

**AMENDMENT NO. 5 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. 5 ("Amendment No. 5") to that certain 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 this Amendment No. 5 is made and entered into on \_\_\_\_\_, **2023** to extend the term, increase the scope of work and compensation amount as indicated below:

1. Capitalized terms used but not defined in this Amendment No. 5 shall have the meanings ascribed to them in the Agreement.
2. 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 **September 19, 2019** and shall end on **December 31, 2026** 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.

3. **SECTION 2**, "Compensation" is amended to increase the maximum compensation by **\$103,595.00 (ONE HUNDRED THREE THOUSAND FIVE HUNDRED NINETY FIVE 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 **\$3,100,354.00 (THREE MILLION ONE HUNDRED THOUSAND THREE HUNDRED FIFTY FOUR DOLLARS AND ZERO CENTS)** notwithstanding any contrary indications that may be contained in Consultant's proposal, for the 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 the 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 the 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. Exhibit A, "Scope of Services" is supplemented to include the supplement attached as Exhibit A hereto. The supplement to the "Scope of Services" 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. The initial paragraph of the original Exhibit A, "Scope of Services", to the Agreement is amended to read as follows:

#### EXHIBIT A

##### SCOPE OF SERVICES

Consultant shall provide N/A in the amount not to exceed **\$103,595.00 (ONE HUNDRED THREE THOUSAND FIVE HUNDRED NINETY FIVE DOLLARS AND ZERO CENTS)** as further detailed in the following page(s).

5. All other terms and conditions of the Agreement remain in full force and effect.
6. This Amendment No. 5 may be executed in multiple counterparts, each of which shall be an original and all of which together shall constitute one agreement.

(Signatures on Following Page)

CITY OF MENIFEE

CIVILPROS

\_\_\_\_\_  
Armando G. Villa, City Manager

\_\_\_\_\_  
Basem Muallem, Vice President

Attest:

\_\_\_\_\_  
David Berryman, Senior Project  
Manager

\_\_\_\_\_  
Kay Vinson, City Clerk

Approved as to Form:

\_\_\_\_\_  
Jeffrey T. Melching, City Attorney



March 21, 2023

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 for NEPA  
Environmental Document – Part 2  
AMENDMENT #5**

Dear Carlos:

Based on Caltrans review of the Preliminary Environmental Study (PES) form for the NEPA document, Caltrans has requested the need for additional studies, including Phase I, Visual Impact Assessment Memo, and Historical Resources Evaluation Report. Additionally, as discussed, we have also included two contingency tasks for "Additional Studies" – one for NEPA and one for CEQA as we close out the additional requests from the RCA/RCTC. We would only use these tasks upon written request from you as the City's Project Manager.

Also, from the project management and civil support side, the effort to support both the NEPA and CEQA efforts have been more labor intensive than anticipated, and the initial estimate of 18 months is now approximately 24 months based on the latest schedule for environmental. With both the increase in intensity and duration, we are requesting additional budget for those efforts.

Below is a summary of these tasks included in this amendment. Please note that these items are not a part of our current scope of work for this project.

**1. Additional Environmental effort to prepare NEPA Environmental Document**

- For detailed Scope, see "Attachment A" from Rincon
  - **Total Additional Fee = \$81,843\***

***\*This includes the following Contingency tasks only to be initiated with City Approval:***  
*Contingency Task R-4.1 – Revalidation (\$19,922)*  
*Contingency Task R-4.2 – RCA/RCTC Additional Support (\$9,826)*

**2. Additional Project Management and Engineering to support Item #1 above and continue for additional 6 months**

- Perform General Project Coordination and Administration; check-in with environmental lead and coordinate support disciplines
  - Figure 1.5 hours / week for PM level
- Extend monthly PDT Meetings by 6 months



- Figure 2.5 hours / month for a PM and a Project Controls Specialist
- Prepare additional exhibits to support NEPA document
- Perform research on construction activities to support NEPA document
  - Figure 6 hours / month for an Engineer with PM support
  - **Total Additional Fee = \$21,752**

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 **\$103,595** and would result in a new total contract amount of \$3,100,354.

