

**OHLONE COMMUNITY COLLEGE DISTRICT
MEMORANDUM**

TO: Board of Trustees

FROM: Douglas Treadway

DATE: March 9, 2005

SUBJECT: Approval of Contract Amendment for Jerry Haag, Urban Planner relating to Burrowing Owl Mitigation

LSA Associates, Inc., has been providing services under the Jerry Haag, Urban Planner Environmental Impact Report contract for planning and implementation of Burrowing Owl mitigation at the Ohlone College Newark Center for Health Sciences and Technology.

As a result of discussions with the California Department of Fish and Game, additional services in the amount of \$35,492.00 are necessary to continue the mitigation in order to avoid mortality to owls during site development. This amendment does not include services that may be required in Fall, 2005 relating to the passive relocation of the Burrowing Owls.

With this amendment, the contract total with Jerry Haag, Urban Planner will be \$227,129.00.

RECOMMENDATION:

The President/Superintendent recommends a contract amendment with Jerry Haag, Urban Planner, for Environmental Impact Report Services mitigation issues in an amount not to exceed \$35,492.00.

Ohlone Community College District

CONTRACT AMENDMENT #3

Contract #164-1202-001

Date of original contract: January 29, 2003

Date of Amendment: March 9, 2005

This is an amendment to the Agreement dated January 29, 2003, between **Jerry Haag, Urban Planner ("Consultant")** and **Ohlone Community College District ("District")** for Consultant Services to prepare the Environmental Impact Report for the Ohlone College Newark Center for Health Sciences and Technology as detailed in Contract number 164-1202-001.

The parties agree to the following changes and/or additions to the Agreement:

1. **Consultant will perform additional services as stated in the Consultant's Proposal dated November 12, 2004, utilizing LSA Associates. as their Subconsultant for services as detailed in the subconsultants proposal dated March 1, 2005.**
2. **Fees will be paid for services as described in the Jerry Haag, Urban Planner proposal dated March 1, 2005, which is attached hereto. The Total Fee for the additional services shall not exceed \$35,492.00, which will increase the amended contract amount of \$191,637.00 to a revised total of \$227,129.00 which consists of the original contract amount of \$128,380.00, amendment #1-\$53,258.00, amendment #2-\$9,999.00 and amendment #3-\$35,492.00.**

In all other respects, the terms of the original agreement remain in full effect. However, if there is a conflict between this Amendment and the original agreement, the terms of the original agreement will prevail.

Mr. Jerry Haag
Jerry Haag, Urban Planner
2029 University Avenue
Berkeley, CA 94704

Marian Castaneda
Director of Purchasing, Contract Administration,
Auxiliary Services
Ohlone Community College District
43600 Mission Blvd.
Fremont, CA 94539

Signature

Signature

Date

Date

Jerry Haag

URBAN PLANNER

2029 University Ave.
Berkeley CA 94704
(510) 644 2106
fax (510) 548 6123

March 1, 2005

Ms. Marian Castaneda, Director of Purchasing
Ohlone Community College District
43700 Mission Boulevard
Fremont CA 94539

Subject: Request for Change Order No. 3-- PO # B0001408 &
Contract# 164-1202-001

Dear Ms. Castaneda:

This is a request to approve Change Order No. 3 for the above existing contract with the District, which is to prepare an Environmental Impact Report for the proposed Newark Center facility.

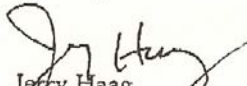
The scope of the requested Change Order is to allow the project biologist (LSA Associates) to monitor the Newark Center site so that burrowing owls do not re-inhabit the site. This effort has been required by the California Department of Fish and Game.

The amount of the Change Order is \$35,492, which includes \$33,492 (archeologist cost) plus my contract administration cost (\$2000), which is approximately 5% of the supplemental consulting cost.

This will bring the total contract value to \$227,129.

Please call me if you have questions about this request.

