish grading. Offset stakes will be provided approximately every 50 feet, at grade breaks and angle points. Offset stakes will be set for both the land and water sides of the levee. Cuts and fills will be given to tops and toes of levees and flood walls. A finish grade staking diagram will be provided to the District and Contractor. (Approximately 800 stakes)

Task 5.7 - Monument Cross-Section Monitoring Locations and Establish Baseline Data

Permanent cross-section locations will be established and monumented along the project reach per the initial monitoring approach outlined in the Waterway Management Program. This task is intended to provide the necessary information for development of the record drawings (see Task 5.8) as well as set up the initial cross-section monitoring sites to comply with grant and regulatory agency monitoring requirements established for the project.

Cross-sections will be established every 500 feet along the channel and at the upstream and downstream sides of each of the bridges. The ends of each cross section will be monumented with a 2-foot long, ¾” diameter iron pipe driven flush with the ground and capped with a plastic plug. The monuments will be flagged and identified with a “Carsonite” or equivalent fiberglass marker. Data collected will include channel geometry, channel substrate, and hydraulic roughness parameters of vegetation. (Approximately 50 cross sections)

Task 5.8 – Post-construction Record Drawings

Post-construction record drawings will be compiled to document as-built deviations from the construction as provided by the Contractor to the Engineer. The record drawings will also incorporate the cross-section data collected in Task 5.7 above.

¹ This scope item and budget is being prepared prior to completion of final design drawings and is based on assumed final project layout and details. The Engineer will provide one set of stakes for task items 5.3-5.5. Replacement of stakes that are lost or destroyed during construction activities is not included in this budget and will incur an additional cost. This preliminary scope and budget should be reviewed and updated after final design drawings are prepared.

**Task 6: Permit Support**

The Engineer will be available to provide permit-related support services, at the request of the District. Our budget assumes our role will be limited to providing cut and fill quantities, estimates of disturbance areas, review of the project description, review of the required construction equipment, review of the construction schedule, and responding to design-related questions from permitting agencies. Additional assistance with permits will be provided on a Time and Material basis at the hourly rates specified in Exhibit B.

Task 7: Project Administration

This task covers project coordination between the Engineer, the District, and other Project Team members. In addition, the Engineer will prepare and submit monthly updates to the District on the progress of the project, which will be submitted with our monthly invoice.

PROPOSED COST

All work shall be performed on a time and materials basis. Refer to attached Exhibit B for a detailed breakdown of our estimates costs by task and fee schedule listing prevailing rates.

ADDITIONAL SERVICES

The Engineer shall be available for additional services on a time and materials basis, at the prevailing rates listed in Exhibit B. Additional services are defined as those that are not specifically identified under the scope of proposed services or those that are required as a result of unforeseen circumstances that arise during the permitting process.

ASSUMPTIONS AND EXCLUSIONS

1. The Engineer and its Subcontractors shall not be held responsible for the accuracy of existing mapping or data collection performed by others and made available by the District. If existing products made available by others are found to be inaccurate or incomplete, during the process of our work, our budget, scope, and/or schedule shall be adjusted to account for unexpected expenses or delays incurred as a result of these deficiencies.
2. A complete boundary survey of the project site, if required, shall be supplied by the Client, at no cost to the Engineer, in ACAD format.
3. The District is aware that differences may exist between the electronic files delivered and the printed hard copy construction documents. In the event of a conflict between the signed construction documents prepared by the Engineer and electronic files, the signed and stamped or sealed hard copy construction documents shall govern.
4. After the Districts acceptance of the preliminary drawings, should new information, changed conditions, agency/public comments on the preliminary drawings, or other factors require additional mapping, data collection, graphic modifications, or conceptual changes, the budget may need to be amended to cover these unanticipated costs.
5. The District shall be responsible for obtaining all necessary easements for both temporary construction-related access and for permanent access and parking, where required.
6. All permitting shall be handled by the District. The Engineer shall be available for permitting assistance on a time and materials basis, at the firm's prevailing hourly rates. If permitting agencies request submittal of design reports, detailed hydraulic modeling or calculations, beyond what is deemed by the Engineer to be necessary to complete the design, this work shall be considered extra, unless specifically outlined in the scope of services.
7. Where the Engineer's scope includes preparation of specifications, the Engineer will only be responsible for preparation of technical specifications. The District shall prepare general and front end provisions for the project, if required.
8. Costs have been allocated to individual tasks to determine the total estimated budget. The Engineer may reallocate costs among tasks, as needed, as long as the total price is not exceeded for the scope of work proposed. Cost reallocation shall not be undertaken without previous written authorization from the District.
9. If the Engineer, pursuant to this agreement, produces drawings, specifications, or other documents and/or performs field services, and such drawings, specifications, or other



- documents and/or field services are required by any governmental agency, and such governmental agency changes its ordinances, codes, policies, procedures or requirements after the date of this agreement, any additional office or field services thereby required shall be paid for by District as extra services.
10. The Engineer shall not be held responsible for the performance of other project team members contracted directly by the District. The Engineer's fees shall not be withheld as a result of unacceptable performance on the part of others.
 11. In applying for governmental permits or approvals, the Engineer's assistance shall not constitute a representation, warranty or guarantee that such permits or approvals will be acted upon favorably by any governmental agency.
 12. Design services performed pursuant to this agreement are based upon field and other conditions existing at the time these services were performed. The District further acknowledges that field and other conditions may change by the time project construction occurs and clarification, adjustments, modifications and other changes shall be paid for by the District as extra services in accordance with the agreement.
 13. The construction contractor and construction subcontractors will be required to assume sole and complete responsibility for job site conditions during the course of construction of the project, including safety of all persons and property, and that this requirement shall apply continuously and not be limited to normal working hours. Neither the professional activities of the Engineer nor the presence of the Engineer's employees or sub consultants at a construction site shall relieve the contractor and its subcontractors of their responsibilities including, not limited to, construction means, methods, sequence, techniques or procedures necessary for performing, superintending or coordinating all portions of the work of construction in accordance with the contract documents and applicable health or safety requirements of any regulatory agency or of state law.
 14. The Engineer shall have no responsibility for the discovery, presence, handling, removal or disposal of hazardous or toxic materials or substances in any form at Project sites, including but not limited to, asbestos, asbestos products or polychlorinated biphenyl (PCB) except for such hazardous or toxic materials or substances introduced on to the project site by the Engineer or any damage or injuries resulting from the Engineer's negligence.
 15. The District shall inform the Engineer of any hazardous or toxic materials or substances known by the District to exist at a Project site on which the Engineer is providing services.
 16. If during the performance of Services on a project, the Engineer discovers the existence of unanticipated toxic or hazardous materials or substances which are unsafe and present a risk to the Engineer or the Engineer's employees, the Engineer may, and



without liability therefore, suspend further Services on the project and shall notify the District of the Engineer's decision and the reason for suspension of Services.

17. The Engineer is not responsible for: continuous inspection or supervision, construction means and methods, project site safety, or contractor's failure to perform. The Engineer is not authorized to stop the work of the Contractor.