

PROFESSIONAL SERVICES AGREEMENT
YUBA COUNTY Professional Geotechnical and Materials Testing SERVICES

AMENDMENT # 1

This is the FIRST amendment to the agreement, dated August 3, 2010, for Professional Geotechnical and Materials Testing services between the County of Yuba (COUNTY) and CONDOR EARTH TECHNOLOGIES, INC. (CONSULTANT).

Pursuant to Operative Provision D.22, "Modifications," of the basic agreement, the following changes are hereby made:

(1) Operative Provision 8, "**ATTACHMENTS**," will now include "Exhibit 1A – Revised Scope of Work"

(2) Attachment A, Scope of Services, Section **A.1**, is changed to include:

"The services to be provided shall also include the duties reflected in the revised scope of work dated October 14, 2010 and labeled as Exhibit 1A."

(3) Attachment B, Payment, Section B.1 is changed to read:

B.1 BASE CONTRACT FEE. COUNTY shall pay CONSULTANT a contract fee not to exceed FIFTY FOUR THOUSAND FIVE HUNDRED AND TWENTY SIX DOLLARS (\$54,526); CONSULTANT shall submit requests for payment after completion of services or no later than the tenth (10th) day of the month following provision of services. In no event shall total compensation paid to CONSULTANT under this Provision B.1 exceed FIFTY FOUR THOUSAND FIVE HUNDRED AND TWENTY SIX DOLLARS (\$54,526) without a formal written amendment to this Agreement approved by the COUNTY.

All other terms and conditions remain unchanged.

In witness thereof, the parties hereto have executed this Amendment # 1 to the Agreement on _____, 2010.


"COUNTY"
County of Yuba

"CONSULTANT"
Condor Earth Technologies, Inc.

Mary Jane Griego,
Board Chair


,

INSURANCE PROVISIONS APPROVED



Martha Wilson,
Risk Manager

APPROVED AS TO FORM



Angil Morris-Jones
County Counsel

ATTEST:

Date: _____

Donna C. Stottlemeyer, Clerk of the Board

REVISED SCOPE OF WORK
for
FEDERAL AID (SAFETEA-LU HPP FUNDED) PROJECT

**BEALE AFB ACCESS (SMARTVILLE ROAD) PROJECT – PROFESSIONAL
GEOTECHNICAL AND MATERIALS TESTING SERVICES FOR COLD FOAM
IN- PLACE RECYCLING
Yuba County, California**

CONDOR COPY

Prepared for
County of Yuba
Department of Public Works
915 8th Street, Suite 125
Marysville, California 95901

Condor Project No. 5970
October 14, 2010

SCOPE OF WORK

The purpose of this revised scope of work is to provide quality control (QC) services during the cold foam in-place recycling (CFIPR) materials construction in addition to the quality assurance (QA) services proposed in our original scope of work dated July 15, 2010. The revised scope of work was based on the scope of work requirements presented in the Request for Proposal (RFP); a review of the Raney geotechnical study report, and Section 43 of the Technical Specifications, Sheet 4 of the Project Plans; our extensive experience on cold foam in-place recycling projects; discussions with Mr. Kenneth Godleski, Yuba County Project Manager; and the California Department of Transportation (CalTrans) Standard Specifications for Cold Foam Asphalt. Condor revised only Tasks 2 and 3 of our previous scope of work and fee schedule to meet the new project requirements requested by the County. A description of our revised scope of work for these two tasks is presented below.

Task 2 - Construction Quality Assurance and Quality Control Services:

