

**FIRST AMENDMENT TO
TOWN OF CASTLE ROCK
SERVICES AGREEMENT
(Survey and Design Services)**

DATE: _____, 2015.

PARTIES: **TOWN OF CASTLE ROCK**, a Colorado municipal corporation, 100 N. Wilcox Street, Castle Rock, Colorado 80104 (“Town”).

LEONARD RICE ENGINEERS, INC., a Colorado corporation, 1221 Auraria Parkway, Denver, CO 80204 (“Consultant”).

RECITALS:

- A. The Town and Consultant are parties to the Town of Castle Rock Services Agreement (Survey and Design Services) dated May 11, 2015 (“Agreement”).
- B. The parties have determined it is necessary to amend the Agreement to expand the Services and to extend the date of completion of the Services.

TERMS:

Section 1. Additional Scope of Services. The Services to be provided by Consultant are amended to include the additional services described in Consultant’s proposal dated September 17, 2015, attached as *Exhibit 1A*.

Section 2. Extension of Completion Date. The Completion date set forth in Section 3 of the Agreement is extended to December 31, 2016, provided however, the Agreement shall terminate on December 31, 2015 in the event funds to support payment under this Agreement are not appropriated for calendar year 2016. In such event of non-appropriation, Town’s only obligation in the event of such termination shall be payment of fees and expenses incurred up to and including the effective date of termination.

Section 3. Payment to Consultant. Consultant shall invoice Town for the Services rendered upon the completion of each task identified in Exhibit 1 to the Agreement and *Exhibit 1A* to this First Amendment. Town shall pay such invoices within 30 days receipt of such invoice. In no event shall the cumulative payment to Consultant exceed \$302,500, unless authorized in writing by Town.

Section 4. Miscellaneous. Except to the extent expressly modified by this First Amendment, the Agreement is in full force and effect. To the extent of any inconsistency between this First Amendment and the Agreement, the terms and conditions of this First Amendment shall control.

ATTEST:

Sally A. Misare, Town Clerk

Approved as to form:

Robert J. Slentz, Town Attorney

TOWN OF CASTLE ROCK

Paul Donahue, Mayor

Approved as to content:

Mark Marlowe, Utilities Director

CONSULTANT:

LEONARD RICE ENGINEERS, INC.,
a Colorado corporation

By: _____

Its: _____

October 5, 2015

Ms. Barbara Horton
Project Manager
Town of Castle Rock Utilities Dept.
175 Kellogg Court
Castle Rock, CO 80109

**RE: East Plum Creek Project
Proposed Scope of Services and Fee Estimate for Additional Work Pursuant to the
May 11, 2015 Town of Castle Rock Services Agreement (Survey and Design Services)**

Dear Ms. Horton,

Leonard Rice Engineers, Inc. (LRE) is pleased to provide its proposed scope of services and fee estimate to perform additional work requested by the Town related to the East Plum Creek Project (EPC Project) pursuant to the May 11, 2015 Town of Castle Rock Services Agreement (Survey and Design). The following is a summary of the activities and deliverables associated with the additional work. Included with this change order is an updated schedule that includes review and approval time for the FEMA Conditional Letter of Map Revision (CLOMR), Corps Nationwide Permitting and a Corps Individual 404 Permit. The revised schedule shows that the well and channel design plans can be completed by December 2015. However, the Corps Nationwide Permitting could take until January 2016, the CLOMR could take until May 2016 or longer and an Individual 404 Permit could take until the summer or later of 2016. Therefore the existing contract with LRE will need to be extended into 2016. We would suggest that the contract be extended to September 2016.

TASK 1 - WELL Nos. 11 AND 13 REHABILITATION DESIGNS

1. Develop Conceptual Design Alternatives for Rehabilitation of the Town's South Alluvial Wells Nos. 11 and 13
 - Review Town documentation for wells 11 and 13
 - Develop conceptual design alternatives
2. Apply for the Division of Water Resources (DWR) Replacement Permits or Rehabilitation Approval
 - Meet with DWR Staff
 - Complete permit applications and file DWR required paperwork for its approval
3. Finalize Well Nos. 11 and 13 Designs
 - Select the preferred rehabilitation alternative for each well
 - Develop 30-, 90-, and 100-percent progress submittals for alluvial Well Nos. 11 and 13
 - Develop technical specifications for construction

4. Incorporate Final Well Nos. 11 and 13 Alternatives into Well Construction and Rehabilitation Plan
 - Develop a sequential narrative and guide for the selected Contractor to initiate, construct, develop, and finalize the Well Nos. 11 and 13 Alternatives
 - Include “if/then” portions to help direct real-time construction decisions
 - Develop a cleaning/rehabilitation/development plan for the selected Contractor once construction is completed
5. Incorporate Well Nos. 11 and 13 into the Overall EPC Project Final Deliverables
 - CLOMR HEC-RAS Modeling
 - Castle Rock Floodplain Permit
 - GESC Permit
 - GESC Plan
 - Drainage Report
 - Opinion of Cost
6. Project Management and Meetings

