

**CONTRACT AMENDMENT AGREEMENT
(Purchase of Services – Long Form)**

Number: C46817
Fund/Org:
Account:
Other:

1. **Identification of Contract to be Amended.**

Number: C46817

Effective Date: January 6, 2021

Department: Department of Conservation and Development

Subject: Preparation of an Environmental Impact Report for the Phillips 66 Rodeo Renewed Project

2. **Parties.** The County of Contra Costa, California (County), for its Department named above, and the following named Contractor mutually agree and promise as follows:

Contractor: Stantec Consulting Services, Inc

Capacity: Corporation

Address: 2890 Gateway Oaks Drive Suite 200 Sacramento, CA 95833

3. **Amendment Date.** The effective date of this Contract Amendment Agreement is November 3, 2023.

4. **Amendment Specifications.** The Contract identified above is hereby amended as set forth in the “Amendment Specifications” attached hereto which are incorporated herein by reference.

5. **Signatures.** These signatures attest the parties’ agreement hereto:

COUNTY OF CONTRA COSTA, CALIFORNIA

BOARD OF SUPERVISORS By: _____ Chair/Designee	ATTEST: Clerk of the Board of Supervisors By: _____ Deputy
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CONTRACTOR

Signature A Name of business entity: Stantec Consulting, Inc By: _____ (Signature of individual or officer) _____ (Print name and title A, if applicable)	Signature B Name of business entity: Stantec Consulting, Inc By: _____ (Signature of individual or officer) _____ (Print name and title B, if applicable)
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Note to Contractor: For corporations (profit or nonprofit) and limited liability companies, the contract must be signed by two officers. Signature A must be that of the chairman of the board, president, or vice-president; and Signature B must be that of the secretary, any assistant secretary, chief financial officer or any assistant treasurer (Civil Code Section 1190 and Corporations Code Section 313). All signatures must be acknowledged as set forth on Form L-2.

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
)
COUNTY OF CONTRA COSTA)

On _____ (Date),

before me, _____ (Name and Title of the Officer),

personally appeared, _____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS MY HAND AND OFFICIAL SEAL.

Signature of Notary Public



Place Seal Above

ACKNOWLEDGMENT (by Corporation, Partnership, or Individual)
(Civil Code §1189)

APPROVALS

RECOMMENDED BY DEPARTMENT

FORM APPROVED BY COUNTY COUNSEL

By: _____
Designee

By: _____
Deputy County Counsel

APPROVED: COUNTY ADMINISTRATOR

By: _____
Designee

Amendment Specifications

Under its contract with the County (Contract No. C46817), as previously amended, (“Contract”) Stantec Consulting Services Inc., formerly Cardno, Inc (“Contractor”) is preparing an environmental impact report for the Phillips 66 Rodeo Renewed Project. Due to changes in the project, revisions to the environmental impact report are required. This amendment also acknowledges the assignment of the Contract to Stantec Consulting Services Inc., which purchased Cardno, Inc. Therefore, the County and the Contractor agree to amend the Contract as follows:

1. Section 2 (Parties) of the Contract is hereby deleted in its entirety and replaced with the following:
 - Contractor: Stantec Consulting Services Inc.
 - Capacity: Corporation
 - Address: 2890 Gateway Oaks Drive, Suite 200, Sacramento, CA 95833

2. Section 4 (Payment Limit) of the Contract is hereby amended to increase by the payment limit by \$135,551.48, to a new payment limit of \$721,387.48.

3. Section 2 (Scope of Work) of the Service Plan is hereby amended by adding the Scope of Work Addendum, attached hereto and incorporated herein. The services described in Scope of Work Addendum are in addition to the services described in the Contract Service Plan, as previously amended.

4. Section III (Payment Provision), subsection A.c (Budget) of the Service Plan is hereby amended to read:

Budget: Contractor shall complete the work described in Section II (Scope of Work) for an amount not to exceed \$721,387.48, in accordance with the budget set forth in Revised Exhibit A (Revised Project Budget), attached hereto and incorporated herein.

5. Section III (Payment Provisions), subsection A.d (Payment Limit) of the Service Plan is hereby amended to read:

Payment Limit: The County’s total payments to Contractor under this Contract shall not exceed payment of \$712,387.48

6. Exhibit A (Revised Project Budget) is hereby amended by adding Exhibit A-1 (REIR Budget), attached hereto and incorporated herein.

7. Exhibit B (Fee Schedule) is hereby amended by adding Exhibit B-1 (Updated Fee Schedule), attached hereto and incorporated herein.