Based on our discussion with Mr. Godleski of the County, the general contractor (Knife River), and the CFIPR contractor (Durham Stabilization), we understand that the project duration for the foaming operations is between 6 to 7 days due to two (2) foaming machines being used at the same time. During foaming operations, Condor will provide full time observation and testing by two (2) qualified field inspectors. The field inspectors will collect representative samples of the foamed materials for laboratory testing as described on our cost estimate dated October 14, 2010. We anticipate the laboratory testing on the foamed material will include gradation, moisture content, indirect tensile strength (ITS), and moisture/density curves using the CalTrans Standard Specifications for Cold Foam Asphalt. Condor will perform field density testing using the nuclear gauge test method on the compacted foamed material for verification that the project compaction requirements are being met. As agreed by the County, the frequency of sampling and testing will be based on a sub lot size of approximately 2,000 square yards. Condor will also verify the cement type and spread rate, the expansion ratio and half-life of the oil, the oil type and temperature, the oil content application rate, the foaming depth, and whether the foaming procedures in general are in conformance with the project specifications. The acceptance of the ITS results will be reviewed based on the provided CFA mix designs parameters in the Raney Geotechnical, Inc. report dated October 30, 2009. Condor will provide the County with a daily field report (DFR) for each day of production at the end of the day. The DFR will summarize our inspector's observations,



measurements, compaction test results, and any non-conformance items that occurred. Condor's field inspectors will maintain communication with the project manager on a daily basis to keep him updated on the work progress and any non-conformity as it occurs. The Project Manager will also visit the site periodically to observe the foaming operations and field testing in order to verify the project special provisions are followed. Based on our site observations, laboratory testing results, and our experience with the cold foam asphalt operations, Condor will provide the County with our recommendations, as needed, should the oil and cement ratios need to be adjusted based on the existing condition of the foamed materials. The Principal Engineer for the project will review the recommendations prior to submittal to the County. Condor will verify the final foaming depth meets the project specifications by taking cores in each sub lot along the project alignment for a total of forty five (45) cores. We assume that traffic control will be provided by the contractor during CFA coring. Condor will report the results of the final foaming depth to the County at completion of coring.

Condor will perform the above-mentioned quality assurance and quality control procedures for the test strip (1,000 feet long and single lane width) as required in the Technical Specifications provided to us by the County.

Task 3 - Construction Quality Assurance and Quality Control Report:

Upon completion of the cold foam in-place recycling operations, Condor will provide the County with a final report to document the results of all the performed field and laboratory testing and any recommendations provided during the foaming operations. The report will also contain the project description, the description of the work performed, photos of the operations, and the daily field reports. As requested by the County, Condor will provide three (3) draft copies of the report to the County within seven (7) business days following completion of the foaming operations for their review and comments. We understand that the County staff will provide Condor with any comments within five (5) business days of receiving the draft report. After receiving the County's comments, the final report will be prepared and submitted to the County within five (5) business days. Three (3) bound copies of the final report will be submitted to the County. The final report will be signed and stamped by the Geotechnical Engineer of Record for this project.

TASKS NOT INCLUDED IN THIS SCOPE OF WORK

If any other activity not included in this proposal is desired by the County, Condor would be pleased to prepare an additional scope of work with an associated fee schedule for your review.

SERVICES AND MATERIALS TO BE PROVIDED BY THE COUNTY

As previously agreed as a cost saving measure to the County, Condor will move our laboratory testing equipment that will be used in testing the foamed materials, such as gradation, moisture content, and ITS, to a working space within the County's existing maintenance facility yard that has a power source available and a concrete slab present. Our laboratory equipment that requires power outlets will include an oven, ITS compaction machine, ITS strength machine, soils compaction machine and shaker. The purpose of the concrete slab is to get the compaction machines securely anchored to the ground for safety.

As an additional cost saving measure to the County, Condor's inspectors for the construction quality assurance and quality control task (Task 2) will stay in a nearby motel to eliminate the costs associated with travel time to the site for sampling and testing. The per diem fee for our inspectors is included in our fee schedule for Task 2.



PROJECT TEAM ORGANIZATION

Condor has assigned project responsibilities to qualified individuals with cold foam in-place recycling project experience. Our cold foam in-place recycling projects are supervised by a Registered Geotechnical Engineer (G.E.) and Project Managers with appropriate experience. A brief description of the responsibilities of the project team is provided below. The key project team members assigned to this project **will** remain for the duration of the project to maintain continuity throughout the project.

