

AMENDMENT NO. 17

AGREEMENT FOR PROFESSIONAL SERVICES  
BETWEEN  
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY  
AND  
MBK ENGINEERS

THIS SEVENTEENTH AMENDATORY AGREEMENT is made and entered into this 3<sup>rd</sup> day of January, 2012, by and between the THREE RIVERS LEVEE IMPROVEMENT AUTHORITY ("TRLIA") and MBK ENGINEERS ("CONTRACTOR"), who agree as follows:

1. **Recitals.** This Amendment is made with reference to the following background recitals:

- 1.1. Effective August 23, 2003, the parties entered into an agreement ("AGREEMENT") to provide basic services with a contract value of \$55,800 and an end date of February 3, 2004.
- 1.2. Effective September 11, 2003, the parties entered into Amendment 1 to the AGREEMENT in the amount of \$8,000 for a total contract value of \$63,800.
- 1.3. Effective January 6, 2004, the parties entered into Amendment 2 to the AGREEMENT in the amount of \$30,000 for a total contract value of \$93,800.
- 1.4. Effective March 19, 2004, the parties entered into Amendment 3 to the AGREEMENT in the amount of \$45,400 for a total contract value of \$139,200 and to extend the contract end date to March 30, 2004.
- 1.5. Effective April 22, 2004, the parties entered into Amendment 4 to the AGREEMENT in the amount of \$50,100 for a total contract value of \$189,300 and to extend the contract end date to July 31, 2004.
- 1.6. Effective August 3, 2004, the parties entered into Amendment 5 to the AGREEMENT in the amount of \$8,000 for a total contract value of \$197,300 and to extend the contract end date to September 7, 2004.
- 1.7. Effective October 6, 2004, the parties entered into Amendment 6 to the AGREEMENT in the amount of \$97,650 for a total contract value of \$294,950 and to extend the contract end date to December 7, 2004.
- 1.8. Effective January 26, 2005, the parties entered into Amendment 7 to the AGREEMENT in the amount of \$35,000 for a total contract value of \$329,950 and to extend the contract end date to April 30, 2005.
- 1.9. Effective March 15, 2005, the parties entered into Amendment 8 to the AGREEMENT in the amount of \$108,200 for a total contract value of \$438,150.
- 1.10. Effective September 6, 2005, the parties entered into Amendment 9 to the AGREEMENT in the amount of \$187,200 for a total contract value of \$625,350 and to extend the contract end date to July 31, 2006.
- 1.11. Effective April 18, 2006, the parties entered into Amendment 10 to the AGREEMENT in the amount of \$549,359 for a total contract value of \$1,174,709 and to extend the contract end date to December 31, 2006.
- 1.12. Effective December 12, 2006, the parties entered into Amendment 11 to the AGREEMENT in the amount of \$707,980 for a total contract value of \$1,882,689 and to extend the contract end date to December 31, 2007.

- 1.13. Effective January 8, 2008, the parties entered into Amendment 12 to the AGREEMENT in the amount of \$629,056 for a total contract value of \$2,511,745 and to extend the contract end date to December 31, 2008.
  - 1.14. Effective January 27, 2009, the parties entered into Amendment 13 to the AGREEMENT in the amount of \$572,472 for a total contract value of \$3,084,217 and to extend the contract end date to December 31, 2009.
  - 1.15. Effective December 15, 2009, the parties entered into Amendment 14 to the AGREEMENT in the amount of \$569,020 for a total contract value of \$3,653,237 and to extend the contract end date to December 31, 2010.
  - 1.16. Effective September 28, 2010, the parties entered into Amendment 15 to the AGREEMENT in the amount of \$661,887 for a total contract value of \$4,315,124 and to extend the contract end date to December 31, 2011.
  - 1.17. Effective June 28, 2011, the parties entered into Amendment 16 to the AGREEMENT in the amount of \$526,270 for a total contract value of \$4,841,394.
  - 1.18. The parties now desire to amend the AGREEMENT to modify the total contract value.
2. **Seventeenth Amendment to Agreement.** The AGREEMENT is hereby amended as follows:
- 2.1. The scope of services is increased by the efforts described in Attachment A.
  - 2.2. The total contract value is amended in the amount of \$1,421,140 for a total contract value of \$6,262,534.
  - 2.3. The contract end date is extended to December 31, 2012.

