

**AMENDMENT NO. 2 TO
AGREEMENT BETWEEN CIVILPROS
AND THE CITY OF MENIFEE FOR CIP 20-01: BUNDY CANYON ROAD/SCOTT ROAD
WIDENING PROJECT PROFESSIONAL ENGINEERING SERVICES**

This is Amendment No. 2 to that certain AGREEMENT for Professional Services Agreement (“Agreement”) made on **September 18, 2019** between the City of Menifee (“City”) and **CIVILPROS** (“Consultant”) for **CIP 20-01: BUNDY CANYON ROAD/SCOTT ROAD WIDENING PROJECT PROFESSIONAL ENGINEERING SERVICES** which Amendment No. 2 is made and entered into on July 7th, **2021** to extend the term of the services, increase the scope of work and compensation amount as indicated below:

1. Section 1.1, “Term of Services” is amended to read as follows:

1.1 Term of Services. The term of this Agreement shall begin on the **September 18, 2019** and shall end on **June 30, 2022** unless the term of the Agreement is otherwise terminated or extended as provided for in Section 8. The time provided to Consultant to complete the services required by this Agreement shall not affect the City’s right to terminate the Agreement, as provided for in Section 8.

2. Section 1.6, “Covid-19 Safety” is included to read as follows:

1.6 Covid-19 Safety. If Consultant enters City property or meets in person with City employees during the performance of the Services, Consultant shall comply with all State, County, and local emergency orders, directives, protocols, and best practices related to the COVID-19 pandemic, including, but not limited to: (A) wearing facial coverings, (B) maintaining adequate physical distancing when possible, (C) regular hand washing, and (D) regular hand sanitizing.

3. Section 2, “Compensation” is amended to increase the maximum compensation by **\$52,919.00 (FIFTY TWO THOUSAND NINE HUNDRED NINETEEN DOLLARS AND ZERO CENTS)**, and is amended to read as follows:

Section 2. COMPENSATION.

City hereby agrees to pay Consultant a sum not to exceed **\$2,475,859.00 (TWO MILLION FOUR HUNDRED SEVENTY FIVE THOUSAND EIGHT HUNDRED FIFTY NINE DOLLARS AND ZERO CENTS)** notwithstanding any contrary indications that may be contained in Consultant’s proposal, for services to be performed and reimbursable costs incurred under this Agreement. In the event of a conflict between this Agreement and Exhibit A, regarding the amount of compensation, this Agreement shall prevail. City shall pay Consultant for services rendered pursuant to this Agreement at the time and in the manner set forth herein. The payments specified below shall be the only payments from City to Consultant for services rendered pursuant to this Agreement. Consultant shall submit all invoices to City in the manner specified herein. Except as specifically authorized in advance by City, Consultant shall not bill City for duplicate services performed by more than one person.

4. **Section 3.** Exhibit A, Scope of Services is supplemented to include **Amendment No. 2 Scope of Work Additional Work**, which supplement is attached as Exhibit A hereto. **“Amendment No. 2 Scope of Work Additional Work (Amendment No. 2)”** is not intended to replace the original Exhibit A to the Agreement, but instead to augment and increase the scope of work listed in the original Exhibit A to the Agreement.
5. All other terms and conditions of the Agreement remain in full force and effect.

CITY OF MENIFEE

DocuSigned by:

Armando G. Villa
Armando G. Villa, City Manager

Attest:

DocuSigned by:

Sarah A. Manwaring
Sarah A. Manwaring, City Clerk

Approved as to Form:

DocuSigned by:

Jeffrey T. Melching, City Attorney
Jeffrey T. Melching, City Attorney

CIVILPROS

DocuSigned by:

Basem Muallem, PE, IE Area Manager
Basem Muallem, PE, IE Area Manager

DocuSigned by:

Douglas Sawyer, Vice President
Douglas Sawyer, Vice President

Amendment No. 2 – Exhibit A: Scope of Work Additional Work



June 16, 2021

The City of Menifee
Public Works Department
29844 Haun Road
Menifee, CA 92586

Attention: Carlos Geronimo, PE Principal Engineer

**Subject: Bundy Canyon / Scott Road Widening (CIP 20-01) – Additional Services
AMENDMENT #2**

Dear Carlos:

Based on the recent funding developments for this project and our meeting with the City Engineer yesterday on June 15th, it is our understanding that we will currently move forward with the additional environmental efforts to support our current EIR addendum. This will also involve additional support from our civil team. See summary of items below and the attached. These items are not part of our current scope for this project.

1. Additional Environmental Efforts to support EIR Addendum

- See attached Scope from Rincon

➤ **Total Additional Fee = \$45,903**

2. Additional Civil Support to support Item #1 above

- Prepare drawings and/or exhibits to support the environmental effort

➤ **Total Additional Fee = \$7,016**

Attached to this letter is a complete cost breakdown for each of the noted items above.