2. TASK 2 – ADDITIONAL PERMITTING ASSOCIATED WITH TASK 1

1. Prepare U.S. Army Corps of Engineers (Corps) 404 Permit Application(s) for proposed Well Nos. 11 and 13 rehabilitation designs. The cost associated with Task 2 includes the following additional subtasks that are required to add information pertaining to Well Nos. 11 and 13 to the permit application:
 - Include information pertaining to Wells No. 11 and 13 in the wetlands delineation report needed to meet Corps requirements.
 - Prepare information for the pre-application meeting pertaining to Wells No. 11 and 13.
 - Prepare the 404 Permit Application to include information for Wells No. 11 and 13.
 - Assist the Town and the Corps with responses to public and agency review comments pertaining to Wells No. 11 and 13.
 - Complete a preliminary habitat suitability analysis for Threatened and Endangered Species that are currently listed under the Endangered Species Act (ESA) for the Wells No. 11 and 13.
 - Coordinate with EPC project

3. TASK 3 – ADDITIONAL INDIVIDUAL 404 PERMITTING ASSOCIATED WITH OVERALL EAST PLUM CREEK IMPROVEMENTS

The following cost estimate for Individual 404 Permitting includes additional tasks that were not included as part of the LRE April 25, 2015 “Amended 404 Permitting Fee Schedule and Scope of

Work". The following includes a subtask that LRE will provide National Environmental Protection Act (NEPA) documentation to the Corps. This differs from LRE's original scope of work, where LRE assumed that the Corps would complete the required NEPA documentation. This task was added to facilitate completion of the NEPA documentation and reduce the risk of permitting delays.

The cost estimate for this subtask is based upon the assumption that NEPA compliance requirements can be satisfied with an EA or similar documentation and that an Environmental Impact Statement (EIS) will not be required. An EIS could significantly increase the cost and the cost of an EIS cannot be reliably predicted without completion of the EIS scoping process. The need for an EIS is unlikely but may not be known until completion of an EA, because one of the primary purposes of an EA is to determine if an EIS is needed. We have also assumed that the U.S. Fish & Wildlife Service will not require an ESA Biological Assessment. The May 2006 Douglas County Habitat Conservation Plan and EA for Douglas County and the Towns of Castle Rock and Parker should be sufficient to satisfy the ESA and NEPA requirements.

In addition, we have assumed that Well Nos. 11 and 13 project components are a rehabilitation of the existing well infrastructure and no increase of water diversion above long-term historical diversions are planned as a part of this scope.

Note that the cost estimate assumes Section 404 Individual Permitting will be required by the Corps. LRE will work with the Corps and propose that the project, or project parts, be permitted under NWP(s). However, it is most likely that the Corps will require an Individual Permit for the proposed improvements which will include the following:

1. Prepare an Environmental Assessment (EA) for NEPA compliance. For example, NEPA documentation may include:
 - Purpose and need for the proposed action;
 - Project background, description, and alternatives;
 - Issues and indicators;
 - Other permits, licenses, and/or consultation;
 - Description of the affected environment and environmental consequences (including a cumulative effects) for resource categories such as:
 - Hydrology
 - Water Quality
 - Aquatic Biology
 - Wetlands and Riparian Areas
 - Wildlife
 - Threatened and Endangered Species
 - Recreation

- Cultural resources and compliance with Section 106 of the National Historic Preservation Act; and
 - Mitigation measures;
- 2. Project Management and Meetings

Attached to this letter is a detailed estimate of the labor and costs associated with performing the scope of services described above. We look forward to discussing our proposal with the Town and negotiating an amendment to our Services Agreement.

Sincerely,

LEONARD RICE ENGINEERS, INC.



R. Greg Roush, PE
Chief Operating Officer



Monica Bortolini, PE, CFM
Project Manager

1423CRK03

CC: Heather Justus (Castle Rock)
David Van Dellen (Castle Rock)

East Plum Creek Stream and South Well Field Improvement Project Change Order No. 1
Proposed Fee Estimate

TASK	Leonard Rice Engineers ¹		Total Fees ²
	Labor Costs	Labor Hours	
Task 1: Well 11 and 13 Rehabilitation Designs	\$ 24,300	225	\$ 24,300
Task 2: Additional Permitting Associated with Task 1	\$ 5,000	58	\$ 5,000
Task 3: Additional Individual 404 Permitting Associated with Overall East Plum Creek Improvements	\$ 18,400	177	\$ 18,400
EPC Project - Change Order No. 1 Total	\$ 47,700	460	\$ 47,700

¹No subconsultant fees are anticipated under the EPC Change Order No. 1

²No additional expenses will be billed to the Town, including subconsultant markups or mileage costs