

Attachment A
Amendment No. 1 to
PSA No. A-12269 with
ICF Jones & Stokes, Inc.

REF110024
ICF Jones & Stokes International
PLN060550
Stonewall Canyon Quarry

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**AMENDMENT NO. 1
TO PROFESSIONAL SERVICES AGREEMENT
BETWEEN COUNTY OF MONTEREY AND
ICF JONES & STOKES, INC.**

THIS AMENDMENT NO. 1 to the Professional Services Agreement between the County of Monterey, a political subdivision of the State of California (hereinafter, "County") and ICF Jones & Stokes, Inc. (hereinafter, "CONTRACTOR") is hereby entered into between the County and the CONTRACTOR (collectively, the County and CONTRACTOR are referred to as the "Parties") as of the last date opposite the respective signatures below.

WHEREAS, CONTRACTOR entered into a Professional Services Agreement with County on August 2, 2012 (hereinafter, "Agreement"); and

WHEREAS, Syar Industries, Inc. (hereinafter, "PROJECT APPLICANT") has applied to the County for approval of a thirty-five (35) year extension of Use Permit PC-7477 for the Stonewall Canyon Quarry (hereinafter, "PROJECT"); and

WHEREAS, an Environmental Impact Report (hereinafter, "EIR") is required for the PROJECT; and

WHEREAS, County engaged CONTRACTOR to prepare the EIR; and

WHEREAS, the EIR has not been completed due to the need for review of the recommended additional biological field surveys provided by the PROJECT APPLICANT and to allow for additional traffic data collection and assessment by the CONTRACTOR for inclusion into the EIR for the PROJECT; and

WHEREAS, the Parties wish to amend the Agreement to increase the amount by \$21,107.10 and extend the term to June 30, 2014 to continue to provide tasks identified in the Agreement and as amended by this Amendment No. 1.

NOW, THEREFORE, the Parties agree to amend the Agreement as follows:

1. Amend the first sentence of Paragraph 1, "Services To Be Provided", to read as follows:

The County hereby engages CONTRACTOR to perform, and CONTRACTOR hereby agrees to perform, the services described in Exhibits A and A-1 in conformity with the terms of this Agreement.

Amendment No. 1 to Professional Services Agreement
ICF Jones & Stokes, Inc.
Stonewall Canyon Quarry EIR
RMA - Planning
Term: June 19, 2012 - June 30, 2014
Not to Exceed: \$329,525.60

2. Amend Paragraph 2, "Payments by County", to read as follows:

County shall pay the CONTRACTOR in accordance with the payment provisions set forth in Exhibits A and A-1, subject to the limitations set forth in this Agreement. The total amount payable by County to CONTRACTOR under this Agreement shall not exceed the sum of \$329,525.60.

3. Amend the first sentence of Paragraph 3, "Term of Agreement", to read as follows:

The term of this Agreement is from June 19, 2012 to June 30, 2014, unless sooner terminated pursuant to the terms of this Agreement.

4. Amend Paragraph 4, "Additional Provisions/Exhibits", by adding "Exhibit A-1, Scope of Services/Payment Provisions".

5. The "Schedule" in Exhibit A – Scope of Services/Payment Provisions of this Agreement is hereby amended to extend through June 30, 2014, to conform to the amended term of the Agreement.

6. All other terms and conditions of the Agreement remain unchanged and in full force.

7. This Amendment No. 1 shall be attached to the Agreement and incorporated therein as if fully set forth in the Agreement.

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IN WITNESS WHEREOF, the Parties hereto have executed this Amendment No. 1 to the Professional Services Agreement as of the last day opposite the respective signatures below:

COUNTY OF MONTEREY

CONTRACTOR*

By: _____
Director of Planning

ICF Jones & Stokes, Inc.
Contractor's Business Name

Date: _____

By: Cl. B...
(Signature of Chair, President or Vice President)

Its: Chris Brumhardt, Vice President
(Printed Name and Title)

Date: 4/30/13

**Approved as to Form and Legality
Office of the County Counsel**

By: Arb. Klein
(Signature of Secretary, Asst. Secretary, CFO,
Treasurer or Asst. Treasurer)

By: Mark Sweetland
Deputy County Counsel

Its: Harlan Blines, Asst. Secretary
(Printed Name and Title)

Date: 5/7/2013

Date: 4/30/13

Approved as to Fiscal Provisions

By: [Signature]
Auditor/Controller

Date: 5-1-13

Approved as to Indemnity, Insurance Provisions

By: _____
Risk Management

Date: _____

*INSTRUCTIONS: IF CONTRACTOR is a corporation, including limited liability and non-profit corporations, the full legal name of the corporation shall be set forth above together with the signatures of two specified officers. If CONTRACTOR is a partnership, the name of the partnership shall be set forth above together with the signature of a partner who has authority to execute this Agreement on behalf of the partnership. IF CONTRACTOR is contracting in an individual capacity, the individual shall set forth the name of the business, if any, and shall personally sign the Agreement.