Ronald Skaggs, P.E., G.E., Principal Engineer

Areas of Expertise

- Pavement Rehabilitation
- Materials Testing and Construction QC
- Geotechnical Studies and Investigations
- Stormwater Management and Permitting
- Stormwater BMP
- Environmental Regulatory Compliance

Mr. Ron Skaggs is Condor's Division Manager for the Stockton office and will serve as the Principal Engineer for this project. Mr. Skaggs has been with Condor for fifteen years and has been the Engineer of Record for all CFIPR projects performed by Condor. Mr. Skaggs performs civil, geotechnical, and pavement engineering and project management duties for various infrastructure and environmental projects. He will be responsible for providing consultation services, as needed, and providing quality assurance for all Condor services.

Registrations & Certifications

Professional Civil Engineer, CA No. 44588
Registered Geotechnical Engineer, CA No. 2295
Hazardous Waste Contractor, CA No. 732026

Osama El-Fiky, P.E., G.E., Project Manager

Areas of Expertise

- Project Management
- Materials Testing
- Pavement Design
- Pavement Recycling

Mr. Osama El-Fiky is Condor's Laboratory Engineer for the Stockton office and will serve as the Project Manager for this project. Mr. El-Fiky will perform the work under the direction of Mr. Skaggs. Mr. El-Fiky and will oversee the day-to-day operations and be responsible for interface and coordination with the County on this project.

Registration

Professional Civil Engineer, CA No. 60546
Registered Geotechnical Engineer, CA No. 2803



Russell Long, Field and Laboratory Technician

Areas of Expertise

- Materials Field Testing
- Materials Laboratory Testing
- Geotechnical Investigations (drilling and logging test holes and pits)

The laboratory testing will be performed by Mr. Russell Long. Mr. Long is Condor's Laboratory Manager for the Stockton office. Mr. Long has performed CFA laboratory and field testing for many projects that Condor has performed for various clients throughout the northern California and the Central Valley.

Certifications

ACI Grade I Concrete Technician #01096351

ICC Soils Certificate #8029887-EC

Nuclear Gauge Operator #15807

Caltrans Certified Test Methods 105, 106, 201, 202, 216, 217, 226, 227, 229, 231, 375, 504, 518, 533, 539, 540, 543, 556, and 557

Michael Trammel, Senior Field Inspector

Areas of Expertise

- Materials Field Testing

The field observation and testing will be performed by Mr. Michael Trammel. Mr. Trammel is a senior field inspector for Condor's Stockton office. Mr. Trammel has performed field testing for many soil stabilization projects that Condor has performed for various clients throughout the northern California and the Central Valley.

Certifications

ICC Reinforced Concrete #5003392

Pre-Stressed Concrete #1136145-92

Spray Applied Fire-Proofing #1136145-86

Nuclear Gauge Operator #12754

Caltrans Certified Test Methods 231, 504, 518, 533, 539, 540, 543, 556, and 557

Kevin Selvage, Senior Field Inspector

Areas of Expertise

- Materials Field Testing

The field observation and testing will be performed by Mr. Kevin Selvage. Mr. Selvage is a senior field inspector for Condor's Stockton office. Mr. Kevin Selvage has performed field testing for many soil stabilization projects that Condor has performed for various clients throughout the northern California and the Central Valley.

Certifications

ACI Grade I Concrete Technician #01059835

Nuclear Gauge Operator #14792



Naman Trucking (Subcontractor)

Condor will subcontract Naman Trucking in Tracy, California for transportation of the laboratory testing equipment to the County's maintenance facility. Naman Trucking is an Underutilized Disadvantaged Business Enterprise (UDBE) firm [Certification No. 38211] that will be used on this project.

FEE SCHEDULE

The cost for the revised project scope of work is \$54,526.00. A detailed breakdown of the costs for the project is attached. The fee to provide this revised scope of work is slightly below the contract UDBE goal 5.35 percent by about 1.55 percent. However, the County indicated that this will be acceptable based on the total UDBE percentage for the whole project. Condor will perform the work described herein on a time-and-materials basis in accordance with the existing Agreement for Professional Services between the County of Yuba and Condor Earth Technologies, Inc. dated July 30, 2010, and the attached Work Order Agreement dated October 14, 2010. Work will be charged in accordance with Condor's current Schedule of Fees (attached).

