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November 24, 2009

W.O. 13638.05
Updated

Ms. Lisa Soghor
Mountains Recreation and Conservation Authority
570 W. Avenue 26, Suite 100
Los Angeles, CA 90065

Subject: **Civil Engineering & Surveying Proposal – Additional Work
Santa Monica Mountains Conservancy &
Mountains Recreation & Conservation Authority
DEIR, LCPA and FEIR Plan Preparation**

Dear Ms. Soghor:

We are pleased to present this proposal of new and revised scope for plan preparation for Draft EIR, LCPA, as well as the Final EIR. As you know this project has been modified again from the original scope from which it was previously based upon. This proposal is based on the updated information received from Dudek and the Conservancy regarding project Plan preparation and Hydraulic Analysis for use in the draft and final EIR.

UNDERSTANDING OF PROJECT REQUIREMENTS

As noted previously, many of the former goals remain unchanged, however, the scope and magnitude has been revised from what was previously proposed on. We have utilized our previous authorizations and modified the project plans and studies as the project changed and developed. We have been able to keep pace with the ever changing project and provided service well beyond what our original scope had identified. However, we have exhausted our authorizations and yet we have been given additional tasks to complete.

Previously I provided you an email indicating my estimated level of effort to accomplish an as of yet undefined scope of work. Since that email I have had further conversations with the Conservancy and Dudek and found out that more design is needed along Via Acero and some other modifications are anticipated before the Draft EIR will be issued. As a result a greater level of effort will be required of us. Yesterday, I received additional work requests as well.

As I understand it, the additional services are two-fold. The first is to provide some additional services relative to the Draft EIR including an alternatives plan set. The second is to assist in plan preparation for the Final EIR. Based on conversations with Dudek and the Conservancy, we have been requested to take the DEIR plans and make them FEIR plans. It is our understanding that during the public review of the DEIR comments will be gathered that will result in project modifications that will

be shown on the FEIR plans. At the current time it is unclear the level of effort required to accomplish that task, since the DEIR has not been distributed and the scope of the anticipated comments are unknown.

SCOPE OF SERVICES

Based on our knowledge of the various parks and the overall project, we propose to perform the following services for plan development for the DEIR and FEIR:

1. Provide some additional design and plan modifications relative to the preparation of the Draft EIR. Answer engineering questions relative to the Civil design elements of the project and the DEIR.
2. Prepare conceptual design of Via Acero that delineate areas where the existing improvements interfere with a 20' wide road width. This design will be based on the existing topographic information we currently have. An alternative to this is for us to perform a limited field survey of the Via Acero alignment to help better define the impediments to achieving a 20' road width (See line item for field survey costs).
3. Prepare a separate plan set showing project alternatives for Kanan Dume parking, Ramirez Canyon Park and Latigo Canyon Park. This set will be called "2002 City of Malibu LCP" and may consist of a dozen or so sheets.
4. Prepare 22"x34" plan sheets with modifications as directed by the Conservancy and Dudek for use in the Final EIR. Plans will include Earthwork estimates as well. Utilize previous plan and analysis preparations to date, as the basis for the Final EIR items of work.
5. Prepare hydraulic analysis with modifications as directed by the Conservancy and Dudek for use in the Final EIR.
6. Assist the project team by answering questions and providing information and coordinate with the projects consultants.
7. Perform project management, coordination and quality control.

SERVICES NOT INCLUDED

The following services and all other services not specifically listed herein are excluded.

1. Reimbursable expenses, such as photocopies, FAX transmissions, postage, shipping/delivery, long distance phone calls, prints, maps/documents.
2. Governmental and public agency fees.
3. Design or analysis of structures, traffic plans, roadway striping plans or septic systems.
4. Construction level plans.
5. Services by consultants other than Penfield & Smith.
6. Geotechnical or geologic investigation.
7. Storm Water Pollution Prevention Plan or water-shed analysis.



8. Environmental work including permits, processing, documents, specifications or plans.
9. Field topographic survey, office survey, legal descriptions, map recordation, easements, slope analysis and area calculations. Construction staking, construction administration and construction engineering or construction services. (Except as noted above and authorization of separate line item for limited field survey of Via Acero road).
10. No services past the preparation of plans for the Final EIR permit submittal are proposed at this time. We welcome the opportunity to participate in the project after the submittal for the Final EIR and will submit a proposal for that scope of work if requested by the Conservancy.

PROPOSED FEE AND METHOD OF PAYMENT

Our proposed services will be performed on a time and materials basis and shall be billed monthly at the rates then in effect. Charges for "time" include professional, technical and clerical support services provided by Penfield & Smith. "Materials" include all reimbursable expenses, such as photocopies, FAX transmissions, postage, shipping/delivery, mileage, plots, prints, maps/documents and outside consultant fees.

Payment is due on receipt of statements (net 30 days). Unpaid account balances are subject to a finance charge which will be the lesser of one and one-half percent (1½%) per month or a monthly charge not to exceed the maximum legal rate. This fee shall be applied to any unpaid balance commencing thirty days after the original billing. If an account is unpaid and would be subject to a finance charge, we may consider this as constructive notice to suspend work.

Based on our understanding of your requirements and our experience with similar projects, we estimate that the fee, not including reimbursable expenses, required for our services will be as follows:

Additional Design Work & Plan Preparation for DEIR, LCPA & EIR	\$62,000
Limited Field Survey of Via Acero	<u>\$15,000</u>
Total	\$77,000

We have estimated the cost of our services based on our understanding at this time of the scope and complexity of the work. However, please note that our services will be performed on a time and materials basis, and it is possible that our actual charges could exceed the amount we have estimated. During the performance of our services, the need for additional or expanded services may be determined. We will make every reasonable effort to keep you informed of our progress and costs incurred.

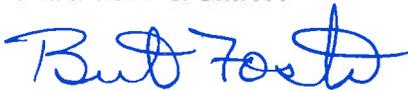


AUTHORIZATION

Should you have any questions, please feel free to contact me on my direct line at (805) 963-9538, extension 108. If this proposal is agreeable with you please provide an amendment to the existing contract. Thank you for allowing us to assist you on this important project.

Very truly yours,

PENFIELD & SMITH



Bret Foster, P.E.
Project Engineer
RCE 48,267
Expires 6/30/10

