

THIRD AMENDMENT TO AGREEMENT

THIS THIRD AMENDMENT TO AGREEMENT (Amendment) made and entered into as of this ____ day of _____, amends the Agreement entered between the CITY OF FRESNO, a California municipal corporation (City), and SWCA, Incorporated dba SWCA Environmental Consultants, an Arizona Corporation. (Consultant).

RECITALS

WHEREAS, the City and the Consultant entered into an Agreement, dated October 6, 2021, for professional environmental services for the Ashlan Avenue Widening project (Agreement); and

WHEREAS, the Consultant has completed a portion of the Agreement; and

WHEREAS, City and Consultant amended the Agreement on August 24, 2022 (First Amendment) to modify the scope of work therein by requiring additional services; and

WHEREAS, City and Consultant amended the Agreement on September 21, 2022, (Second Amendment) to extend the Consultant's performance period for the completion of additional services, without any additional compensation being provided under this Amendment; and

WHEREAS, City and Consultant now desire to modify the scope of work, therein, by requiring additional services; and

WHEREAS, with entry into this Amendment, Consultant agrees that it has no claim, demands, or disputes against the City.

AGREEMENT

NOW, THEREFORE, in consideration of the above recitals, which recitals are contractual in nature, the mutual premises herein contained, the parties agree that the Agreement be amended as follows:

1. Consultant shall provide additional services as described in Attachment A, attached hereto, and incorporated herein by reference. Such additional services shall be completed within 90 calendar days following execution of this Amendment by both parties.

2. Consultant's performance period for services shall be extended to August 30, 2024, as described in Attachment A, attached hereto, and incorporated herein by reference.

3. Consultant's sole compensation for satisfactory performance of all services required or rendered pursuant to this Amendment shall be a total net fee of **\$18,426**.

4. In the event of any conflict between the body of this Third Amendment and any Exhibit or Attachment hereto, the terms and conditions of the body of this Amendment shall control and take precedence over the terms and conditions expressed within the Exhibit or Attachment. Furthermore, any terms or conditions contained within any Exhibit or Attachment hereto which purport to modify the allocation of risk between the parties, provided for within the body of this Amendment, shall be null and void.

5. The Agreement and Amendments will be administered for the City by its Capital Projects Department

6. Except as otherwise provided herein, the Agreement and the First Amendment and Second Amendment shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Third Amendment at Fresno, California, the day and year first above written.

CITY OF FRESNO,
A California municipal corporation

By: _____
Randall W. Morrison, PE
Director
Capital Projects Department

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: Angela M. Karst 8/25/23
Date
Senior Deputy City Attorney

ATTEST:
TODD STERMER, CMC
City Clerk

By: _____
Deputy Date

Addresses:
City: City of Fresno
Attention: Abdul BinMahfodh, PMP
Engineer II
2600 Fresno Street, 4th Floor.
Fresno, CA 93721
(559) 621-8701

Attachment:
Attachment A – Additional Scope of Services

SWCA, Incorporated dba SWCA,
Environmental Consultants, and Arizona
Corporation

By: _____
Name: LAURA MORAN
Title: NORTHERN CAL VP
(If corporation or LLC., Board Chair,
Pres. or Vice Pres.)

By: Denis Henry
Name: Denis Henry
Title: CFO/Treasurer/Secretary
(If corporation or LLC., CFO, Treasurer,
Secretary or Assistant Secretary)

REVIEWED BY:
Abdul BinMahfodh
Abdul BinMahfodh, PMP
Engineer II

CONSULTANT:
SWCA, Incorporated dba SWCA,
Environmental Consultants
Attention: Jacqueline Markley, M.S.
AICP, Project Manager
1422 Monterey Street, B-C200
San Luis Obispo, CA 93401
(916) 234-5522

Attachment A

ADDITIONAL SCOPE OF SERVICES

Consultant Service Second Amendment to Agreement between City of Fresno (City) and SWCA, Incorporated dba SWCA, Environmental Consultants (Consultant)

Ashlan Avenue Widening Project

Consultant's agreement performance period expires December 30, 2023. The additional services through the First amendment to the agreement are not complete. This amendment extends the Consultant's performance period to complete the additional services to December 30, 2024.

The revised project also includes the full take of two parcels (Assessor's Parcel Numbers [APNs] 511-01-205S and 511-08-501) and relocation of existing tenants/owners. The following scope of work provides a description of the additional services that SWCA will provide to the City for the proposed project, and an estimated schedule and cost associated with the completion of these tasks.

TASK 1: REVISED AND ADDITIONAL STUDIES

Task 1.1. Revised Administrative Draft Initial Study/ Mitigated Negative Declaration

SWCA will conduct a thorough review of the Administrative Draft Initial Study/Mitigated Negative Declaration (IS/MND) and incorporate any necessary revisions to address the proposed full take and relocation of two parcels (Assessor's Parcel Numbers [APNs] 511-01-205S and 511-08-501). The revised IS/MND will be submitted to the City for review prior to circulating the public draft for the required 30-day review period.