Feel free to contact me at 909-214-5995 or [Basem.Muallem@civilpros.com](mailto:Basem.Muallem@civilpros.com) or David Berryman at 760-484-2270 or [David.Berryman@civilpros.com](mailto:David.Berryman@civilpros.com) if you have any questions or would like to discuss this request in more detail.

Sincerely,

A handwritten signature in blue ink, appearing to read "Basem Muallem", with a long horizontal flourish extending to the right.

Basem Muallem  
Assistant Vice President

Attachments:

- A. NEPA Scope of Work
- B. Fee Schedule



## ATTACHMENT A

### Rincon Consultants, Inc.

8825 Aero Drive  
Suite 120  
San Diego, California 92123

760 918 9444 OFFICE AND FAX

info@rinconconsultants.com  
www.rinconconsultants.com

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### NOTE:

Task #'s shown are specific to  
Rincon.

## Scope of Work

### Task 1. Initial Site Assessment (ISA) Phase I

According to the California Department of Transportation (Caltrans) website, the industry standard for preparing an ISA is found in the American Society for Testing and Materials (ASTM) Standard E1527-05 "*Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*." It should be noted that the ASTM E1527-05 standard was revised and replaced with the ASTM E1527-13 standard in 2013, and the ASTM E1527-21 standard in 2021. Therefore, our scope of work for the ISA will comply with the 2005, 2013, and 2021 ASTM E1527 standards.

The scope of work for a Phase I ESA established by the ASTM Standards 1527-13/E1527-21 consists of the following elements: 1) user responsibilities, 2) physical setting sources, 3) government records, 4) historical resources, 5) site reconnaissance, 6) owner/operator/occupant interviews, 7) local government interviews, and 8) evaluation/report preparation.

Environmental Scientists

Planners

Engineers



Please note that pursuant to ASTM practice (2013/2021), our scope of services does not include any inquiries with respect to asbestos-containing building materials unrelated to releases into the environment; biological agents; cultural and historic resources; ecological resources; endangered species; health and safety; indoor air quality unrelated to releases of hazardous substances or petroleum products into the environment; industrial hygiene; lead-based paint unrelated to releases into the environment; lead in drinking water; mold or microbial growth conditions; PCB-containing building materials (e.g., interior fluorescent light ballasts, paint, and caulk); naturally-occurring radon; regulatory compliance; substances not defined as hazardous substances (including some substances sometimes generally referred to as emerging contaminants) unless or until such substances are classified as a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) hazardous substance; and wetlands.

### User Responsibilities

Rincon will interview the report user (Client) or a designated representative of the report user (as identified by Client) to obtain additional information regarding past and present site uses as they may have affected the subject property. The interview will include transmittal of an interview questionnaire to the above-referenced individual.

As stated in ASTM E1527-21 it is the “user’s responsibility to search for environmental liens and AULs”. This is in “addition to the environmental professional’s search of institutional control and engineering control registries described in ASTM E1527-21 Section 8.2.” Therefore, Rincon will review title search information reports provided by the User of the report.

Pursuant to ASTM E1527-21,

“the title search information reports shall identify environmental covenants, environmental easements, land use covenant and agreements, declaration of environmental land use restrictions, environmental land use controls, environmental use controls, environmental liens, or any other recorded instrument that restricts, affects, or encumbers the title to the subject property due to restrictions or encumbrances associated with the presence of hazardous substances or petroleum products. Title search information reports shall review land title records for documents recorded between 1980 and the present. If judicial records are not reviewed, the title search information report shall include a statement providing that the law or custom in the jurisdiction at issue does not require a search for judicial records in order to identify environmental liens”.

A copy of the title search information records provided by the User will be reviewed by Rincon and included in Appendix A.

### Physical Setting Sources

Physical setting resources will be researched to identify information about the geologic, hydrogeologic, hydrologic, or topographic characteristics of a site. A USGS topographic map (current USGS Topo or historical 7.5-Minute Topographic Series) showing the subject property will be reviewed. The map will be displayed at an appropriate scale such that the contour labels are visible and the topography can be visualized. Site-specific physical setting information obtained pursuant to agency file reviews set forth in ASTM 2021 Section 8.2.3 will also be reviewed. One or more additional physical setting resources may be obtained at the discretion of the environmental professional.