AUTHORIZATION

If you find the revised proposal acceptable, please sign and date where indicated on the Work Order Agreement and please return a copy to Condor.

We hope this scope of work meets with your approval and we look forward to working with the County of Yuba Public Works Department on this project. If you have any questions, please do not hesitate to call me at (209) 234-0518.

Sincerely,

CONDOR EARTH TECHNOLOGIES, INC.



Osama El-Fiky, P.E., G.E.
Senior Engineer



Anthony P. Mazzei, P.E., G.E.
Engineering Services Manager

Attachments: Work Order Agreement dated October 14, 2010
Fee Schedule – Construction Testing Services (*Revised*) dated October 14, 2010
Condor Earth Technologies, Inc. Schedule of Fees – Effective June 25, 2008





CONDOR EARTH TECHNOLOGIES INC

188 Frank West Circle, Suite I

Stockton, CA 95206

Phone 209.234.0518

FAX 209.234.0538

www.condorearth.com

WORK ORDER AGREEMENT

We are pleased to acknowledge the following work assignment. CONDOR EARTH TECHNOLOGIES, INC., hereinafter referred to as CONDOR, agrees to perform, and CLIENT agrees to pay for services performed in accordance with the scope of work set forth in this WORK ORDER AGREEMENT (AGREEMENT). This AGREEMENT supersedes any and all negotiations, correspondence, or agreements either written or oral.

ORDER RECEIVED BY: Osama El-Fiky, P.E., G.E. DATE: October 14, 2010

AUTHORIZED BY: Kenneth Godleski PROJECT No.: 5970

INVOICE TO: County of Yuba
Public Works Department
915 8th Street, Suite 125
Marysville, California 95901

NAME OF JOB: Beale AFB Access (Smartville Road) Project

LOCATION OF JOB: Smartville Road from State Route 20 to the Grass Valley entrance of
Beale Air Force Base (approximately 6.5 miles) in the southeast area of
Yuba County, California

SCOPE OF WORK: Construction Testing Services per attached Revised Proposal dated
October 14, 2010.

FEES TO BE CHARGED*: \$54, 526.00 on a time-and-materials basis per attached Revised Fee
Schedule dated October 14, 2010, and billed in accordance with
Condor's current Schedule of Fees (attached).

* The "Agreement for Professional Services" dated July 30, 2010 are part of this AGREEMENT.

* Fee schedule, if attached, is considered part of this AGREEMENT.

The parties have read the foregoing, understand completely the terms, and willingly enter into this AGREEMENT effective on the date signed below by CLIENT.

CLIENT

By

Position

Date

CONDOR EARTH TECHNOLOGIES, INC.


By ANTHONY P. MAZZEI, P.E., G.E.

Engineering Services Manager
Position

Date

CONDOR EARTH TECHNOLOGIES, INC.

BEALE AFB ACCESS (SMARTVILLE ROAD) PROJECT – PROFESSIONAL GEOTECHNICAL AND MATERIALS TESTING SERVICES FOR COLD FOAM IN PLACE RECYCLING

Fee Schedule - Construction Testing Services (Revised)

Condor Project No. 5970

Date: October 14, 2010

Prepared By: Osama El-Fiky, P.E., G.E.