All other Contract terms remain unchanged and in full force and effect.

Initials: _____
 Contractor County Dept.

Scope of Work Addendum

Task 1: Peer-Review Technical Information

Stantec's subconsultant Yorke Engineering will provide peer review of technical information related to Unit 250 and the Final Odor Mitigation Plan prepared by the Applicant for consistency with applicable regulations, completeness, and adequacy under CEQA. Because the Project is in the Bay Area, air quality impacts will be evaluated for consistency with the BAAQMD's updated 2022 CEQA Air Quality Guidelines. Yorke Engineering will review the documents in context with the following questions:

- Do the revisions adequately address BAAQMD CEQA criteria and the CEQA Appendix G checklist questions for air quality, risk, odors, GHG emissions, and consistency with appropriate plans?
- Do the revisions sufficiently identify baseline conditions and reasonable worst-case scenarios and assumptions for analysis based on the current project description?

Peer Review of Revised Odor Management Plan

Yorke Engineering will review, edit, and provide comments on the revised Odor Management Plan for compliance with appropriate CEQA significance criteria, analysis methodology, technical accuracy, and completeness to support the claims of proposed control measure efficacy.

Peer Review of Cumulative Impact Analysis for Unit 250

Yorke Engineering will review, edit, and provide comments on the cumulative impact analysis for Unit 250 for compliance with appropriate CEQA significance criteria, analysis methodology, technical accuracy, and completeness to support the cumulative impacts results presented.

Assumptions:

- The Applicant will provide requested information in a timely manner, and all information provided will be complete.
- Documents for peer review will be provided in Microsoft Word, to utilize the track changes mode.
- Meetings with the County, BAAQMD, or Applicant, if needed, will be limited to two teleconferences, not to exceed 1 hour each.
- Two rounds of peer review will occur in collaboration with County staff and the Applicant's consultants.
- GIS information and/or drawings necessary for the revised analysis is readily available from the Applicant.

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Deliverable: Two electronic versions of edited and annotated Revised Odor Management Plan and cumulative impacts analysis for Unit 250.

Although not expected, the following tasks can be performed on a time and materials basis, if requested, and would be proposed separately:

- Analysis of project alternatives.
- Supplemental emissions calculations or modelling.
- Implementation of mitigation measures identified in the Odor Management Plan or the cumulative impact analysis for Unit 250.
- Additional rounds of peer reviews necessitated by changes to the project design and/or equipment specifications.
- Updates to the peer reviews due to project delays (aging) beyond the control of Yorke Engineering.

Task 2: Prepare Revised Draft EIR

Kick-Off Call

Stantec's Project Manager, Ms. Kendra Ryan, and two members from Yorke Engineering will attend a kick-off conference call with the County and Applicant. The purpose of the kick-off call will be to discuss schedule, obtain clarification on the revised Project, and establish communication protocols.

2.1 Prepare Administrative Draft Revised EIR

The Revised EIR will be recirculated to specifically address the issues identified in the Statement of Decision, dated July 21, 2023. Contents of the original EIR that the Court found to be adequately addressed, and/or that were not subject to the lawsuit, will not be included. Only information relevant to understanding the required revisions will be included. The revisions will focus on providing supplemental information and new analysis as needed to comply with CEQA. Stantec will revise the original EIR to:

- Add Unit 250 to the cumulative impact analysis, and
- Address odor mitigation.

The Draft and Final Revised EIR, as well as the portions of the original EIR determined by the Court to be in compliance with CEQA, will comprise the EIR for the Project. The EIR will be considered anew by the County for certification.

Introduction

The Introduction Chapter will include discussion of the background addressing the Statement of Decision, purpose and content of the Revised EIR, and the environmental review process for a Revised EIR.

Executive Summary

The Executive Summary will summarize relevant information from the Introduction Chapter, Project Description, and provide a summary table of impacts and mitigation measures. The Executive Summary

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table will be revised to incorporate new Mitigation Measure AQ-4, Implement Odor Management Plan, and other revisions as needed.

Section 4.3, Air Quality - Odor

Section 4.3, Air Quality will be revised to incorporate the updated Odor Management Plan. The environmental setting and regulatory information supporting odor issues will be provided in full, but other setting and regulatory information will be referenced to the original EIR.

Chapter 6, CEQA Statutory Sections - Cumulative Impacts

Chapter 6, CEQA Statutory Sections of the original EIR will be revised to include Unit 250 in the cumulative background, as specifically addressed in the Statement of Decision. It is assumed the Applicant will provide the quantitative cumulative analysis to fully address Unit 250.