Sincerely,


Jerry Haag
Principal

Copies: Simon Barros
Donald Eichelberger

Attachment: LSA Proposal



LSA ASSOCIATES, INC.
157 PARK PLACE
PT. RICHMOND, CALIFORNIA 94801

510.236.6810 TEL
510.236.3480 FAX

BERKELEY
IRVINE
FT. COLLINS

RIVERSIDE
ROCKLIN
SAN LUIS OBISPO

Via Email

March 1, 2005

Mr. Jerry Haag
2029 University Avenue
Berkeley, CA 94704

Subject: Proposal to Implement Exclusion and Monitoring for Burrowing Owls at the Ohlone College Newark Center Project Site, Newark, CA

Dear Jerry:

LSA Associates, Inc. (LSA) is pleased to provide you with this proposal to implement a plan continue to exclude burrowing owls from the Ohlone College Newark Center project site. This scope was developed as a result of discussions with California Department of Fish and Game (CDFG) and is being implemented in order to avoid mortality to owls during site development.

BACKGROUND

In February, the College began a program to passively relocate owls from the proposed building site of the Ohlone College Newark Center. Now that owls have been relocated off of the site, we must ensure that the owls do not return to the site until construction begins in mid-May. In consultation with CDFG, LSA and the College have developed a set of procedures to continue to exclude owls from the site and monitor the location of the owls in the vicinity.

SCOPE OF SERVICES

LSA will implement the following measures:

- Prior to any ground disturbing activities, LSA biologists will conduct a preactivity surveys of the site to search for active burrows.
- We will continue to exclude new burrows on the site 3 times per week for the next 6 weeks and 2 times per week for the following 5 weeks.
- We will monitor additional excavations of active owl burrows as needed.
- We will monitor the location of owls in the vicinity of the construction site. Monitoring surveys will be conducted 3 times per week during the next 6 weeks and 2 times per week until mid-May.
- We will provide the College and CDFG with weekly reports on the status of owls in the vicinity of the site and the activities that occurred during the past week.
- We will provide the College and CDFG with a final report of monitoring activities on the site.

COMPENSATION AND TERMS

LSA proposes to perform the tasks described in the Scope of Services on an hourly plus expenses basis, consistent with our Standard Contract Provisions and Billing Rates, which are attached as part of this proposal. The estimated cost for these services is \$33,492. Table 1 details the cost by task. With each invoice, LSA will show the amount of the current invoice and the total amount billed under the contract to date.

If these terms are acceptable, please authorize this work by returning a signed copy of this proposal to us. Please contact me if you have any questions or require further information.

Sincerely,

LSA ASSOCIATES, INC.

Timothy Lacy
Associate/Wildlife Biologist

Enclosure: Standard Contract Provisions

THE ABOVE STATED TERMS ARE HEREBY ACCEPTED AND AUTHORIZED

CONSULTANT:	CLIENT:
LSA Associates, Inc.	
	Company
Authorized Signature	Authorized Signature
Assistant Secretary	
Title	Title

LSA ASSOCIATES, INC.

Date	Date

Table 1
Labor and Expense Estimate for Owl Exclusion and Monitoring
Ohlone College Newark Center Site
March 1, 2005

Task		# Visits per Week	# Weeks	Hours	Total	Rate	Task Subtotal
Pre-Activity Surveys							
		1	1	16	16	\$75	\$1,200
Exclusions							
Mar		3	6	8	144	\$65	\$9,360
Apr/May		2	5	8	80	\$65	\$5,200
Owl Monitoring							
Mar		3	6	5	90	\$75	\$6,750
Apr, May		2	5	5	50	\$75	\$3,750
Reporting							
	Weekly Rpt	1	11	3	33	\$105	\$3,465
	Final Rpt	1	1	16	16	\$75	\$1,200
Mangement/Meetings							
		1	11	0.5	5.5	\$105	\$578
		1	11	0.5	5.5	\$185	\$1,018
						Labor Total	\$32,520
Reimbursibles							
Mileage		30 RT @80 miles per RT					\$972
						Labor and Expense Total	\$33,492