

**AMENDMENT NO. 1 TO AGREEMENT FOR  
PROFESSIONAL ENVIRONMENTAL CONSULTING SERVICES  
LOS OSOS WASTEWATER PROJECT**

The County of San Luis Obispo (County) and SWCA Environmental Consultants (CONSULTANT) hereby agree to amend the following articles of the Agreement dated August 7, 2012, as follows:

- A. The following Exhibits to the Agreement are amended as follows:
- i. Exhibit A, "Scope of Work" is hereby amended by the addition of Exhibit "A1", the April 18, 2013 "Amended Scope of Work" attached hereto and incorporated herein by reference;
  - ii. Exhibit B, "Project Cost" is hereby amended by the addition of Exhibit "B1", the April 18, 2013 "Cost Estimate" in Table 1 attached hereto and incorporated herein by reference; and
- B. The following Exhibits to the Agreement are replaced as follows
- i. Exhibit C, "Project Team Organization" is hereby replaced by Exhibit "C1" the April 18, 2013 "Project Team Organization" attached hereto and incorporated herein by reference.
- C. Under Article 3, Section A, "Compensation", the first sentence of the first paragraph is hereby amended as follows: "County shall pay to the CONSULTANT as compensation in full for all Work required by this Agreement a sum not to exceed ~~\$132,408~~ <sup>e</sup> \$320,338.
- D. Under Article 3, Section D, "Retainage from Progress Payments", the first and second sentences of the first paragraph are hereby amended as follows: "~~The COUNTY shall withhold retainage from each progress payment due CONSULTANT in the sum of 10 percent until the final monitoring report is accepted by the County. Once said final report is accepted by the County, all retainage shall be released within 60 days.~~ The County reserves the right to withhold from any payment to CONSULTANT, including but not limited to any <sup>e</sup> ~~release of retainage,~~ any sums attributable to any costs, damages or claims incurred or experienced by the County that arise from any breach of this Agreement by CONSULTANT."

It is the intent of the above changes to Article 3, Section D, that all retainage held by the County under the August 7, 2012 Agreement not attributable to any costs, damages or claims incurred or experienced by the County that have or may arise from any breach of this Agreement by Consultant be paid to the Consultant within 60 days of the approval of this Amendment NO. 1.

- E. All provisions of the Agreement not affected by this Amendment No. 1, or other amendments, shall remain unchanged and in full force and effect.
- F. The effective date of this Amendment No. 1 is the date its execution by both parties is completed by the appropriate signatures provided below.

**COUNTY OF SAN LUIS OBISPO**

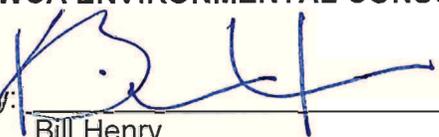
By: \_\_\_\_\_ Date: \_\_\_\_\_  
Chairperson of the Board  
County of San Luis Obispo  
State of California

**ATTEST:**

Julie Rodewald  
County Clerk and Ex-Officio Clerk of the  
Board of Supervisors, County of San Luis Obispo,  
State of California

By: \_\_\_\_\_ Date: \_\_\_\_\_

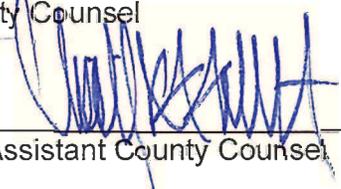
**SWCA ENVIRONMENTAL CONSULTANTS, an Arizona Corporation**

By:  \_\_\_\_\_ Date: 4-30-13  
Bill Henry  
Office Director

By:  \_\_\_\_\_ Date: 4/29/13  
Cara Corsetti  
Managing Principal

**APPROVED AS TO FORM AND LEGAL EFFECT:**

RITA L. NEAL  
County Counsel

By:  \_\_\_\_\_ Date: 5.1.2013  
Assistant County Counsel

## LOS OSOS WASTEWATER PROJECT BIOLOGICAL MONITORING SERVICES

### SCOPE OF WORK

#### Task 1. Environmental Awareness Training and Contractor Interface

During construction, project staff must be informed of the environmental avoidance and mitigation measures that are required to be implemented during project implementation. SWCA Environmental Consultants (SWCA) will continue to coordinate contractor trainings to inform all project staff of the project requirements. Our amended budget includes 16 man hours to present PowerPoint based environmental awareness trainings. Budget for on-going tailgate trainings during project implementation is included in the cost estimate for daily project monitoring (Task 2).

