

EXHIBIT A

October 27, 2020

City of Yakima
Legal Department
200 South Third Street
Yakima, Washington 98901

Attn: Ms. Joan Davenport, Strategic Project Manager; Mr. Jeffrey R. Cutter, City Attorney

**Re: Request for Scope and Budget Revision (Change Order #3) – Roadway Project Interim Action
Construction Oversight for Roadway Waste Removal
Closed City of Yakima Landfill Site
Yakima, Washington**

Dear Ms. Davenport and Mr. Cutter:

Landau Associates, Inc. (LAI) is pleased to submit this request to the City of Yakima (City) to modify our current scope of services and associated budget under our existing Contract No. 2016-109 with the City related to the Bravo Company Boulevard and East-West Corridor roadway project (roadway project). The requested modification would be to add additional services and extend the budget related to construction support and oversight for interim action municipal solid waste (MSW) and wood debris removal activities within the roadway project right-of-way/construction easement.

LAI will also assist the City with certain permitting efforts related to MSW removal during roadway construction; specifically, assisting with issues related to obtaining coverage under the Construction Stormwater General Permit (CSGP). LAI will also provide certain construction support, oversight, and documentation services during construction of these design elements.

The following summarizes scope of services included in this proposal.

Scope of Services

In addition to our existing authorized scope of services, which include limited construction oversight activities related to the installation of the landfill gas mitigation barrier, LAI will provide construction oversight and support activities, divided into four tasks as follows:

- Task 1 – Project Management and Meetings
- Task 2 – Permitting Support
- Task 3 – Construction/Contractor Support
- Task 4 – Landfill Excavation Oversight/Excavated materials Management Plan Implementation Support.

These tasks are described in the following sections.

Task 1: Project Management and Meetings

Additional project management budget is requested to provide typical project management activities such as task revision setup, contracting with subconsultants and subcontractors (if needed), invoicing, internal coordination, and coordination with the City, Yakima County (County), Halme Construction (Contractor), and the Washington State Department of Ecology (Ecology) and other regulatory agencies, such as Yakima Regional Clean Air Agency (YRCAA). Additionally, this task will include up to two meetings in Yakima (8 hours each including meeting, travel, and preparation time) for two individuals (project manager and field engineer/geologist/technician), and weekly teleconference status meetings (1 hour each) attended by the project manager or appropriate task manager, with the City and/or other project stakeholders, for the duration of construction (assumed to be 6 months).

Task 2: Permitting Support

This task includes assisting the City with applying for and obtaining certain environmental-related permits required for implementation of the proposed cleanup action. Because the work is being performed under the Model Toxics Control Act (MTCA), state and local permits are not required, but it must be demonstrated that the proposed construction/ development meets the substantive requirements of these permits.

LAI proposes this new task to assist the City with obtaining permits for construction including:

1. Construction Stormwater General Permit (Ecology)
2. Industrial Wastewater Discharge Permit (City).

Note that LAI's currently authorized scope of services already includes assisting the City with any necessary air permitting requirements. LAI has provided YRCAA with documentation indicating that a new source review and air permit for the excavation of MSW from the landfill is not required because emissions would be *de minimis*; therefore, the project is exempt from air permitting requirements. However, LAI will continue to support communications with Ecology and YRCAA related to this issue as needed (as previously authorized by the City).

Note as well that a State Environmental Policy Act (SEPA) checklist has already been prepared, gone through public comment and a Determination of Non-Significance issued by Ecology for the interim action work discussed in this proposal.

Assumptions

- The City will be responsible for payment of all applicable application and permitting fees for all permits that LAI assists with.
- The City (or its civil engineering consultant) and the Contractor will be responsible for any revisions necessary for the stormwater pollution prevention plan (this is not included in LAI's proposed scope or budget).

Task 3: Construction/Contractor Support

LAI will provide as-needed support to the Contractor related to removal of the MSW and wood debris, and implementation of the Excavated Materials Management Plan (EMMP; Appendix C to the Interim Action Work Plan). This support includes the following:

- Review of the following required Contractor submittals:
 - Health and Safety Plan
 - Testing results for low-permeability soil for landfill gas barrier
- Responding to Contractor requests for information (RFIs) related to:
 - Health and safety or other issues related to the management or disposal of MSW and wood debris
 - Implementation of the EMMP
 - Regulatory requirements applicable to construction that are related to the interim action or site cleanup.

Note that LAI's currently authorized scope of services already includes similar support for construction of the low-permeability soil wall (landfill gas barrier) and preparation of as-built drawings for the low-permeability soil wall.

Assumptions

- City, County, or others will provide support for submittal review and RFI response related to general construction related tasks (civil designs, specs, backfilling, etc.) and archaeological/cultural resources/natural resources services. These activities are not included in this proposed scope of services.