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EXHIBIT A -1 – SCOPE OF SERVICES/PAYMENT PROVISIONS



Memorandum

Date:	March 29, 2013
To:	Valerie Negrete County of Monterey Resource Management Agency- Planning Department
Cc:	Sally Zeff, ICF International
From:	Susan Swift, ICF International
Subject:	Proposal for Review of Applicant-Provided Biological Field Surveys, and Additional Transportation Data Collection for Stonewall Canyon Quarry EIR

The purpose of this memorandum is to describe ICF's proposed review of the recommended additional biological field surveys and to outline the tasks associated with additional traffic data collection and assessment for the Stonewall Canyon Quarry EIR, as discussed in previous memos. The attached spreadsheet outlines the specific hours and costs associated with each of the following tasks.

Task 1.3. Review of Applicant-Provided Biological Field Surveys

ICF understands that due to timing and contractual constraints, a separate consultant will need to complete the recommended biological-resources surveys. Following completion of the surveys and preparation of draft technical reports, ICF biologists will review up to three separate reports and coordinate with the surveying biologists to ensure that the required information necessary to complete the Biological Resources section of the EIR is contained in the final reports.

For this task, we assume up to two rounds of review.

Task 2.2. ADEIR. Additional Traffic Data Collection and Assessment

Kimley-Horn and Associates (KHA) and ICF International proposed the following additional traffic data collection and assessment tasks.

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Review of Applicant-Provided Biological Field Surveys, and Additional Transportation Data Collection for
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Trip Generation and Assignment

Based on information provided by the project applicant, KHA will quantify the daily and peak-hour trip generation associated with the proposed project. Also based on information provided by the applicant, KHA will distribute those trips to the existing roadway network. This information will be graphically presented in a figure.

Traffic Data Collection

KHA will obtain 24-hour vehicle classification counts over a period of three consecutive weekdays (Tuesday, Wednesday, Thursday) at the following roadway locations:

- Metz Road – between Bryant Canyon Road and 3rd Street
- East Street – between Metz Road and Front Street

The goal of this task is to determine the level of existing traffic, particularly trucks, in order to isolate existing truck activity and accurately analyze the project's contribution to transportation impacts. The standard procedure for roadway traffic count data collection includes collecting machine count data for at least 72 consecutive hours (3 days) during a typical weekday. A typical weekday is considered a Tuesday, Wednesday or Thursday with no special events or activities, with schools in session, no closures or street construction and excluding poor weather that would affect traffic conditions. Mondays and Fridays are excluded due to the frequency of school closures on those days.

Roadway traffic counts are collected over a period of several consecutive days in order to develop a representative sample of typical traffic conditions. For example, if traffic data is collected for just one day and an accident or unexpected closure occurs, or an adjacent property generates higher activity on specific week days, the small sample will yield unreliable data. Once the machine counters are set for one day, the extra cost to collect data for additional days is fairly low (approximately \$100 per day per location).

The minimal up-front cost of collecting data for several days ultimately outweighs the risk of collecting data for one day and finding out that there are significant issues that require significant effort and/or costs to correct the data.

It is important to perform counts while school is in session (August – June for Soledad schools), especially in this area with a number of schools along Metz Road. Further, the presence of several wineries/vineyards and other agricultural uses within the project area would indicate the potential for an increased level of truck traffic during typical winery crush-season (September – November). The disadvantage of collecting data now is the inability to capture the peak harvest season vineyard traffic, which could potentially result in a less-accurate number of existing "baseline" truck trips on Metz Road/SR-146. The disadvantage of trying to collect data when the vineyards are at peak harvest season and schools are in session is that this would require waiting until September or October, which would likely conflict with the current EIR schedule.

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Traffic Data Adjustments

KHA will develop adjustment factors to be used in modifying the collected traffic count data to reflect anticipated traffic conditions during peak harvest season, where truck traffic levels are anticipated to be higher due to increased activity levels at wineries/vineyards within the project area.

While this methodology would not produce the level of accuracy associated with collecting actual data during peak harvest season in September or October, it provides an approximate representation of traffic conditions during that season. KHA will derive adjustment factors to modify traffic data collected outside of peak winery crush-season based on the following methods described in Subtasks A, B and C below.