CivilPros hereby requests that the Public Works Department issue a contract change order for the above noted items in the total amount not to exceed **\$52,919** and would result in a new total contract amount of **\$2,475,859**.

Feel free to contact me at 909-214-5995 or Basem.Muallem@civilpros.com if you have any questions or would like to discuss this request in more detail.

Sincerely,

Basem Muallem
Assistant Vice President

ATTACHMENT A



Rincon Consultants, Inc.

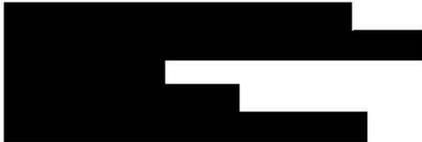
1980 Orange Tree Ln, Ste 105
Redlands, California 92374

909 253-0705

info@rinconconsultants.com
www.rinconconsultants.com

April 6, 2021

Project Number 19-07883



Subject: Proposal to Provide Biological Resources Services for the Bundy Canyon Road/Scott Road Improvement Project, Menifee, California

Dear [Redacted]:

During the February 10, 2021 meeting with the California Department of Fish and Wildlife (CDFW), Regional Water Quality Control Board (RWQCB), United States Fish and Wildlife Service (USFWS), and the Western Riverside County Regional Conservation Authority (RCA), it was determined that the City of Menifee (City) must provide new technical studies and revise application materials to support the permitting process and address modifications to the project's alignment.

Although the project was determined to be consistent with the Western Riverside County Multiple Species Habitat Conservation Plan (WR-MSHCP), pursuant to the email dated March 18, 2021, the City must revise the previously submitted Joint Project Review (JPR) documents to include the revised work areas and submit an updated jurisdictional delineation and vegetation impact analysis. Further, because the previously described offsite mitigation bank is no longer viable, the City is also required to revise the Determination of Biologically Equivalent or Superior Preservation (DBESP) analysis, utilizing the River Park Mitigation Bank instead. This scope of work is described below.

Scope of Work

Task 1 Biological Resources Technical Studies

Subtask 1.1 Biological Resources Assessment

Subtask 1.1.1 Literature/Database Research

Rincon will first conduct a literature/database review of the CDFW California Natural Diversity Database, CDFW Biogeographic Information and Observation System, California Native Plant Society Online Inventory of Rare and Endangered Plants, and USFWS Critical Habitat Portal. Other resources include aerial photographs, topographic maps, and other readily available literature regarding biological resources present in the project site.

Environmental Scientists

Planners

Engineers



Subtask 1.1.2 Reconnaissance-level Field Survey

Following the literature/database review, a qualified Rincon biologist will conduct a field reconnaissance survey of the project site to document existing biological conditions. The survey will include the project area as well as a 200-foot buffer where accessible. Areas that are inaccessible (e.g., private property) will be surveyed via binoculars from within the project site. The survey will assess the potential presence of special-status biological resources, including plant and wildlife species, plant communities, jurisdictional waters and wetlands, and suitable habitat for nesting birds. The identification of potential special-status species habitat is based on a suitability analysis level only and does not include definitive surveys for the presence or absence of the species which may be present. Definitive surveys for special-status plant and wildlife species generally require specific survey protocols requiring extensive field survey time to be conducted only at certain times of the year.

Subtask 1.1.3 Biological Resources Assessment Letter Report

Based on the results of the literature/database research and field survey, Rincon will present the findings in a stand-alone Biological Resources Assessment Letter Report. Specifically, the report will have sufficient information and analysis to address all California Environmental Quality Act (CEQA) checklist biology issues. The report will include the following information.

- Project/Construction footprint description
- Survey area description and survey methodology
- Biological inventory
 - Physical site characteristics (topography, soil, drainages)
 - Habitat classifications and mapping
 - Plant and wildlife species observed on site
 - Identification and analysis of special-status species observed or expected
 - Nesting bird habitat assessment
 - Wildlife movement analysis
 - General protected tree assessment
 - Potential jurisdictional areas evaluation
- Impact assessment
 - Special-status species tables which provide the current status of each species identified, habitat requirements, and the potential for occurrence within or near the project limits
 - Project consistency with the Western Riverside County Multiple Species Habitat Conservation Plan (WR-MSHCP)
 - Comparison of the impacts that would result from the proposed project-related activities with identified special-status habitats and/or species, jurisdictional areas, protected trees, wildlife movement, and nesting birds
 - Recommendations to avoid and/or minimize impacts to protected biological resources and identification of mitigation measures to mitigate impacts to regulated biological resources that cannot be avoided or minimized



- Photo-documentation of the existing site conditions
- Graphics depicting site location, habitats, potential jurisdictional areas, and special-status species (if found)

An electronic draft copy of the report will be submitted to the City for review and approval. Rincon assumes one round of comments will be necessary. It is also assumed comments will be provided in a consolidated and electronic, editable format. Once reviewed, digital copies of the final report will be prepared and submitted. All deliverables will be digital; no printing or shipping costs are included.