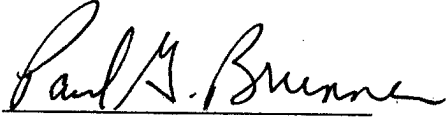
Notwithstanding the term set forth above, and unless the contract is terminated by either party prior to its termination date, the term of this Agreement shall be automatically extended from the termination date for ninety days. The purpose of this automatic extension is to allow for continuation of services, and to allow TRLIA time in which to complete a novation or renewal contract for Contractor and TRLIA approval.

Contractor understands and agrees that there is no representation, implication, or understanding that the services provided by Contractor pursuant to this Agreement will be purchased by TRLIA under a new agreement following expiration or termination of this Agreement.

3. **No Effect on Other Provisions.** Except for the amendments in Section 2, the remaining provisions of the Professional Services Agreement shall be unaffected and remain in full force and effect.

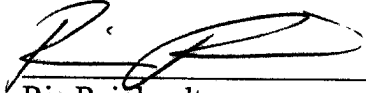
IN WITNESS WHEREOF, the parties hereto have executed this Agreement on  
January 3, 2012.

THREE RIVERS LEVEE IMPROVEMENT  
AUTHORITY OF YUBA COUNTY



Paul G. Brunner  
Executive Director

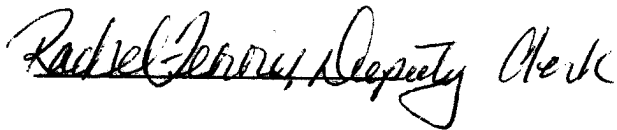
MBK ENGINEERS



Ric Reinhardt  
Principal

ATTEST:  
DONNA STOTTLEMEYER  
SECRETARY, THREE RIVERS

APPROVED AS TO FORM:  
SCOTT L. SHAPIRO  
GENERAL COUNSEL, TRRIA



Rachel Johnson, Deputy Clerk



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## ATTACHMENT A

### AMENDMENT 17 TO TRLIA/MBK CONTRACT Scope of Work

As the TRLIA Program begins to close out the past construction agreements with the State, the focus of management turns from design and permitting to final completion tasks. In addition, recent analysis has identified a risk of flooding from the Goldfields and TRLIA has initiated a four phase program to address this potential flood source. MBK is ready to continue to provide management support and technical services to TRLIA in its mission to provide 200-year flood protection to southwest Yuba County. As a part of implementing the TRLIA program, many permits were obtained which have placed requirements for land acquisition, environmental monitoring and reporting, and interim land management on TRLIA. In addition EIP Funding Agreements require several completion documents to meet the agreement requirements. MBK has extensive program knowledge and has helped to procure many of the permits that TRLIA has acquired for construction. MBK will assist TRLIA in this program completion phase by providing management direction in clarifying ongoing permit requirements and arranging for those requirements to be met. MBK will also assist in the construction of the Yuba Landside Levee Improvement Project that will occur in 2012 and will assist in closeout on the UYLIP and Feather EIP Projects. MBK will also provide hydraulic evaluation of alternatives to address the Goldfields flood risk and assist in management of geotechnical evaluations in the Goldfields and preparation of an alternatives analysis report. The following is a listing of tasks and a general level of estimated involvement for MBK from January 1, 2011 to December 31, 2012.

#### **Task 1 – General TRLIA Management Activities**

- CVFPB coordination and preparation of the monthly TRLIA Status Report to the CVFPB
- Respond to questions and requests for information regarding historic TRLIA Program
- Coordinate and Review DWR Urban Levee Evaluation results
- Provide EIP Funding Agreement Support, continue to meet with County to be certain that TRLIA invoices are coded to the correct accounts for DWR Agreement purposes
- Support CVFPB Required ROW Acquisition
- Assist RD 784 in Addressing Problem Items Identified by USACE during the Periodic Inspection
- Coordination with the Corps and FEMA on FEMA certification issues
- General Coordination – Coordination on project issues with TRLIA staff, floodplain mapping outreach, land use adjacent to levees, public meetings, prepare PowerPoint presentations, prepare other correspondence, coordination and meetings with stakeholders, and Board Meetings.