References and Appendices

References and Appendices will be revised as needed.

Assumptions:

- One electronic set of consolidated comments each are received from the County and Applicant on each document submittal.
- Minor revisions only will be necessary and no new analysis needed for the final draft review.
- Comments received are commensurate with the estimated budget.

Deliverable: Electronic version of the Administrative Draft Revised EIR.

2.2 Prepare Public Review Draft Revised EIR

Upon receipt and clarification of one set of consolidated comments from Contra Costa County and one set of consolidated comments from the Applicant, Stantec will revise the Administrative Draft Revised EIR and prepare a final draft version that will be 508-compliant. Upon approval, Stantec will prepare a screen-check version for a final review by the County.

Assumptions

- One electronic set of consolidated comments each are received from the County and Applicant on each document submittal.
- Minor revisions only will be necessary and no new analysis needed for the final draft review.
- Comments received are commensurate with the estimated budget.
- Minor editorial changes may occur between the final draft and the screen-check version.
- The County will be responsible for preparing and distributing required public notices.

Deliverable: Electronic version of final Draft Revised EIR; electronic version of screen-check Draft Revised EIR; electronic version of public review Draft Revised EIR for the County to upload to the project

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webpage, Stantec will upload the public review Draft Revised EIR documents to the State Clearinghouse, and 12 hard copies of the Draft Revised EIR, including all appendices.

Task 3: Prepare Administrative Draft Final Revised EIR

3.1 Review and Consolidate Comments and Prepare Summary Memo

Stantec will compile, organize, and review all comments received. The comments will be summarized in a memo to the County that will identify any issues that may require a substantive revision to the Draft Revised EIR. Before spending time drafting individual responses, Stantec will first confer with the County to discuss the general approaches to responding to comments by category, including identification of expected master responses.

Deliverable: Electronic version of the Memo.

3.2 Prepare Administrative Final Revised EIR

Stantec will prepare an Administrative Final Revised EIR that will include an introductory chapter, all comments received during the public review period (including how individual comments are bracketed/numbered), associated responses, any necessary revisions to the Draft Revised EIR as a result of comments, appendices, and references.

Deliverable: Electronic version of Administrative Final Revised EIR.

3.3 Prepare Final Revised EIR

Upon receipt and clarification of one set of consolidated comments from Contra Costa County and one set of consolidated comments from the Applicant, Stantec will revise the Administrative Final Revised EIR and prepare a final draft version that will be 508-compliant. Upon approval, Stantec will prepare a screen-check version for a final review by the County.

Deliverable: Electronic version of the final draft; electronic version of the screen-check Final Revised EIR; electronic version of Final Revised EIR for submittal to the County to upload to the project webpage, Stantec will upload the public review Draft Revised EIR documents to the State Clearinghouse. Twelve hard copies of the Revised Final EIR, including all appendices, will be provided.

Assumptions

- One electronic set of consolidated comments each are received from the County and Applicant on each document submittal.
- Minor revisions only will be necessary and no new analysis needed for the final draft review.
- Internal comments received are commensurate with the estimated budget.
- Minor editorial changes may occur between the final draft and the screen-check version.
- All public comments will be limited to the information contained in the Draft Revised EIR.
- Responding to public comments on the Draft Revised EIR does not require substantial revisions or new analysis and is commensurate with the estimated budget.

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Task 4: Prepare Mitigation Monitoring and Reporting Program

Stantec will revise the existing Mitigation Monitoring and Reporting Program (MMRP) to incorporate the revised Mitigation Measure AQ-4, Implement Odor Management Plan. The MMRP will contain all mitigation measures identified in the previous EIR to provide County staff with a single source of reference to the complete list of mitigation measures to be implemented. For each measure or group of similar measures, the agency responsible for ensuring proper implementation, timing, and method of verification will be identified.

Deliverable: Electronic version of the Draft and Final MMRP.

Task 5: Project Management

As Project Manager, Ms. Ryan will be accountable for adherence to the project scope, budget, and schedule. Additionally, she will oversee assignments, monitor progress of all technical tasks, and ensure high quality submittal of work products, with assistance of senior technical staff as needed. She will be Stantec's main point of contact and respond to direction and guidance from the County. Any issues regarding progress on the EIR or budget will be conveyed immediately.