Subtask 1.2 Aquatic Resources Assessment

Rincon will conduct an Aquatic Resources Assessment and prepare a report that can be used by the City to support environmental documentation for the project, including projects affecting regulated waters. Limits of state and/or federal jurisdiction within the survey areas will be based on an initial desktop analysis of aerial imagery, topographic maps, and other available information, and verified in the field as described below.

Subtask 1.2.1 Background Review and Desktop Mapping

Rincon will review available information, including the National Hydrography Dataset, National Wetlands Inventory, recent, high-resolution aerial photos, topographic maps, and available environmental studies, to discern where aquatic resources such as streams, ditches, or wetlands may be present. These features will be preliminarily delineated using Global Information System (GIS) software, and the resulting output will be processed into a shapefile that can be exported onto a sub-meter capable GPS unit for verification in the field.

Subtask 1.2.2 Field Survey

Rincon will conduct a field survey in areas where drainage channels, basins, or ditches may be present as determined based on the background review and desktop mapping (subtask 1.2.1). The field survey will be conducted concurrently with surveys under Subtask 1.1.2 (i.e., no additional costs). Aerial mapping of these features will be confirmed by biologists in the field using current agency manuals and guidance, including U.S. Army Corps of Engineers (USACE) manuals related to identification of the wetlands and the Ordinary High Water Mark in the Arid West region. Rincon will investigate the site's hydrologic connectivity to navigable waters and will assess whether any of the on-site waters meet criteria for federal jurisdiction. Rincon will employ USACE delineation guidelines to assess the limits of waters of the United States and waters of the State as applicable. Wetland delineation data forms and Ordinary High Water Mark data sheets will be completed at representative locations, such that classes of aquatic features encountered on the site are well represented.

Streambeds subject to CDFW jurisdiction will also be mapped, using the top of the physical bank or the upland edge of riparian vegetation (where present) as the jurisdictional edge. If ditches that are not converted or redirected natural channels are discovered, they will be evaluated for signs of fish and wildlife resources or riparian vegetation, which would suggest that the feature has developed the characteristics of a natural drainage. Features exhibiting these characteristics will be classified as CDFW jurisdictional streambeds, while those lacking such features will be labeled as non-jurisdictional according to CDFW guidance.



Subtask 1.2.3 Aquatic Resources Assessment Report

Following completion of field work, Rincon will prepare an Aquatic Resources Assessment Report presenting the results of the assessment. The report will include descriptions of all features evaluated, including jurisdictional acreages and maps, and will provide justification for conclusions regarding jurisdictional status. The mapped boundaries of aquatic resources will be overlaid on the project site plan for determining areas of potential impacts and evaluating whether avoidance of aquatic resources is feasible. If a preliminary development footprint is available, proposed areas of permanent and temporary impact can be overlain onto the aquatic resources layer to estimate impact acreage by impact type/classification and to develop mitigation strategies.

Subtask 1.3 Least Bell's Vireo Surveys

Rincon will conduct protocol surveys for least Bell's vireo (LBVI) within and adjacent to the project site. Surveys will be conducted in accordance with the USFWS Least Bell's Vireo Survey Guidelines (January 2001). A minimum of eight surveys will be conducted between April 10 and July 31, each ten (10) days apart.

The LBVI surveys will be conducted by a qualified biologist meeting the minimum qualification requirements per LBVI Survey Guidelines. Rincon assumes the survey area will consist of portions of the project site that contain potentially suitable habitat plus a 500-foot buffer, without trespassing on private lands. All surveys would be conducted in favorable climatic conditions during the appropriate time of day (between dawn and 11:00 a.m.).

A report summarizing the LBVI survey findings would be prepared and submitted to the City within four weeks following the last survey. Confirmed location(s) of LBVI must be submitted to the California Natural Diversity Database (CNDDDB) upon completion of surveys. The letter report will be prepared according to the protocol guidelines and include, at minimum, the following:

- The location of the survey area, shown on a topographical map;
- A description survey methods;
- Survey conditions and frequency of surveys;
- LBVI status and distribution if observed (e.g., numbers and locations of paired or unpaired territorial males, ages and sexes of all birds encountered);
- Numbers and locations of all brown-headed cowbirds (*Molothrus ater*) detected within riparian habitat

Task 2 Regulatory Agency Coordination and Compliance

Subtask 2.1 Determination of Biologically Equivalent or Superior Preservation

If the Biological Technical Reports (Task 1, above) identifies suitable habitat for species listed in the WR-MSHCP, or presence of species listed in the WR-MSHCP and the proposed project design does not incorporate avoidance of the identified habitat, the WR-MSHCP requires selection of a practicable alternative that minimizes direct and indirect effects to these resources. If an alternative is not feasible and impacts are unavoidable, Rincon will revise the Project's DBESP to account for the new impacts.