##### Contractor Environmental Awareness Training

The Coastal Development Permit (CDP) and Biological Opinions (BO; 8-8-11-F-5R and 8-8-13-F-14R) for the project require all project staff to attend an environmental awareness training prior to working on the project. SWCA will continue presenting the project specific Power Point Presentation that focuses on Morro shoulderband snail (MSS) (*Helminthoglypta walkeriana*), nesting birds, oak trees and woodlands, riparian habitats, and coastal sage scrub. The presentation discusses permit and regulatory requirements, the species' habitat requirements, life history, and conservation status. Protections afforded by the Federal Endangered Species Act, California Endangered Species Act, Migratory Bird Treaty Act, and other regulations are discussed and the project-specific avoidance and minimization measures reviewed. Resource specific cards/handouts will be provided to project staff designed to be easily referenced and used by contractors. Our proposed budget for this task includes utilizing our existing PowerPoint presentation and presenting it at eight more formal Contractor Environmental Training sessions.

New staff is commonly added to the project roster. To ensure new staff are informed of the environmental requirements, SWCA will conduct periodic tailgate meetings. This will allow new crew members to get working without the delay of scheduling a formal training. Crew members that receive the tailgate training will also be expected to attend the formal training.

#### Task 2. Pre-construction Surveys and Daily Biological Monitoring

Per the CDP and BO for the project, pre-construction surveys and daily biological monitoring will be required for MSS, sensitive bird species, and other sensitive species. The focus of the surveys is to determine the species presence or absence in and near the work area and allow for relocation or avoidance, if necessary. Daily monitoring activities will include coordinating with contractor staff, conducting pre-construction surveys, and establishing and monitoring environmental protection zones. Based on past project expenditures, SWCA's budget provides for 1,575 man hours to be applied to pre-construction surveys and daily monitoring.

##### Morro Shoulderband Snail

The BO for the project requires pre-construction surveys to be completed in areas containing potential MSS habitat. Prior to construction in coastal scrub, veldt grass areas, landscape areas, and other areas containing potential MSS habitat, our permitted biologists would utilize hand search methods to survey for MSS. If live MSS are identified in a work area and are in jeopardy of harm, SWCA's U.S. Fish and Wildlife Service (USFWS)-permitted biologists will capture the individual(s), document and photograph the individual's condition (e.g., damage, size, etc.), and relocate it to suitable habitat nearby. If suitable habitat is not available nearby, the biologist will transport the individual(s) off-site.

### Nesting Bird Surveys

According to CDP Conditions 69 and 70, surveys for nesting birds must be conducted prior to disturbance of suitable habitat in the general nesting bird season. The CDP states that the surveys must be conducted within 10 calendar days prior to disturbances and must confirm the presence/absence of nesting birds. If an active nest is identified, the biologist will establish the required buffer around the nest and monitor the nest condition during work activities. The SWCA project manager would immediately notify the County team and the pertinent contractor representative to coordinate project alternatives.

### Monarch and Morro Blue Butterflies

Conditions 58 and 59 of the CDP focus on avoiding or minimizing impacts to monarch butterflies (*Danaus plexippus*) and Morro Bay blue butterflies (*Icaricia icarioides moroensis*). The LOWP must avoid impacts to monarch butterfly winter roost habitat, where feasible. Potential monarch winter roost habitat includes known roost sites (Monarch Dunes) and areas supporting dense clusters of tall eucalyptus trees (*Eucalyptus* spp.) and other tree species. If impacts to these habitat types may occur between October and February, SWCA's biologists will conduct surveys in the area to determine if the area is suitable for monarch roosting. To satisfy condition 59 of the CDP, our biologists will be available to conduct Morro Bay blue butterfly surveys, if the surveys are necessary.

### Establish and Inspect Exclusion Zones

Establishment and monitoring of environmental exclusion zones is an essential means of complying with the project conditions. SWCA biologists will identify and flag sensitive areas for avoidance to ensure that project activities minimize "take" of MSS, disturbance of MSS habitat, or impacts to other sensitive resources. If necessary, our biologist will direct the placement of exclusion fencing. SWCA's biologist will conduct daily field visits in areas where sensitive species or habitats could be present. The focus of the field visits would be to flag exclusion areas and identify locations where installation of construction fencing is appropriate. Once fencing is installed and work has commenced, monitors would periodically inspect the area to ensure that fence integrity is maintained and that project activities are confined to the allowable work zones.