Subtask A – Coordination with Winery/Vineyard Representatives

KHA will coordinate with representatives for local wineries/vineyards that are anticipated to use Metz Road (SR-146) for access in order to collect available information regarding estimated traffic generation (passenger cars and trucks) during peak and off-peak production seasons. KHA will utilize the GIS maps and index provided on the County Agricultural Commissioner's Office website to identify appropriate vineyard/winery properties and property owners. An initial review of the study area indicates that there are up to 18 properties with at least 13 different property owners that would need to be contacted. KHA will utilize available online information and the assistance of County staff to research contact information and appropriate contact personnel for each of the identified properties. KHA staff will endeavor to coordinate with each property representative directly; however, it is assumed that assistance may be required from County staff to procure the requested information from each representative.

The cost proposal for this task assumes that no more than 22 KHA staff hours will be required. Any outreach/coordination effort that exceeds the 22 professional hours assumed in this proposal would be considered an additional service and will be completed only with the client's prior authorization.

Subtask B – Winery/Vineyard Trip Generation Research

KHA will perform a review of available trip generation information, as provided in applicable traffic impact studies for various winery/vineyard projects.

Subtask C – Review of Available Caltrans Data

KHA will perform a review of available historical Caltrans traffic data for SR-146 (Metz Road) within the vicinity of the proposed quarry project. This data will be used to develop a comparison of traffic volumes and traffic composition (percent passenger cars & percent trucks) during fall peak harvest season vs. non-peak seasons.

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The disadvantage of the approach outlined above is that obtaining winery traffic data would require identifying all wineries and vineyards using the Metz corridor, identifying the appropriate contact person at each facility, and procuring the necessary information from each location, including both off-season and harvest season truck and non-truck traffic levels and scheduling. Further, this would mean that the study would be relying on estimates from traffic generators rather than measurements of actual traffic.

An alternate solution to this process would include performing initial counts now (as described above for the Traffic Data Collection task) and revising them as part of the pavement management plan. This would allow calculation of fair share based on current truck volume data and cause minimal effects on the EIR schedule, while allowing for confirmation of the applicable fair-share percentage by collecting additional traffic data in September and October for further refinement of the fair-share calculation.

Fair-Share Assessment

KHA will use the vehicle classification data collected described in the Traffic Data Collection task (and potentially adjusted in the Traffic Data Adjustment task) to calculate the proposed project's fair-share contribution percentages towards potential mitigation improvements for streets within the jurisdiction the County and the City of Soledad that are used as primary routes for project traffic.

The information gathered from traffic counts (potentially adjusted as described above) will be used to identify the project's fair share of pavement maintenance mitigation. Without quantification of this data, the applicant could conceivably be asked to pay more than their actual fair share.

Assessment of Existing and Future Traffic Conditions

KHA will review and summarize available traffic analysis results/findings, as documented in recent traffic studies and/or environmental documents for intersections, roadways, and state highway facilities within the vicinity of the project. Using the available information from previous studies, KHA will prepare a qualitative assessment of the potential changes to existing and future traffic operations with the addition traffic generated by the project. This does not include the preparation of any new operations or planning analysis.

EXHIBIT A-1 - SCOPE OF SERVICES/PAYMENT PROVISIONS

Table 1. Cost Estimate for Additional Work for Stonewall Quarry EIR

Employee Name	Consulting Staff				Subcontractor				Production Staff				Direct Expenses	Total Price					
	Task	Proj Dir	Sr Consult	Project Manager	Wildlife Biologist	Alcala A	Bushnell Bergliak S	Saelee S	Subtotal	Project Manager	KHA Engineer	KHA Clerical			Subtotal	Technical Effort	Pub Spec	Admin Tech	Subtotal
Task 2.2 Administrative Draft EIR - Additional Traffic Analysis Work																			
Trip Generation & Assignment	10	12							\$4,542				\$0	8	14	2	\$2,020	\$6,562	
Traffic Data Collection									\$0				\$1,260				\$0	\$1,260	
Traffic Data Adjustments									\$0				\$250				\$0	\$250	
Winery/Vineyard Coordination									\$0				\$2,820				\$0	\$2,820	
Winery Trip Generation Research									\$0				\$660				\$0	\$660	
Review of Available Cellar Data									\$250				\$250				\$0	\$250	
Fair-Share Assessment									\$1,070				\$1,070				\$0	\$1,070	
Traffic Conditions Summary									\$0				\$1,485				\$0	\$1,485	
Task 1.3 Review Applicant Technical Studies - Biological Resources									\$0				\$0				\$0	\$0	
Review Wildlife Assessments	1	1	10						\$1,651				\$0				\$0	\$1,651	
Review Floristic Surveys	1	1							\$1,111				\$0				\$0	\$1,111	
Total hours	12	14	10	4						11	46	3		8	14	2			
ICF ESP 2012 Billing Rates	\$195	\$156	\$130	\$190						\$160	\$125	\$95		\$95	\$80	\$70			
Subtotals	\$2,340	\$2,184	\$1,300	\$760				\$7,304		\$1,760	\$5,750	\$285	\$7,795	\$760	\$1,120	\$140	\$2,020	\$17,119	
Direct Expenses																			
500.00 SU Includes Traffic Counts (3-day ADT Counts w/ Vehicle Classification) and other direct expenses																			
Direct expense subtotal																			\$1,235
Total price																			\$1,235
																			\$18,354