Client: Yuba County, California

Description	Other	Days	Hours	Rate	Amount
Task 1 - REVIEW OF PROJECT DOCUMENTS					
Project Manager			16	\$145	\$2,320.00
Principal Engineer			2	\$160	\$320.00
Technical Editor and Administrative Support			4	\$65	\$260.00
Subtotal					\$2,900.00
Task 2 - CONSTRUCTION QUALITY ASSURANCE AND QUALITY CONTROL SERVICES (Revised)					
Subtask 2.1 - Test Strip Quality Assurance/ Quality Control					
Project Manager (Pre-construction meeting)			2	\$145	\$290.00
Project Manager (Technical Support)			12	\$145	\$1,740.00
Field Technician (1 Day of Production) (Prevailing Wage)			8	\$91	\$728.00
Over Time (OT) for Field Technician (As Needed) (Prevailing Wage)			0	\$118	\$0.00
Vehicle		1		\$80	\$80.00
Travel to Project Site by 1 st Field Technician (Round Trip)			3	\$91	\$273.00
Per Diem for 1 st Field Technician (1 Day of Production)		1		\$100	\$100.00
Moisture Content (Cal 226)	1			\$30	\$30.00
Gradation (Cal 202)	1			\$100	\$100.00
Compaction Curve (Cal 216)	1			\$210	\$210.00
Indirect Tensile Strength (ASTM D6926 and D6931)	1			\$500	\$500.00
Technical Editor and Administrative Support			4	\$65	\$260.00
Subtotal					\$4,311.00
Subtask 2.2 - Construction Quality Assurance / Quality Control					
Project Manager (Field Support)			12	\$145	\$1,740.00
Project Manager (Technical Support)			12	\$145	\$1,740.00
Project Manager (Review Lab and Field Reports)			12	\$145	\$1,740.00
Two (2) Field Technicians (7 Days of Production) (Prevailing Wage)			112	\$91	\$10,192.00
Over Time (OT) for Field Technicians (As Needed)			0	\$118	\$0.00
Travel to Project Site by 2 nd Field Technician (Round Trip)			3	\$91	\$273.00
Vehicle for Two (2) Field Technicians		14		\$80	\$1,120.00
Per Diem for Two (2) Field Technicians (7 Days of Production)		14		\$100	\$1,400.00
Travel by Lab Technician and Mob & Demob of Laboratory Equipment			8	\$91	\$728.00
Per Diem for Lab Technician		14		\$100	\$1,400.00
Moisture Content (Cal 226) (1 Test/2,000 sqyd)	45			\$30	\$1,350.00
Gradation (Cal 202) (1 Curve/2,000 sqyd)	45			\$100	\$4,500.00
Compaction Curve (Cal 216) (2 Curves/Day)	14			\$210	\$2,940.00
Indirect Tensile Strength (ASTM D6926 and D6931) (2 ITS/Day)	14			\$500	\$7,000.00
Coring in the CFA by Subcontractor (45 Cores) (Including 15% Markup)	1			\$1,900	\$1,900.00
Field Technician for Collecting and Measuring Cores			12	\$91	\$1,092.00
Technical Editor and Administrative Support			14	\$65	\$910.00
Subtotal					\$40,025.00
Subtask 2.3 - Laboratory Equipment Transportation to Yuba County (DBE Firm) (Revised)					
Naman Trucking - Tracy (Round Trip) (Including 15% Markup)					\$2,070.00
Subtotal					\$2,070.00



CONDOR EARTH TECHNOLOGIES, INC.

BEALE AFB ACCESS (SMARTVILLE ROAD) PROJECT – PROFESSIONAL GEOTECHNICAL AND MATERIALS TESTING SERVICES FOR COLD FOAM IN PLACE RECYCLING

Fee Schedule - Construction Testing Services (*Revised*)

Condor Project No. 5970

Date: October 14, 2010

Prepared By: Osama El-Fiky, P.E., G.E.

Client: Yuba County, California

Description	Other	Days	Hours	Rate	Amount
Task 3 - CONSTRUCTION QUALITY ASSURANCE / QUALITY CONTROL REPORT (<i>Revised</i>)					
Project Manager			24	\$145	\$3,480.00
Principal Engineer			6	\$160	\$960.00
Technical Editor and Administrative Support			12	\$65	\$780.00
Subtotal					\$5,220.00
ESTIMATED GRAND TOTAL					\$54,526.00

Notes:

