Attachment XIII
MRCA
April 14, 2010

Penfield & Smith

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April 9, 2010

W.O. 13638.05

Mr. Paul Edelman
Mountains Recreation and Conservation Authority
5810 Ramirez Canyon Road
Malibu, California 90265

Subject: **Civil Engineering Proposal – Additional Work**
Santa Monica Mountains Conservancy &
Mountains Recreation & Conservation Authority
EIR Plan Preparation & Engineering Services

Dear Mr. Edelman:

We are pleased to present this proposal for an updated scope of services, including preparation of new concept plans and general engineering services as part of the preparation of the Environmental Impact Report for the Malibu Parks Public Access Restoration/Enhancement Project. This proposal is based on the updated information received from the Conservancy regarding the project Plan preparation for use in the draft and final EIR.

UNDERSTANDING OF PROJECT REQUIREMENTS

Many of the former goals for this project 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 project and adjusted our service in accordance with the requirements of the project.

As we understand it, the additional services are two-fold. There are some components of the project that are more defined and another portion that is yet to be defined as the work progresses. The first part is comprised of two tasks: 1) Prepare a new 63 sheet plan set that is a composite of the three previous sets we prepared with some new components added to it, 2) Respond to comments generated during the circulation of the draft EIR as requested by the Conservancy. The final and third task is: 3) Prepare project plan changes that will come as a result of future input and decisions yet to be made resulting in a final project plan set. The entirety of this work has a limited overall budget of $25,000. We have attempted to allocate the budget over the three tasks with the expectation that the budget may be sufficient for tasks #1 and #2, but likely insufficient for task #3.

At the current time it is still a little unclear the level of effort required to accomplish the tasks that we have been requested to perform and the scope of work indicated below and the estimated fee for that work is our best estimate at this time.

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 as follows:

1. Prepare a concept level set of project plans based upon the previous three sets already prepared for the project and incorporate modifications and refinements as requested by the Conservancy. As we understand it, this plan set will become the preferred alternative for the project. The budget set aside for this task is approximately 50 Principal level hours and 50 Senior level hours.
2. Relative to the concept plans and reports that we have previously prepared for this project, we will provide verbal and written responses to comments and questions received by the Conservancy relative to the recent circulation of the draft EIR. The budget set aside for this task is approximately 15 Principal level hours and 2 Senior level hours.
3. Prepare a "yet to be defined" concept level set of plans that will be a composite of "yet to be received" comments and project modifications that, hopefully, will represent the final project. The budget set aside for this task is approximately 28 Principal level hours.

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.
10. Construction staking, construction administration and construction engineering or construction services.
11. No services past the preparation of concept level plans are proposed at this time. We welcome the opportunity to participate in the final design of the project after permits are obtained 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:

Task 1: New Project Plan Set		$17,000
Task 2: Respond to Comments		3,000
Task 3: Future Project Plan Set		5,000
	Total	**$25,000**

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.
Principal Engineer
RCE 48,267
Expires 6/30/10