EXHIBIT A -1 – SCOPE OF SERVICES/PAYMENT PROVISIONS

PAYMENT PROVISIONS

Invoices for services / work products / deliverables under the AGREEMENT shall be submitted when the work product is complete, shall identify the document or work product being delivered or monthly (by the tenth day of the month) and shall include the following:

1. Invoice Coversheet

*ICF Jones & Stokes, Inc.
Stonewall Canyon Quarry Environmental Impact Report*

Date: _____ Invoice No. _____

Agreement Term: June 19, 2012 – January 31, 2014
Agreement Amount: \$308,418.50 (\$268,190.00 base budget plus \$40,228.50 project contingency)
Amendment No. 1: \$ 21,107.10 (\$18,354.00 base budget plus \$2,753.10 project contingency)
Extension of the Term to June 30, 2014

Total Agreement Amount: \$329,525.60 (\$286,544.00 base budget plus \$42,981.60 project contingency)

This Invoice: 1.3 Review Applicant Technical Studies – Biological Resources

<i>\$ 1,651.00 Review Wildlife Assessments</i>	
<i>\$ 1,111.00 Review Floristic Surveys</i>	
2.2 Administrative Draft EIR – Additional Traffic Analysis Work	
<i>\$ 6,562.00 ADEIR – Additional Traffic Analysis Work</i>	
<i>\$ 1,260.00 Trip Generation & Assignment</i>	
<i>\$ 250.00 Traffic Data Collection</i>	
<i>Traffic Data Adjustments</i>	
<i>\$ 2,820.00 Winery/Vineyard Coordination</i>	
<i>\$ 660.00 Winery Trip Generation Research</i>	
<i>\$ 250.00 Review of Available Caltrans Data</i>	
<i>\$ 1,070.00 Fair-Share Assessment</i>	
<i>\$ 1,485.00 Traffic Conditions Summary</i>	
Direct Expenses	
<i>\$ 1,235.00 Traffic Counts and other direct expenses</i>	
GRAND TOTAL:	\$ 18,354.00

Remaining Balance \$ _____

Approved as to Work/Payment: _____ Date _____
Valerie Negrete, Assistant Planner

EXHIBIT A -1 – SCOPE OF SERVICES/PAYMENT PROVISIONS

All Invoices Are To Be Sent To:
Jaime Martinez, Accounting Technician
County of Monterey Resource Management Agency
Finance Division
168 W. Alisal Street, 2nd Floor, Salinas, CA 93901
Telephone: (831) 755-4829

2. Invoice Detail

Each invoice shall indicate the hours worked by task and by staff member, with the corresponding billing rates.

3. Transfer from Project Contingency Account

Transfer of funding from the Project Contingency Account (increased by 2,753.10 for a total amount not to exceed \$42,981.60) requires the prior written approval of the Director of Planning and the Project Applicant.

A recommendation for such a transfer shall be presented in writing by CONTRACTOR to the Project Planner, with a duplicate original delivered to the Contract Administrator, at the earliest possible date. The recommendation shall include:

- The dollar amount;
- The anticipated date the funded work would begin;
- The duration of the work;
- The entity (CONTRACTOR or subconsultant) to whom the funds would be transferred/allocated; and
- The justification for the expenditure.

Within five working days of receipt of the recommendation, the Project Planner and Contract Administrator will have contacted CONTRACTOR to discuss its recommendation and will have made a recommendation to the Director of Planning, or in his absence, the Assistant Director. Within ten working days thereafter, the Director of Planning or the Assistant Director will approve, deny, or approve a revised version of the recommendation received from CONTRACTOR, and will send his decision in writing to the Project Applicant, and CONTRACTOR.

Unless he denies the recommended transfer, the Director or Assistant Director of Planning will ask the Project Applicant to make a decision within five working days regarding the recommended transfer from the Project Contingency Account. If necessary, reasonable efforts will be made to reach a compromise.

Upon receipt of the Project Applicant's written approval by the Director of Planning or the Assistant Director, the funding transfer will be made. At the same time, a letter authorizing the work funded by the approved transfer will be sent to CONTRACTOR.

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