Task 4 – Landfill Excavation Oversight/Excavated Materials Management Plan Implementation Support

LAI will provide construction oversight services related to the excavation of MSW and wood debris and provide field support, as needed, to the Contractor as it relates to implementation of applicable portions of the EMMP. Specifically, LAI will provide the following oversight and EMMP implementation services:

- LAI will be onsite for up to 3 weeks at the beginning of MSW and wood debris excavation to generally evaluate whether the Contractor is properly performing excavation, hauling, and disposal of wood debris and MSW such that known solid waste or previously unidentified dangerous waste or other dangerous materials/special wastes that may be encountered during construction (including potentially impacted groundwater) are properly identified, characterized, managed, and disposed of in accordance with applicable, relevant, and appropriate requirements, including local, state, and federal health and safety, disposal, and cleanup laws and regulations. Specifically, LAI will:

- 1) Observe and, as needed, screen materials being excavated from the landfill to evaluate appropriateness for transportation and disposal of the material to the designated disposal facility(ies) selected/approved for the project;
 - 2) Provide guidance and training to County staff on how to execute the EMMP;
 - 3) If necessary, provide field analytical testing and/or collect and submit samples for laboratory analysis to characterize materials that are identified as suspect hazardous or other special waste; and
 - 4) If necessary, direct the Contractor on how to segregate, manage, transport, and dispose of wastes not suitable to be disposed at the designated Subtitle D disposal facility for the project.
- After the initial 3-week period, LAI will be onsite for up to 1 day per week for the duration of excavation activities (estimated 5 additional months) to provide ongoing assistance with the activities indicated in the bullet above.
 - The weekly site visit will either be on a specified/scheduled day as agreed to between LAI, the City, County, and the Contractor, or on an on-call basis. This weekly site visit will allow satisfaction of the construction specifications that indicate that the “City’s Environmental Consultant will be onsite or available to be onsite within 48 hours (during normal business days) to execute the Sampling and Analysis Plan” (SAP; Appendix D to the Interim Action Work Plan) as needed to assist the County/Contractor with implementation of the EMMP.
 - For the purposes of this proposal, LAI will also budget for up to 5 additional days onsite to respond to the discovery of unexpected dangerous or special waste and provide characterization/delineation of the material and direction to the contractor for management thereof.

Assumptions

- When onsite, LAI will bring appropriate monitoring equipment for screening of materials and/or laboratory sampling containers needed to sample, identify and analyze the materials to determine appropriate management and disposal requirements. The City/County will be responsible for providing its own equipment for such screening activities when LAI is not onsite.
- The proposed budget for this task is based on the proposed time onsite indicated above and a budget of up to \$10,000 for laboratory analytical services. The laboratory budget is not based on any specific number of samples or analytes (which will be determined based on LAI’s professional judgement); it is only an allowance to allow LAI to be responsive to the needs of the project, but will need to be adjusted if the allowance is exceeded.
- General construction quality assurance work (e.g., quality assurance for Contractor’s general compliance with construction specifications; soil compaction testing, etc.) is to be performed by the County and is not included in LAI’s proposed scope or budget except where specifically identified herein.
- Actual schedule and duration of oversight of these activities will be dependent on the Contractor’s schedule. If the schedule is longer than estimated in this proposal or the City

requests additional oversight tasks and time onsite, LAI will provide an estimate of the additional time and cost necessary to complete these activities.

Terms & Conditions, Schedule, and Estimated Budget

The scope of work for the additional services described above will be performed in accordance with our existing Contract No. 2016-109 between LAI and the City of Yakima.

The schedule for performance of this work is dependent on the overall roadway project construction schedule (not yet determined/available). While this schedule is outside of LAI's direct control, LAI will work with the City, County, and Contractor to identify and meet construction milestones and deadlines.

The estimated cost for the additional services outlined above was developed on a cost-plus-fixed-fee basis consistent with the Local Agency Guidelines (LAG) Manual prepared by WSDOT using LAI's most recent audited overhead rates. Accordingly, we propose to update the compensation schedule included in Contract No. 2016-109 (i.e., update Exhibit B – Professional Fees and Exhibit C – Schedule of Rates) to be consistent with these rates. The estimated costs are summarized below by task and detailed in the attached revised Exhibits B and C.

Task	Estimated Budget
Task 1. Project Management and Meetings	\$16,400
Task 2. Permitting Support	\$8,200
Task 3. Construction/Contractor Support	\$8,000
Task 4. Landfill Excavation Oversight/Excavated Materials Management Plan Implementation Support	\$87,400
Estimated Total Cost	\$120,000

Approval of this additional estimated budget will increase the **total authorized contract value** from \$369,400 to **\$489,400**.

As noted above, our services will be provided on a cost-plus-fixed-fee basis based on the attached contract compensation schedule. Estimated labor costs have been developed based on direct labor costs established as the "Not-To-Exceed" labor rate for each LAI billing category calculated using our proposed contract rates. However, labor charges will be accrued based on the actual direct labor rate for the LAI staff member(s) working on the various aspects of the project.

If the scope of work related to the roadway project is increased or requires a higher level of effort than assumed above, or unforeseen conditions or circumstances are encountered during performance of these services, we will bring these to your attention and seek modification to this scope of services and budget, as appropriate.