## Government Records

A records review will be conducted to identify recognized environmental conditions associated with current and past uses of the subject property. The records review will include both environmental information and historical use information readily available in public records. Information concerning recognized environmental conditions associated with known nearby properties will be obtained using a computer database records search in accordance with minimum search distances specified in the 2013/2021 ASTM Standard Practice for Environmental Site Assessments (the current standard for Phase I ESAs).

Online environmental agency file reviews will be conducted for unauthorized release sites that are within the boundaries of the subject property, adjacent properties, or nearby properties which based on regional hydrogeologic information would be expected to impact the subject property. Any in-person file reviews will be performed on a time and materials basis as authorized by the Client.

## Historical Resources

Applicable historical use information will also be assessed by a review of four or more of the following: Sanborn Fire Insurance Maps, city directory listings, USGS topographic maps, aerial photographs, building permits, or other available historical sources. In addition, Rincon will review previous Phase I ESA or ISA reports conducted at the subject property, if provided by the client.

## Site Reconnaissance

A site reconnaissance will be conducted by Rincon along with a representative (as identified by the Client) knowledgeable of the subject property to identify obvious, recognized environmental conditions. The subject property and immediately adjacent properties (as accessible) will be visually inspected. Site use practices that may have impacted the subject property will be reviewed, including storage tanks, drums and containers, stained soil and stressed vegetation, drains and sumps, solid waste, and wells.

## Owner/Operator/Occupant Interviews

Rincon will interview the current site owner or a designated representative of the site owner, and/or operators/occupants (as identified by Client) to obtain additional information regarding past and present site uses as they may have affected the subject property. The owner interview will include transmittal of an interview questionnaire to the above-referenced individual. Operator and/or occupant interviews will be conducted onsite during the site reconnaissance. As specified in the 2013/2021 ASTM Standard Practice for Environmental Site Assessments, we may also interview other individuals including past owners of the subject property and adjacent property owners.

## Local Government Interviews

Rincon will interview State and/or local environmental health and/or fire department regulatory agency representatives to obtain additional information regarding onsite, adjacent, and nearby past and present release sites that may have affected the subject property. Local government interviews will be conducted via phone and/or email.



## Evaluation/Report

A report will be prepared documenting the information and findings of the research conducted in Tasks 1 through 8. The report will include a series of maps identifying existing subject property and nearby land uses. The report will provide an opinion (evaluation) regarding recognized environmental conditions at the subject property. If requested by the Client, Rincon will include recommendations in the ISA report.

The ISA report, under the ASTM 1527-13/E1527-21 Standard, must be signed with the following statement:

“We declare that, to the best of our professional knowledge and belief, we meet the definition of Environmental Professional as defined in §312.10 of 40 C.F.R. §312” and “we have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. We have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 C.F.R. Part 312.”

Rincon’s staff holds the proper qualifications and certifications allowing us to complete the ISA to the ASTM 1527-13/E1527-21 Standards.

The scope for this ISA includes responding to two rounds of collective comments from the City of Menifee and Caltrans, totaling no more than 10 hours of consultant’s time. If additional hours and/or rounds of comments are needed, we will complete this task for an additional fee per our attached fee schedule.

## Schedule

We are prepared to start with this project immediately upon your authorization. A Draft ISA will be completed within six weeks of authorization. To meet this schedule, Rincon requests that the user questionnaires be completed and site access be granted within two weeks of authorization.

This cost does not include fees to conduct in-person file reviews if authorized by Client. Additionally, if documents are submitted for review after two weeks of authorization, additional time and materials fees may apply to revise and re-review the final document.

## Task 2. Historical Resources Evaluation Report (HRER)

Based on meeting with Caltrans staff on June 28, 2022, staff indicated the Area of Potential Effects (APE) for the project should include properties where partial or full acquisitions will occur. A Historical Resources Evaluation Report (HRER) may therefore be required unless it is determined that all historic-age properties can be exempted from further review in accordance with the Caltrans SER. As a result, we are proposing a two-phased approach to first complete a built environment field survey to assess properties within the APE, and second to prepare an HRER should it be determined necessary.