**Effort – 144 Hours Principal, 556 Hours Project Manager, 86 Hours Water Resources Associate, and \$6,000 Expenses**

**Total Cost Task 1 = \$154,448**

#### **Task 2 – UYLIP Management Activities**

- Administer Elderberry Mitigation Contract
- Provide Closeout for Safety Assurance Review

- Review Construction Completion Report
- Manage the Consolidation of RD 784 O&M Manual Addendums
- Assist in Potential Eminent Domain Cases
- Review EIP Quarterly Work Plans
- Review EIP Quarterly Progress Reports
- Assist in Preparation of the EIP Project Completion Report
- Assist in Preparation of the EIP Post Construction Performance Report
- Assist in Preparation of the EIP Closeout Document, RD 784 Flood Safety Plan
- Manage Landside Levee Repair Management
- Prepare Landside Levee Repair Encroachment Permit Application

**Effort – 44 Hours Principal, 572 Hours Project Manager, 24 Hours Water Resources Associate**

**Total Cost Task 2 = \$120,076**

**Task 3 – FEMA 100-Year Certification UYLIP**

TRLIA will need to certify the upper Yuba levee as meeting FEMA’s 100-year requirements. This effort will include the results from the Goldfields modeling to either confirm there is not a problem at the 100 year event, or if there is, mapping the residual floodplains. MBK will manage the preparation of the 100-year certification summary report and will organize and prepare for submittal the final summary report.

**Effort – 20 Hours Principal, 60 Hours Project Manager, 20 Hours Supervisory Engineer, 20 Hours Assistant Engineer, 32 Hours Water Resources Associate**

**Total Cost Task 3 = \$26,000**

**Task 4 – SB 5 200-Year Certification**

TRLIA will need to certify the RD 784 levee system to the Department of Water Resources for the 200-year protection required by Senate Bill 5. The exact requirements for this certification are unknown but it is expected that the same sort of information recently provided in the FEMA Certification Summary Report will be required. MBK will manage the preparation of the 200-year certification summary report and will organize and prepare for submittal of the final summary report.

**Effort – 60 Hours Principal, 100 Hours Project Manager, 72 Hours Supervisory Engineer, 60 Hours Assistant Engineer, 48 Hours Water Resources Associate**

**Total Cost Task 4 = \$59,680**

**Task 5 – Feather Levee Management**

- Assist in Acquisition of CVFPB prescribed Toe Access Corridors
- Assist in Land Management of Feather Setback Area
- Assist in Tasks Required to Meet Permit Actions
- Assist in ROW Turnover of TRLIA Acquired Lands to State

- Assist Executive Director in Coordination with the Lower Feather River Corridor Management Group
- Review EIP Quarterly Work Plans
- Review EIP Quarterly Progress Reports
- Assist in Preparation of EIP Project Completion Report
- Assist in Preparation of EIP Post Construction Performance Report

**Effort – 16 Hours Principal, 292 Hours Project Manager, 24 Hours Assistant Engineer, 48 Hours Water Resources Associate**

**Total Cost Task 5 = \$68,156**

**Task 6 – Bear Levee Management**

- Assist in Mitigation Monitoring
- Assist in Setback Area ROW Turnover

**Effort – 16 Hours Principal, 56 Hours Project Manager, 16 Hours Water Resources Associate**

**Total Cost Task 6 = \$16,088**

**Task 7 – Goldfields Analysis**

- Geotechnical Contract Administration
- Alternative Analysis (Includes Hydraulics)
- Coordinate with Stakeholders
- CBEC Sub-Contract (Training Wall Erosion, Gage Installation and Monitoring)) (\$146,000)
- JRP Historical Consultants Sub-Contract (\$32,000)

**Effort – 536 Hours Principal, 1,284 Hours Project Manager, 1,172 Hours Supervisory Engineer, 1,152 Hours Assistant Engineer, 496 Hours Water Resources Associate, Sub-Contract Costs \$178,000**

**Total Cost Task 7 = \$976,692**

**Total Amendment 17 Costs for Tasks 1-7 = \$1,421,140 for the period January 1, 2011 to December 31, 2011.**

The AGREEMENT shall be amended to extend the contract end date to December 31, 2012.