Conference Calls/Public Hearing

We propose to hold conference calls to discuss Project status, issues and their resolution, near-term activities, and any significant changes on an as-needed basis. Ms. Ryan and a member of the Yorke Engineering team will attend the public hearing in support of the County.

Assumptions

- One 2-hour kick-off conference call with the County and Applicant – to be attended by Kendra Ryan and 2 members of the Yorke Engineering team.
- Three 1-hour conference calls with the County during preparation of the Draft Revised EIR - to be attended by Kendra Ryan and one technical specialist;
- Two 1-hour conference calls with the County during preparation of the Final Revised EIR - to be attended by Kendra Ryan and one technical specialist.
- One public hearing (including travel time) – to be attended by Kendra Ryan and one technical specialist.
- The County will be responsible for preparation and distribution of all public hearing materials.

Schedule

Attachment A presents our proposed schedule to complete the CEQA process.

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Contractor County Dept.

ATTACHMENT A

Contra Costa County – Rodeo Renewed Revised EIR Revised EIR SCHEDULE*

	Stantec
	County

Week	9/15	9/18	9/25	10/2	10/9	10/16	10/23	10/30	11/6	11/13	11/20	11/27	12/4	12/11	12/18	12/25	1/1	1/8	1/15	1/22	1/29	2/5	2/12	2/19	2/26	3/4	3/11	
Kick-Off Call - COMPLETED																												
Revised Draft EIR																												
Prepare Admin Draft																												
County Review																												
Prepare Final Draft																												
County Review Final Draft																												
Prepare Public Draft/Upload to SCH																												
12 hard copies submitted after SCH submittal																												
45-Day Public Review Period																												
Final Revised EIR/MMRP																												
Review & Consolidate Comments/ Memo																												
Prepare Responses to Comments																												
Prepare Admin Draft																												
County Review																												
Prepare Final Draft																												
County Review																												
Prepare Final Revised EIR																												
Production																												
Certification Hearing																												

*Schedule commences upon receipt of all technical reports from Phillips 66, assumed to be week of 9/18.

Exhibit A-1 REIR Budget

Rodeo Renewed REIR

		Stanlec Principal/Project Manager	Stanlec Project Scientist	Stanlec Senior Project Scientist	Stanlec Senior Support	Stanlec Project Coordinator	Printing	Mileage/ODCs	Yorke Engineering Principal Engineer	Yorke Engineering Senior Engineer	Yorke Engineering Project Support	Yorke Engineering Admin	Hours	Labour	Expense	Subs	Total	
Name	Ryan, Kendra	Agudo, Vanessa	Allen, Coralie	Eschen, Iris	Dosanjh, Kiran													
Project Bill Rate	\$202.00	\$142.00	\$183.00	\$161.00	\$133.00	\$200.00	\$0.63	\$258.00	\$243.00	\$140.00	\$101.00		0.00	\$0.00	\$0.00	\$0.00	\$0.00	
Total Units (T&M)	232.00	136.00	16.00	94.00	12.00	24.00	139.00	70.00	24.00	4.00	2.00		490.00	\$85,834.00	\$4,886.88	\$24,654.00	\$115,374.88	
Fee (T&M)	\$46,864.00	\$19,312.00	\$2,928.00	\$15,134.00	\$1,596.00	\$4,800.00	\$86.88	\$18,060.00	\$5,832.00	\$560.00	\$202.00		490.00	\$85,834.00	\$4,886.88	\$24,654.00	\$115,374.88	

Task Code	Task Name	Units											Hours	Labour	Expense	Subs	Total
1	Peer Review Technical Information												0.00	\$0.00	\$46.25	\$24,654.00	\$24,700.25
2	Draft REIR												170.00	\$29,582.00	\$2,400.00	\$0.00	\$31,982.00
2.1	Prepare Administrative Draft REIR	48.00	24.00	4.00	32.00	2.00							110.00	\$19,254.00	\$0.00	\$0.00	\$19,254.00
2.2	Prepare Public Review Draft REIR	24.00	16.00	2.00	16.00	2.00	12.00						60.00	\$10,328.00	\$2,400.00	\$0.00	\$12,728.00
3	Final REIR												174.00	\$29,058.00	\$2,400.00	\$0.00	\$31,458.00
3.1	Comments/Memo	8.00	24.00	2.00	2.00	2.00							38.00	\$5,978.00	\$0.00	\$0.00	\$5,978.00
3.2	Prepare Administrative Draft Final REIR	32.00	32.00	2.00	24.00	2.00							92.00	\$15,504.00	\$0.00	\$0.00	\$15,504.00
3.3	Prepare Final REIR	16.00	8.00	2.00	16.00	2.00	12.00						44.00	\$7,576.00	\$2,400.00	\$0.00	\$9,976.00
4	MMRP	2.00	8.00		4.00								14.00	\$2,184.00	\$0.00	\$0.00	\$2,184.00
5	Project Management/Calls/Mtgs	102.00	24.00	4.00		2.00		65.00					132.00	\$25,010.00	\$40.63	\$0.00	\$25,050.63