## Field Survey and Archival Research

In accordance with the Caltrans SER, properties may be exempted from further evaluation if they are substantially altered. These determinations must be made by Caltrans Professional Qualification Staff (PQS) or appropriately qualified consultants. Rincon will therefore conduct a built environment field survey to examine buildings and structures within the APE. The survey will be conducted by qualified architectural historians and will serve to examine and document the condition, integrity, construction and alterations will be examined. Field documentation will include digital photographs of the properties to support field observations. Upon completion of the survey, Rincon will conduct preliminary archival research via historical aerial photographs to determine the property's developmental history and identify any alterations which may have occurred. Rincon will subsequently develop an inventory identifying exempted properties with photographs and observations to support the findings. Details of these properties and the justification for their exemption will be presented to the Caltrans reviewer for concurrence.

## Historical Resources Evaluation Report

Should it be determined that there are historical age properties within the APE which cannot be exempted per the Caltrans SER, an HRER with property-specific evaluations will be required. Properties that do not qualify for exemption will be formally recorded on individual California Department of Parks and Recreation (DPR) series 523 forms and will be evaluated for listing in the National Register of Historic Places (NRHP) and the California Register of Historical Resources (CRHR). We understand some properties within the APE have been previously evaluated for NRHP and CRHR eligibility and we will use existing DPR 523 forms and other documentation to the greatest extent feasible. **For the purposes of this scope and cost estimate, we have provided a flat fee for the preparation of the HRER with a per property cost for the preparation of DPR 523 series forms.** In addition to the property-specific evaluations, Rincon will complete Section 106 consultation with local interested parties in support of the HRER. Following Caltrans' approval, we will email letters to local historic groups with knowledge of historic properties in the area and summarize the results in the HRER. We further assume none of the properties will be found eligible and a finding of effect and preparation of agreement documents will not be required.

## Schedule

We are prepared to start with this project immediately upon your authorization. The Field Survey and Archival Research will be initiated first and anticipated to be completed within eight weeks of authorization. If the PQS determination is to move forward with the preparation of the HRER, this task will take four to six weeks to complete.

This cost does not include fees to conduct in-person file reviews if authorized by Client. Additionally, if documents are submitted for review after two weeks of authorization, additional time and materials fees may apply to revise and re-review the final document.

## Task 3. Visual Impact Assessment (VIA) Memo

In accordance with the Caltrans SER, Using VIA Annotated Outlines to ensure that Caltrans complies with National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) requirements



for determining potential visual impacts on transportation projects. Rincon will use the Caltrans format to prepare the associated documentation. Caltrans, the City and stakeholders will ensure that visual analyses are thorough, concise, objective, defensible, and consistent with statewide practices. The annotated outlines are based on the [FHWA Visual Impact Assessment for Highway Projects](#) guidance and methodology, and are designed to support and clearly communicate the key findings of the visual analysis.

The VIA Annotated Outline will be developed to accommodate different levels of project complexity, controversy, and potential impacts: the prepared Questionnaire resulted in a score of 14 which is a Moderate to address the specific project characteristics. Modifications include making non-standard edits or providing additional information but omitting steps in the FHWA methodology is not allowed.

#### Task 4. Additional Services

Should it be determined that additional services are needed, this task account for a budget of \$20,000 to address supplemental requests. Prior to initiating this task, Rincon will provide an estimate of costs per prior to moving forward. This task may include supplemental effort/information for the technical studies to address issues such as noise, geology/soils, water quality, biology, and historical resources, and/or community impacts.


We assume all submittals will be in a digital format and finalized pending one round of comments from the City and Caltrans respectively. We further assume that no new technical studies will be required rather this task accounts for supplements based on the Caltrans approved Preliminary Environmental Study (PES).