Task 1.2. Relocation Impact Memorandum

SWCA understands that the proposed project would require the full take of two parcels (Assessor's Parcel Numbers [APNs] 511-01-205S and 511-08-501) and relocation of existing tenants/owners. According to Caltrans, any structure relocation requires relocation impact documentation. The format of the Relocation Impact Document is dependent upon the complexity of the project as determined by the number of displacements and the availability of replacement property. Based on guidance from Caltrans, a Relocation Impact Memorandum (RIM) is the appropriate document for this project, which is prepared if there are fewer than 10 displacements and there is ample replacement property.

SWCA's environmental planners will conduct a desktop review of the proposed project to determine the potential impact on the residential units and prepare the RIM for this project in accordance with Caltrans Right of Way Manual Exhibit 10-EX-3. At a minimum, the RIM will include the number of occupants displaced, the typical vacancy rate for each type of displacement (e.g., 5% vacancy rate for multi-residential units), identification of any special needs such as elderly or handicapped displaces, and a statement that the Right-of-Way office has sufficient resources (experienced staff and capital dollars) to complete the relocations in accordance with policies and procedures.

Task 1.3: Supplemental Cultural Resources Studies

On September 14, 2022, the Historic Property Survey Report (HPSR) was approved by Caltrans. The HPSR included the following attachments:

- Area of Potential Effects Map (APE)
- Archaeological Survey Report (ASR)

SWCA understands that two parcels (APNs 511-01-205S and 511-08-501) will now require full ROW take and subsequently, the preparation of a Supplemental HPSR and attachments. SWCA proposes to prepare an updated APE map, ASR, Historic Resources Evaluation Report (HRER) and HPSR. The updated HPSR will require supplemental archeological survey of the entire extent of the new full-take parcels and evaluation of the extant historic-era resources. SWCA assumes no new records search or Tribal Consultation is required for the project, and that the City will provide crews access to the supplemental survey area.

Historic Resources Evaluation Report (HRER)

Local Governments / Local Historic Group Coordination

Pursuant to 36 CFR 800.4(a)(3), documentation will include coordination with up to five individuals and organizations who may have knowledge of, or concerns with, historic properties in the area. Coordination will include inquiries to local governments and historic groups regarding their knowledge of historic properties in the immediate vicinity of the APE. Up to two telephone calls will be made to each of the groups to document “good faith” efforts of follow-up.

Built Environment Survey, Archival Research, and California Department of Parks and Recreation Forms

Our qualified architectural history team, led by Garret Root M.A., is highly familiar with the SER Volume 2, Cultural Resources: Exhibit 1.1, which outlines the PA released in 2014. In addition to providing guidance for the assessment of effects to historic properties, the Caltrans PA provides evaluation exemptions for various types of properties within the APE, including those that visibly lack integrity.

Per Caltrans requirements, SWCA qualified architectural historians will direct an intensive-level survey of the two full-take parcels to identify and document previously unrecorded historic properties that may be impacted by the proposed project. During the survey, architectural historians will record each property address within the APE using tablet computers prepopulated with relevant data about the project area and its setting to streamline and accelerate the field recordation process. Field documentation will also include digital photographs of each property to support field observations. Following the field survey, archival research will be conducted to ascertain the age, alterations, and significance of each architectural resource. The archival research will entail a review of historic documents, records, and photographs for information about each property and resources that may be contained therein. Properties that are found to be significantly altered and no longer contain sufficient integrity to convey their historical significance will be exempted from further study, in accordance with the Caltrans PA. Details of these properties and the justification for their exemption will be presented to the Caltrans reviewer for concurrence.

Properties that do not qualify for exemption in accordance with the Caltrans PA will be

formally recorded on individual DPR 523 Series forms and will be evaluated for listing in the National Register of Historic Places (NRHP) and California Register of Historical Resources (CRHR), and for local listing. SWCA understands that the project area is partially urbanized with buildings older than 45 years of age, some of which have not been previously evaluated for historical significance.

Historic Resources Evaluation Report

Upon completion of the APE map, coordination with local historical groups, and the built environment survey and archival research, SWCA will prepare a Historic Resources Evaluation Report (HRER). The HRER will be prepared according to current guidance as specified in Caltrans SER Volume 2. SWCA assumes only one revision to the HRER will be required.

Task 1.4: Supplemental Phase I Initial Site Assessment (ISA)

Haro Environmental will amend the current Phase I Initial Site Assessment (ISA) to include assessment of the new area proposed for ROW acquisition (APNs 511-01-205S and 511-08-501). The scope will include an inspection of the area and an update to the existing ISA report.