### Task 3. Reporting and Documentation

As part of the County environmental monitoring team, our staff will continue to document project activities. At a minimum, SWCA monitors will prepare daily reports that discuss project activities, species surveyed for and identified, relevant project communications, project compliance, and needed project actions. The daily reports will be summarized in and uploaded to the web-based EADocs project database. In addition to the daily reports, SWCA will maintain a Geographic Information System (GIS) database of the MSS survey results for the County's future use when permitting the individual lateral connections. Per the project BO, SWCA will utilize the daily reports to prepare detailed annual reports and a project completion report for County submittal to USFWS. These reports will include detailed discussions on the location and extent of activities, compliance issues, and other pertinent information. SWCA's budget provides for 491 man hours to be applied to project reporting and documentation.

### Task 4. Project Management and Coordination

Mr. Belt will continue to be the point of contact for the County and will facilitate SWCA's project involvement. Project facilitation will include receiving and responding to County requests, scheduling project staff, processing invoices, aiding project communications, ensuring the project remains on schedule, and ensuring that all parties involved have the materials needed to conduct their scope of work. SWCA's budget provides for 104 man hours to be applied to project management.

## COST ESTIMATE

We are requesting a time and materials not to exceed budget amendment of \$188,230.00 for the tasks outlined in this proposal. Table 1 provides an itemized list of the cost estimate by task.

**Table 1. Amended Scope of Work Cost Summary**

Task	Fee
Task 1. Environmental Awareness Training and Contractor Interface	\$1,539
Task 2. Pre-construction Surveys and Daily Biological Monitoring	\$136,800
Task 3. Reporting	\$40,739
Task 4. Project Management and Coordination	\$9,152
<b>PROJECT TOTAL</b>	<b>\$188,230</b>

Table 2. Amended Scope of Work Detailed Cost Estimate

Los Osos Wastewater Biological Services		Task_01		Task_02		Task_03		Task_04	
Phase 01: Biological Monitoring Services		Environmental Testing		Surveys and Monitoring		Reporting		Project Management	
Project Start (est.): 9/4/2012									
Project End (est.): 9/31/2014									
LABOR									
Project Role	Name	Rate	Hours	Charge	% of Total Project	% of Labor Hrs	% of Lbr Charge	Hours	Charge
PM/Biologist	Travis Belt	\$ 89.00	820.00	\$ 72,980	38.8%	37.5%	40.4%	16.00	\$ 1,424
Biologist	Barrett Holland	\$ 79.00	1,335.80	\$ 105,528	56.1%	61.1%	58.3%	1,060.80	\$ 83,803
GIS	Adrianna Neil	\$ 89.00	16.00	\$ 1,424	0.8%	0.7%	0.8%	16.00	\$ 1,424
Tech Editor	Jamie Jones	\$ 68.00	10.00	\$ 680	0.4%	0.5%	0.4%	10.00	\$ 680
Admin	Stephanie Spencer	\$ 63.00	4.00	\$ 252	0.1%	0.2%	0.1%	4.00	\$ 252
Labor Subtotal			2,185.80	\$ 180,864	96.1%	100.0%		491.00	\$ 40,739
Communication Fee - % of Labor		0%		\$ -	0.0%			16.00	\$ 1,424.00
Labor Total			2,185.80	\$ 180,864	96.1%			1,574.80	\$ 129,549.20
EXPENSES									
Description	Unit	Rate	# Units	Charge	% of Total Project			# Units	Charge
Mileage	per mile	\$ 0.56	11,000	\$ 6,105	3.2%			11,000.00	\$ 6,105
Supplies	enter rate/units or ltr	\$ 100.00	3	\$ 300	0.2%			2.00	\$ 200
Expenses Subtotal				\$ 6,405	3.4%				\$ 6,305
Markup		15%		\$ 961	0.5%				\$ 946
Expenses Total				\$ 7,366	3.9%				\$ 7,251
Project Phase Totals				\$ 188,230					\$ 136,800

Note: Communication expense is not subject to 15% administrative fee.

TOTAL THIS PHASE	Charges
SWCA Labor Total	\$ 180,864
Expenses Total	\$ 7,366
Subcontractors Total	\$ -
Total Phase	\$ 188,230
Tax Total	\$ -
Total Including Taxes	\$ 188,230

Enter Tax Rate	0.000%
Tax	\$ -
Total with Tax	\$ 1,539

Enter Tax Rate	0.000%
Tax	\$ -
Total with Tax	\$ 136,800

Enter Tax Rate	0.000%
Tax	\$ -
Total with Tax	\$ 40,739

Enter Tax Rate	0.000%
Tax	\$ -
Total with Tax	\$ 9,152

Figure 1. Project Team Organization