Authorization

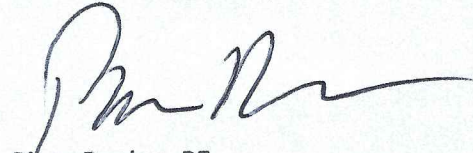
Approval for adding the additional services described above can be authorized by signing the attached authorization form, or by the City's preferred method. An email authorization to proceed is acceptable.

Project Staff

LAI staff for this project will include Piper Roelen, PE, Principal Engineer, who will be the Project Manager responsible for day-to-day management of the project. Piper will be supported by other engineers and field staff familiar with the site and/or with the appropriate experience to execute the proposed scope of services.

Thank you for giving LAI the opportunity to provide this request for modifying the contracted scope of services. We look forward to working with the City team on this project. Please give us a call if you have any questions regarding this proposal.

LANDAU ASSOCIATES, INC.



Piper Roelen, PE
Principal

PMR/KMS/ljl

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Attachments: Exhibit B – Professional Fees
Exhibit C – Schedule of Rates

AUTHORIZATION

The scope of services and contractual conditions as described in this proposal and its attachments are accepted and Landau Associates, Inc. is authorized to proceed.

By

Signature*

Printed

For

Firm*

Date

*Name of person with contractual authority and firm responsible for payment of Landau Associates, Inc. billing.

Request for Scope and Budget Revision (Change Order #3) – Roadway Project Interim Action
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Yakima, Washington

EXHIBIT B
Professional Fees

Project: City of Yakima - Landfill Roadway Construction Interim Action Plans and Specifications

Subconsultant: Landau Associates

Direct Salary Cost (DSC):

<u>Classification (b)</u>	<u>Hours</u>	<u>=</u>	<u>Typical Rate (a)</u>	<u>=</u>	<u>Cost</u>
Principal*	91	X	\$72.79		\$6,623.75
Senior Associate	18	X	\$60.10		\$1,081.80
Associate	10	X	\$54.86		\$548.60
Senior	0	X	\$43.27		\$0.00
Senior Project	0	X	\$43.27		\$0.00
Project	518	X	\$38.61		\$19,999.98
Senior CAD/GIS Technician	0	X	\$40.75		\$0.00
Senior Staff	0	X	\$32.70		\$0.00
Staff/Senior Technician II	0	X	\$36.50		\$0.00
Data Specialist	0	X	\$35.10		\$0.00
CAD/GIS Technician	0	X	\$39.00		\$0.00
Project Coordinator	16	X	\$34.92		\$558.72
Assistant/Senior Technician I	0	X	\$25.00		\$0.00
Technician	0	X	\$21.00		\$0.00
Support Staff	0	X	\$26.60		\$0.00
Total Hours =			653	Total Direct Salary =	\$28,812.85

Overhead Cost @ 212.63% of Direct Labor Cost (c) = \$61,264.77

Fixed Fee @ 30% of Direct labor Cost = \$8,643.86

Total Direct Labor = \$98,721.48

Subconsultants (u)

Laboratory Analytical	\$10,000.00
Other Subconsultant	\$0.00
Subcontractor Markup (0%)	\$0.00

Total Subcontractor/Subconsultant Cost = \$10,000.00

Reimbursables (u)

Travel Expenses (est. #miles @ \$0.575/mile IRS)	9920	X	\$0.575	\$5,704.00
Per Diem (WSDOT Rates - Yakima)	20	X	\$96.00	\$1,920.00
Other Non-Labor Expenses (disposable equipment and supplies)				\$3,604.00
Total Reimbursables =				\$11,228.00

Subconsultant Total = \$119,949.48

Prepared By: Piper Roelen

Date: 10/26/2020

(a) Rates shown reflect the typical compensation rate of employees assigned to the billing category listed.

Each category may have multiple employees assigned to that billing category and each employee may have a different hourly rate of pay. Employee compensation is subject to adjustment annually.

(b) Classifications shown are general, the actual invoice will show our employee's specific discipline for e.g., Senior Engineer, Senior Geologist, Senior Planner.

(c) Per WSDOT analytical review of Landau Associates' financial statements for the year ended 6/30/19.

(d) Per terms of Contract No. 2016-109, subcontractor and reimbursable expenses include a markup not to exceed 10%. IRS allowable mileage charges apply.

* Excludes CEO

EXHIBIT C
Schedule of Rates
Landau Associates, Inc.

Classification	Hourly Rates
Principal	\$249.40
Senior Associate	\$205.92
Associate	\$187.97
Senior	\$148.26
Senior Project	\$148.26
Project	\$132.29
Senior CAD/GIS Analyst	\$139.62
Senior Staff	\$112.04
Staff	\$101.83
Data Specialist	\$120.26
Senior Technician II	\$125.06
Assistant/Senior Tech I	\$85.66
Technician	\$71.95
CAD	\$111.01
GIS Technician	\$133.63
Project Coordinator	\$119.65
Support Staff	\$91.14