Task 1.5: Supplemental Noise Study Report (NSR)

Terry A. Hayes Associates Inc. (TAHA) prepared a Noise Study Report for the Ashlan Avenue Widening Project in January 2022. The January 2022 noise analysis included an assessment of the widening of the eastbound lane on Ashlan Avenue from one lane to two lanes, installation of a median, sidewalks, curb, gutter, curb ramps, streetlights, storm drain and power pole relocation, and the complete widening to ultimate right-of-way between Polk and Cornelia Avenues. Since completion of the January 2022 Noise Study Report, the City of Fresno has determined additional acquisitions will be required that would remove several residences from the noise analysis and potentially add additional residences. A Supplemental Noise Study Report is therefore required to be prepared.

TAHA will prepare the Supplemental Noise Study Report consistent with the Caltrans Traffic Noise Analysis Protocol (April 2020). The report will be presented in a technical memorandum format and will include the necessary information required for a Caltrans standard Noise Study Report. Background information and the regulatory framework will be referred to the January 2022 Noise Study Report. Existing monitored noise levels and traffic counts will be briefly summarized. The scope of work does not include new noise measurements or traffic counts. The Traffic Noise Model was previously validated and found to be within 3 dB of measured noise level. TAHA will use the previously prepared Traffic Noise Model runs as the basis for adjustments necessitated by new project changes. Residences that will be removed as a result of full acquisitions will be removed from the noise model and noise results. An aerial survey will be conducted to determine if additional sensitive uses are required to be added to the noise model based on the additional roadway take. The updated modeling results will be presented within the NSR in both graphical and tabular formats.

Task 1.6: Revised Environmental Commitment Record

SWCA will prepare a revised Environmental Commitment Record (ECR) for the proposed project. The ECR will compile all relevant environmental information, making it easier to

track progress and easier for project team members (e.g., Environmental Staff, Project Engineer, Project Manager, Resident Engineer) to identify actions they need to take. SWCA will prepare the revised ECR once all other technical studies have been prepared and approved by Caltrans and will submit the ECR to the City for review and approval.

COST ESTIMATE

SWCA has prepared our budget based on our approach to the project, identified key assumptions, consultation with our technical experts, and our experience with similar projects. We have identified the following costs required to supplement our remaining budget to support completion of the identified scope based on our discussion with the city.

PROJECT ROLE	NAME	RATE	HOURS	COST
Task 1.1: Revised Administrative Draft Initial Study / Mitigated Negative Declaration				
Project Manager	Jacqueline Markley	\$180	4	\$720
Environmental Planner	Annika Kiemm	\$117	6	\$702
GIS/CADD Specialist	Sarah Halpern	\$117	4	\$468
Technical Editor	Jaimie Jones	\$140	6	\$840
Subtask Total			\$2,730	
Task 1.2: Relocation Impact Memorandum				
Project Manager	Jacqueline Markley	\$180	4	\$720
Environmental Planner	Annika Kiemm	\$117	18	\$2,106
GIS/CADD Specialist	Sarah Halpern	\$117	4	\$468
Technical Editor	Jaimie Jones	\$140	2	\$280
Subtask Total			\$3,574	
Task 1.3: Supplemental Cultural Resources Studies (HRER)				
Project Manager	Jacqueline Markley	\$180	1	\$180
Principal Investigator	Nathan Stevens	\$180	2	\$360
Cultural Resources Lead/Archaeologist	Leroy Laurie	\$215	4	\$860
Architectural Historian	Garret Root	\$219	12	\$2,628

Architectural Historian	Sayre Borden	\$97	40	\$3,880
Architectural Historian	Paula Carr	\$161	6	\$966
GIS/CADD Specialist	Sarah Halpern	\$117	4	\$468
Technical Editor	Jaimie Jones	\$140	4	\$560
Subtask Total			\$9,902	
Task 1.4: Supplemental Phase I Initial Site Assessment				
Project Manager	Jacqueline Markley	\$180	4	\$720
Hazardous Materials Subconsultant	Haro Environmental	\$1,500	N/A	\$1,500
Subtask Total			\$2,220	
TOTAL			\$18,426	

ASSUMPTIONS

For budgeting purposes, we are making the following assumptions because some of these items are beyond SWCA's control, and these factors could significantly affect project schedule and cost:

1. SWCA assumes all copies of report submittals will be electronic.
2. SWCA assumes presence at in-person meetings will not be necessary for this scope.
3. SWCA assumes two rounds of review for each document.
4. To accommodate project changes and scheduling, it is assumed that SWCA will be able to use the overall project funding and will not be held to phase and task limits so long as the overall budget is not exceeded.
5. SWCA assumes only two properties will require inventory and evaluation for the HRER, the other properties identified in the APE are exempt per the previous HPSR findings.