Notwithstanding the term set forth above, and unless the contract is terminated by either party prior to its termination date, the term of this Agreement shall be automatically extended from the termination date for ninety days. The purpose of this automatic extension is to allow for continuation of services, and to allow TRLIA time in which to complete a novation or renewal contract for Contractor and TRLIA approval.

Contractor understands and agrees that there is no representation, implication, or understanding that the services provided by Contractor pursuant to this Agreement will be purchased by TRLIA under a new agreement following expiration or termination of this Agreement.

The AGREEMENT shall be amended to increase the price ceiling for basic services by \$1,421,140 from \$4,841,394 to \$6,262,534

All other terms and conditions contained in the Agreement shall remain in full force and effect.

**Estimate for Contract Amendment 17 with TRLJA  
for Services from Jan 1, 2012 thru Dec 31, 2012**

EFFORT	Principal		Project Manager		Supervisory Engineer		Assistant Engineer		Water Resources Associate		TOTALS	
	Rate Hrs	\$	Rate Hrs	\$	Rate Hrs	\$	Rate Hrs	\$	Rate Hrs	\$	Hrs	\$
<b>Task 1 - General TRLJA Management</b>												
Monthly Status Report to CVFPB	12.0	\$ 2,840.00	48.0	\$ 9,284.00								
Coordination with CVFPB	48.0	\$ 10,860.00	48.0	\$ 9,284.00								
Respond to questions and requests for information regarding historic TRLJA Program												
Coordinate and Review DWR Urban Levee	48.0	\$ 10,560.00	80.0	\$ 15,440.00					20	\$ 2,200.00		
Education												
EIP Grant Support	20.0	\$ 4,400.00	60.0	\$ 11,880.00					10	\$ 1,100.00		
CVFPB Required TAC ROW Acquisition (WPIC, Lower Yuba, Bear)			120.0	\$ 23,160.00								
Assist RD 784 in Addressing problem items identified by USACE during Periodic Inspection	8.0	\$ 1,760.00	120.0	\$ 23,160.00					32	\$ 3,520.00		
	8.0	\$ 1,760.00	80.0	\$ 15,440.00					24	\$ 2,640.00		
<b>Subtotal Task 1</b>	<b>144.0</b>	<b>\$ 31,880.00</b>	<b>556.0</b>	<b>\$ 107,504.00</b>					<b>86.0</b>	<b>\$ 9,480.00</b>	<b>788.0</b>	<b>\$ 148,448.00</b>
<b>Task 2 - UYLP Management</b>												
Elderberry Contract Administration												
SAR Closeout	8.0	\$ 1,760.00	16.0	\$ 3,088.00								
Construction Completion Report	4	\$ 880.00	36.0	\$ 6,948.00								
RD 784 O&M Manual Consideration	16	\$ 3,520.00	16.0	\$ 3,088.00								
Potential Eminent Domain Cases			120.0	\$ 23,160.00								
EIP Quarterly Work Plans Review			80.0	\$ 15,440.00								
EIP Quarterly Progress Reports Review			8.0	\$ 1,544.00								
EIP Project Completion Report			8.0	\$ 1,544.00								
EIP Post Construction Performance Report	4	\$ 880.00	32.0	\$ 6,176.00								
EIP Closeout RD 784 Flood Safety Plan			24.0	\$ 4,632.00								
Levee Levee Repair Management	8	\$	72.0	\$ 13,896.00								
Levee Levee Repair Encroachment Permit	4	\$	40.0	\$ 7,200.00								
<b>Subtotal Task 2</b>	<b>44.0</b>	<b>\$ 7,040.00</b>	<b>572.0</b>	<b>\$ 110,386.00</b>					<b>24.0</b>	<b>\$ 2,640.00</b>	<b>640.0</b>	<b>\$ 120,076.00</b>
<b>Task 3 - UYLP FEMA Certification</b>												
	20.0	\$ 4,400.00	60.0	\$ 11,880.00	20.0	\$ 4,000.00	20.0	\$ 2,500.00			162.0	\$ 28,060.00
<b>Task 4 - SB 6 200-Year Certification</b>												
	60.0	\$ 13,200.00	100.0	\$ 19,300.00	72.0	\$ 14,460.00	60	\$ 7,600.00			342.0	\$ 59,860.00