Because the previously described offsite mitigation bank is no longer viable, the City is also required to revise the DBESP analysis, utilizing the River Park Mitigation Bank (River Park) instead. However, should



LBVI be observed within the project area, then additional mitigation would be required because River Park does not include suitable habitat for LBVI.

The revised DBESP will consist of an expanded written description of the project that ensures replacement of any lost functions and values of habitat as it relates to the covered species. Additional report requirements will follow the DBESP Report Guidelines as they pertain to the WR-MSHCP. The cost for this task covers preparation of a DBESP for impacts to LBVI and their habitat in compliance with the WR-MSHCP. Should LBVI be present, we assume up to an additional 16 hours of staff time will be required to identify an alternative mitigation bank. If additional listed species are present or a DBESP is required for additional WR-MSHCP resources, these services can be provided under separate scope and cost.

Subtask 2.2 Revise the Joint Project Review

In accordance with the February 10, 2021 Regulatory Agency Engagement Meeting, the City was directed to update the previous Joint Project Review (JPR). This task involves revising the previous JPR using redline and strikethrough underlining to track the changes to the document. This task assumes that the City will provide Rincon with the previous JPR.

Task 3 Project Management and Coordination

This task involves our internal quality control procedures, which include Senior and Principal review of all submittals prepared under this work program. As a routine management task, we will also provide regular progress reports with regard to the work scope and the budget. In addition, this task includes all clerical work and production of all submittals as well as highly responsive client coordination.

Cost, Schedule and Assumptions

Cost Estimate

We propose to complete the scope of work for a fee not-to-exceed **\$45,063**. Please see Table 1 below for a cost breakdown by task. Costs have been allocated to tasks based upon Rincon's proposed approach. Rincon may re-allocate costs among tasks and/or direct costs as circumstances warrant so long as the adjustments maintain the total price within its authorized amount.

All work would be performed in accordance with our standard professional services agreement or another mutually acceptable contract agreement. This proposal is fully negotiable to meet the needs of the City of Menifee.

Assumptions and Schedule

Rincon has made the following assumptions in developing the proposed scope of work for the work program.

- Complete site plans in portable document format (PDF) and Geographic Information System (GIS) or a georeferenced AutoCAD format will be provided prior to completion of field work
- The proposed project is subject to CEQA, WR-MSHCP and City of Menifee regulations only
- The City of Menifee is the lead agency under CEQA
- The City will provide Rincon with the previous JPR and DBESP.



City of Menifee
Bundy Canyon Road/Scott Road Improvement Project

- Rincon will have safe access and full right of entry to all portions of the project site prior to conducting field work
- The field survey for Task 1 will take no more than one biologist surveying for one 10-hour day, including drive time
- LBVI surveys will require 8 surveys to complete.
- No meetings with the City or other regulatory agencies are anticipated and as such are not included in this scope of work.
- Electronic delivery of the report will be acceptable.
- Rincon assumes that one round of revisions by the City will be needed for the Biological Resources Assessment and Aquatic Resources Assessment Reports. If additional revisions are needed, they can be completed under separate scope and cost.
- In light of the current COVID-19 pandemic, Rincon staff will conduct the scope of work in accordance with the latest relevant, local COVID-19 safety protocols and social distancing guidance. Should safety protocols and social distancing guidance change during Rincon's authorized activities such that they may affect timeline or cost, we will consult with Haagen Company on next steps and the potential need to adjust the scope and cost above.

Rincon can complete the work tasks identified above within six (6) weeks of notice to proceed and receipt of project PDF, GIS or CAD data. This offer for professional services will remain in effect for a period of 60 days from the date of this proposal. No additional tasks will be conducted without prior authorization from the Client and per our current fee schedule. We appreciate the opportunity to assist you with this project. If you have any questions about this proposal, please do not hesitate to contact us.

Thank you for your consideration of Rincon Consultants for this project. We look forward to the opportunity to work with you and would welcome an opportunity to discuss the details of this proposal at your convenience.

Sincerely,
Rincon Consultants, Inc.

Tyler Barns
Senior Biologist
Phone: 213-788-4842 x 3056
Email: tbarns@rinconconsultants.com

Lorraine Ahlquist
Environmental Manager
Phone: 858-768-2460
Email: lahlquist@rinconconsultants.com

Attachments

[Redacted]