#### Assumptions

- For the ISA Phase I:
  - Pursuant to the ASTM practice, we ask that you provide us with any site information that you are aware of pertaining to: environmental liens or activity and use limitations, specialized knowledge that would be material to recognized environmental conditions in connection with the subject property, or valuation reduction for environmental issues.
  - Site visit can be completed in one day.
  - Adjacent property owner interviews are not included in this scope of work.
- VIA memo and HRER:
  - If additional technical analysis is required beyond what is included in this proposal, a separate scope and fee will be prepared.
  - The City of Menifee and Caltrans will provide two sets of comments to Rincon totaling no more than 10 hours of consultant's response time.
  - All deliverables will be provided in electronic (Word and PDF) format; no printed copies.



**ATTACHMENT B**  
**Bundy Canyon / Scott Road Widening Project**  
**CIP 20-01**  
**FEE PROPOSAL - AMENDMENT #5**

<div> New. Better. Best.</div>	CivilPros									CivilPros Total Hours	CivilPros Total Cost	Rincon Consultants														SUMMARY	
	Basem Muallem	David Benymman		Robert Gay	Matt Britten		Mohammad El-Hochemi	Kyle Abian				Principal in Charge	Director (NEW)	Senior Supervisor II	Supervisor I	Senior Professional I	Professional III	Professional II	Associate II	GIS/CADD Specialist II	Technical Editor	Production Specialist	Clerical	Rincon Total Hours	Rincon Total Cost	Total Hours	Total Costs
Task Descriptions	\$300	\$228	\$227	\$276	\$231	\$202	\$128	\$102		\$270	\$270	\$228	\$215	\$179	\$152	\$135	\$98	\$135	\$120	\$98	\$85						
1. Project Management		64						18	72	\$14,124														72	\$14,124		
General Project Administration		36							36	\$8,198														36	\$8,198		
1.1 Project Coordination		18						18	36	\$5,927														36	\$5,927		
Monthly PDT Meetings		18						18	36	\$5,927														36	\$5,927		
2. Preliminary Engineering - NO UPDATE																											
3. Environmental Documentation and Approval		12					32	6	60	\$7,428														50	\$7,428		
3.1 Civil Support for Environmental		12					32	6	60	\$7,428														50	\$7,428		
Civil Support for Environmental		12					32	6	50	\$7,428														50	\$7,428		
4. Final PS&E - NO UPDATE																											
Right of Way - NO UPDATE																											
NEPA Environmental Clearance																											
R-2. Environmental Documentation and Approval																											
R-2.2 Technical Studies																											
Initial Site Assessment (ISA) - Phase I																											
Radius Report and Regulatory Agency Review																						4	\$540	4	\$540		
Additional Records Review - Cortese, Pipeline, CalGEM																						5	\$675	5	\$675		
Review - Historical Documents																						7	\$945	7	\$945		
Site Recon and Interviews (2 people - 2 hours onsite, 3 driving)																						6	\$810	6	\$810		
Report (electronic copy)) (1 EPS PIC, 2 EE PICS, 3 EES DiR)																						38	\$6,060	38	\$6,060		
Response to Comments -two rounds, up to 10 hours total																						10	\$1,890	10	\$1,890		
Project Mgmt (2 for PM, 4 for DiR)																						10	\$1,779	10	\$1,779		
Historical Resources Evaluation Report (HRER)																											
Field Survey and Archival Research																						30	\$4,986	30	\$4,986		
Historical Resources Evaluation Report																						3	2	40	\$6,425	40	\$6,425
Per Property DPR and Evaluation Cost (total # of properties TBD)																						90	\$20,260	90	\$20,260		
10 Total Properties Assumed (ADDITIONAL AMENDMENT WILL BE REQUIRED IF MORE THAN 10 PROPERTIES NEED FORMAL EVALUATION)																											
Visual Assessment Memo																											
R-4. Additional Services																											
R-4.1 Revalidation																											
Additional Services - ONLY BY APPROVAL FROM CITY																											
R-4.2 RCA/RCTC Additional Support																											
Additional Services - ONLY BY APPROVAL FROM CITY																											
AMENDMENT #5 Totals																											
Total Labor Hours										479														Total Labor Hours		601	
Total Labor Costs										\$ 78,168														Total Labor Costs		\$ 99,720	
ODCs										\$ 3,675														ODCs		\$ 3,875	
CIVILPROS Grand Total Cost										\$ 81,843														RINCON Grand Total Cost		\$ 103,595	