Estimate for Contract Amendment 17 with TRLIA  
for Services from Jan 1, 2012 thru Dec 31, 2012

EFFORT	Principal Rate Hrs	220 \$	Project Manager Rate Hrs	187 \$	Supervisory Engineer Rate Hrs	200 \$	Assistant Engineer Rate Hrs	126 \$	Water Resources Associate Rate Hrs	110 \$	Sub-Contracts	TOTALS Hrs	\$
<b>Task 5 - Feather Management</b>													
Acquisition of CIVEPB TAC	8.0	\$ 1,760.00	80.0	\$ 11,580.00									
Land Management			80.0	\$ 16,480.00									
Permit Actions			40.0	\$ 7,720.00					16.0	\$ 1,760.00			
ROW Turnover	4.0	\$ 880.00	40.0	\$ 7,720.00					16.0	\$ 1,760.00			
Coordination with the Lower Feather River Corridor Management							24.0	\$ 3,000.00	10.0	\$ 1,760.00			
ELP Quarterly Work Plans Review			8.0	\$ 1,544.00									
ELP Quarterly Progress Reports Review			8.0	\$ 1,544.00									
ELP Project Completion Report			32.0	\$ 6,176.00									
ELP Post Construction Performance Report	4.0	\$ 880.00	24.0	\$ 4,832.00									
<b>Subtotal Task 5</b>	16.0	\$ 3,640.00	202.0	\$ 66,368.00			24.0	\$ 3,000.00	48.0	\$ 2,800.00		380.0	\$ 68,168.00
<b>Task 6 - Bear Management</b>													
Mitigation Monitoring	16.0	\$ 3,820.00	16.0	\$ 3,068.00					16.0	\$ 1,760.00			
ROW Turnover			40.0	\$ 7,720.00									
<b>Subtotal Task 6</b>	16.0	\$ 3,820.00	56.0	\$ 10,608.00			0.0	\$ -	16.0	\$ 1,760.00		88.0	\$ 16,098.00
<b>Task 7 - Goldfields Evaluation</b>													
Geotechnical Contract Administration	32.0	\$ 7,040.00	120.0	\$ 23,160.00									
Alternative Analysis (includes Hydraulics)	480.0	\$ 106,600.00	1152.0	\$ 222,336.00	1152.0	\$ 230,400.00	1152	\$ 144,000.00	480	\$ 82,800.00			
Coordinate with Stakeholders	24.0	\$ 5,280.00	12.0	\$ 2,316.00	20.0	\$ 4,000.00			16	\$ 1,760.00			
CAI/SC Sub-Contract (Treating Well Erosion)											\$ 148,000.00		
JRP Historical Consultants Sub-Contract											\$ 32,000.00		
<b>Subtotal Task 7</b>	536.0	\$ 117,920.00	1,284.0	\$ 247,812.00	1,172.0	\$ 234,400.00	1,152.0	\$ 144,000.00	496.0	\$ 84,560.00	\$ 178,000.00	4,840.0	\$ 976,692.00
<b>Total MBK Labor</b>	836.0	\$ 181,280.00	2,920.0	\$ 583,660.00	1,284.0	\$ 262,800.00	1,256.0	\$ 157,000.00	750.0	\$ 82,560.00	\$ 178,000.00	7,028.0	\$ 1,415,140.00
<b>Expenses @ \$600 per month</b>													\$ 6,000.00
													\$ 1,421,140.00

The foregoing instrument is a Correct Copy  
of the original on file in this office  
ATTEST: DONNA STOTTEMEYER  
Clerk of the Board of Supervisors of the  
County of Yuba, State of California

By *Rachelle Johnson, Deputy Clerk*  
Date: *Jan 5, 2012*