- 1) The total cost is not considered to be a lump sum. The Owner/Client will be billed only for services rendered on a time-and-materials basis, and will not exceed the total estimated cost without prior authorization from an authorized representative of Yuba County.
- 2) Cost estimate does not include charges associated with field and laboratory testing of the asphalt overlay.
- 3) The Indirect Tensile Strength (ITS) test is based on performing 3 dry strength tests and 3 wet strength tests per each test, then report the average of 3 tests for each strength type. The dry ITS results will be available after 72 hours from the sampling time and soaked ITS will be available 24 hours after the dry ITS. ITS samples will be prepared using Marshall Hammer as described in ASTM D6926 and tested as described in ASTM D6931.
- 4) Estimate assumes that traffic control will be provided by the contractor during CFA coring.
- 5) Rates assume prevailing wages to be paid for all field services.
- 6) Cost estimate is based on one (1) day for the test strip and seven (7) days of production.
- 7) Cost estimate assumes an 8-hour work-day on site (Monday through Friday). Additional time on-site up to 12 hours (O.T.) will be billed at 1.3 times the stated rate. Additional time on-site over 12 hours (D.T.) will be billed at 1.7 time the stated rate. Saturdays will be billed as O.T.
- 8) Cost estimate assumes that production stage will start the following day after the test strip is completed assuming Yuba County's approval is provided.
- 9) The DBE firm Naman Trucking satisfy 71% (3.80%) of the contract UDBE goal percentage (5.35%).
- 10) The CFIPR Technical Specifications provided by Yuba County did not include the QA/QC sampling and testing frequency. Therefore, Condor used the Caltrans Standard Specifications for Cold Foam Asphalt as a guide for the sampling and testing frequency, ITS testing procedures, and CFA coring as agreed upon with the County.



**CONDOR EARTH TECHNOLOGIES, INC.
SCHEDULE OF FEES**

EFFECTIVE JUNE 25, 2008

<u>STAFF MEMBER</u>	<u>RATE PER HOUR (\$)</u>
PRINCIPALS/PROJECT MANAGEMENT	
Senior Principal	175.00
Principal Engineer/Geologist	160.00
Project Director	150.00
Project/Senior Manager	140.00
TECHNICAL	
Specialty Consultants.....	125.00 – 250.00
Senior Tunneling Consultant	160.00
Registered Geotechnical Engineer	150.00
Certified Hydrogeologist/Engineering Geologist.....	150.00
Senior Geologist/Engineer/Planner.....	145.00
Process Safety Management Specialist.....	135.00
Systems Integration Specialist	135.00
Tunnel Engineer	135.00
Associate Geologist/Engineer/Planner.....	115.00
Senior Environmental Specialist.....	115.00
Staff Geologist/Engineer/Planner	100.00
Environmental Specialist	95.00
Engineering Assistant	90.00
Senior Technician	80.00
Technician	70.00
GIS	
Software Specialist/Instructor.....	140.00
GIS Administrator	130.00
GIS Programmer/Analyst.....	110.00
GIS Technician	70.00
SURVEYING/MAPPING	
Two-person Survey Crew w/equipment*	185.00
Licensed Surveyor*	145.00
Survey Party Chief/Mapping Specialist*	105.00
Survey Technician*	70.00
* add \$40/hr for GPS survey equipment	
MATERIALS TESTING	
MTSI Project Manager	95.00
DSA Certified Inspector	90.00
Certified Welding Inspector.....	85.00
Welding Inspector.....	80.00
Senior Special Inspector	80.00
Special Inspector.....	75.00
Senior Materials Technician	70.00
Materials Technician	55.00
SUPPORT STAFF	
Administrative Specialist.....	85.00
Senior Draftsperson	80.00
Draftsperson.....	70.00
Technical Editor	65.00
Administrative Assistant.....	55.00
MISCELLANEOUS	
Overtime (all Saturday work is overtime) or Prevailing Wage Projects	(1.3 times base rate)
Double-time (all Sundays and Holidays).....	(1.7 times base rate)
Litigation Support.....	250.00 – 350.00
DIRECTLY REIMBURSABLE CHARGES	
Vehicle use and/or mileage	
Usage	\$80.00 – \$175.00 per day
Mileage	58.5 cents per mile
Plotter time.....	quoted upon request
Survey / Mapping equipment ...	quoted upon request

OUT-OF-POCKET EXPENSES

Billed at cost plus 15% and includes such items as travel expenses, equipment rental, laboratory fees, subcontractors, postage and freight, printing or reproduction fees, supplies, etc.