SCHEDULE OF BILLING RATES – 2023 (USD)

Billing Level	Hourly Rate	Description
3	\$98	Junior Level position <ul style="list-style-type: none"> <input type="checkbox"/> Independently carries out assignments of limited scope using standard procedures, methods and techniques <input type="checkbox"/> Assists senior staff in carrying out more advanced procedures <input type="checkbox"/> Completed work is reviewed for feasibility and soundness of judgment <input type="checkbox"/> Graduate from an appropriate post-secondary program or equivalent <input type="checkbox"/> Generally, one to three years' experience
4	\$104	
5	\$115	
6	\$119	Fully Qualified Professional Position <ul style="list-style-type: none"> <input type="checkbox"/> Carries out assignments requiring general familiarity within a broad field of the respective profession <input type="checkbox"/> Makes decisions by using a combination of standard methods and techniques <input type="checkbox"/> Actively participates in planning to ensure the achievement of objectives <input type="checkbox"/> Works independently to interpret information and resolve difficulties <input type="checkbox"/> Graduate from an appropriate post-secondary program, with credentials or equivalent <input type="checkbox"/> Generally, three to six years' experience
7	\$127	
8	\$133	
9	\$142	First Level Supervisor or first complete Level of Specialization <ul style="list-style-type: none"> <input type="checkbox"/> Provides applied professional knowledge and initiative in planning and coordinating work programs <input type="checkbox"/> Adapts established guidelines as necessary to address unusual issues <input type="checkbox"/> Decisions accepted as technically accurate, however may on occasion be reviewed for soundness of judgment <input type="checkbox"/> Graduate from an appropriate post-secondary program, with credentials or equivalent <input type="checkbox"/> Generally, five to nine years' experience
10	\$149	
11	\$157	
12	\$161	Highly Specialized Technical Professional or Supervisor of groups of professionals <ul style="list-style-type: none"> <input type="checkbox"/> Provides multi-discipline knowledge to deliver innovative solutions in related field of expertise <input type="checkbox"/> Participates in short and long range planning to ensure the achievement of objectives <input type="checkbox"/> Makes responsible decisions on all matters, including policy recommendations, work methods, and financial controls associated with large expenditures <input type="checkbox"/> Reviews and evaluates technical work <input type="checkbox"/> Graduate from an appropriate post-secondary program, with credentials or equivalent <input type="checkbox"/> Generally, ten to fifteen years' experience with extensive, broad experience
13	\$172	
14	\$183	
15	\$202	Senior Level Consultant or Management <ul style="list-style-type: none"> <input type="checkbox"/> Recognized as an authority in a specific field with qualifications of significant value <input type="checkbox"/> Provides multi-discipline knowledge to deliver innovative solutions in related field of expertise <input type="checkbox"/> Independently conceives programs and problems for investigation <input type="checkbox"/> Participates in discussions to ensure the achievement of program and/or project objectives <input type="checkbox"/> Makes responsible decisions on expenditures, including large sums or implementation of major programs and/or projects <input type="checkbox"/> Graduate from an appropriate post-secondary program, with credentials or equivalent <input type="checkbox"/> Generally, more than twelve years' experience with extensive experience
16	\$225	
17	\$237	
18	\$242	Senior Level Management under review by Vice President or higher <ul style="list-style-type: none"> <input type="checkbox"/> Recognized as an authority in a specific field with qualifications of significant value <input type="checkbox"/> Responsible for long range planning within a specific area of practice or region <input type="checkbox"/> Makes decisions which are far reaching and limited only by objectives and policies of the organization <input type="checkbox"/> Plans/approves projects requiring significant human resources or capital investment <input type="checkbox"/> Graduate from an appropriate post-secondary program, with credentials or equivalent <input type="checkbox"/> Generally, fifteen years' experience with extensive professional and management experience
19	\$260	
20	\$270	
21	\$285	

Expert Witness Services carry a 50% premium on labor. Overtime will be charged at 1.5 times the standard billing rate. All labor rates will be subject to annual increase