

FIRST ADDENDUM TO AGREEMENT

BY AND BETWEEN THE
MARIN COUNTY FLOOD CONTROL AND WATER CONSERVATION
DISTRICT AND CSW/STUBER-STROEH ENGINEERING GROUP, INC.
DATED DECEMBER 1, 2009

THIS ADDENDUM is made and entered into this ____ day of _____ 2010, by and between the MARIN COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a political subdivision of the State of California (hereinafter referred to as "District") and CSW/STUBER-STROEH ENGINEERING GROUP, INC. (hereinafter referred to as "Contractor")

RECITALS

WHEREAS, the District and the Contractor entered into an agreement for design of a flood protection structure on private property along West Creek in the Town of Tiburon within the boundaries of Marin County Flood Control District administered Flood Control Zone 4 ("Agreement"); and

WHEREAS, Section 4 and Exhibits "A" and "B" to the agreement obligated Contractor to provide services set forth in Exhibit "A" to a maximum sum of \$80,620; and

WHEREAS, the parties desire to amend the agreement to increase the services to be provided to include surveying and increase the compensation by \$18,600.

NOW, THEREFORE, the parties agree to modify Section 4 and Exhibits "A" and "B" as set forth below.

AGREEMENT

1. Except as otherwise provided herein all terms and conditions of the agreement shall remain in full force and effect.
2. ☒ Updated Certificate of Insurance(s) attached hereto.
3. Section 4, "Maximum Cost to District" is hereby amended to read as follows:

In no event will the cost to District for the services to be provided herein exceed the maximum sum of \$99,220 including direct non-salary expenses.

4. Exhibit "A" is hereby amended to add to the existing Scope of Services of Phase One, the following Task 9. Surveying:

9. Surveying

a. Field Survey

Contractor shall perform a field survey to supplement the existing District survey data. The Contractor shall locate the two monuments identified in the District field survey on Cecilia Way. Contractor will locate a third monument, as shown in Book 7 of Record Maps Page 82. These points will be used by the Contractor to incorporate the existing District survey data and boundary information. In addition, the Contractor will perform a topographic survey which will include collection of:

- i) Top of curb points adjacent to the Blackfield Drive residences where the flood wall is proposed.
- ii) Backyard fence line between the Sanitary Sewer Easement and Rancho Drive residences where the access road improvements are proposed.
- iii) Creek top of bank, and creek side building corners and fence line on 107 Blackfield Drive.
- iv) Creek top of bank, and creek side building corners and fence line on 45 Pamela Court.

b. Topographic Base Map

Utilizing the existing District topographic and control points, Contractor will incorporate the new field survey points. A base map will be updated on a 1 inch=20 foot scale with 1-foot contours. The base map will continue to reference the existing vertical datum NGVD 29. Contractor will incorporate property line and easement locations from Book 7 of Record Maps Page 82 into the base drawing.

c. Legal Descriptions and Plats

Contractor will prepare 14 legal descriptions and plats for District use in obtaining temporary access easements around the proposed flood wall construction area along Blackfield Drive and Pamela Court."

5. Exhibit B, is hereby amended to add to the existing "Fees and Payment Schedule" of Phase One the following Task 9:

9. Surveying **\$18,600**

The last statement of Exhibit "B": "**Total cost not to exceed: \$80,620**" shall be replaced with "**Total cost not to exceed: \$99,220**"

IN WITNESS WHEREOF, the parties hereto have executed this Addendum on the day first written above.

CONTRACTOR:

MARIN COUNTY FLOOD CONTROL AND
WATER CONSERVATION DISTRICT:

By  5-21-10

COUNTY COUNSEL REVIEW AND APPROVAL (Only required if any of the noted reason(s) applies)

REASON(S) REVIEW:

- ☐ Standard Short Form Content Has Been Modified
☐ Optional Review by County Counsel at Department's Request

County Counsel

Client#: 54

ACORDTM CERTIFICATE OF LIABILITY INSURANCE		DATE (MM/DD/YY) 03/29/10
PRODUCER Dealey, Renton & Associates P. O. Box 12675 Oakland, CA 94604-2675 510 465-3090	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.	
INSURERS AFFORDING COVERAGE		
INSURED CSW/Stuber-Stroeh Engineering Group Inc. 45 Leveroni Court Novato, CA 94949	INSURER A: Hartford Casualty Insurance Co. INSURER B: American Automobile Ins. Co. INSURER C: U.S. Specialty Insurance Company INSURER D: Property & Casualty Ins Co of Hartford INSURER E:	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY	57SBALT9745	08/06/09	08/06/10	EACH OCCURRENCE \$2,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				FIRE DAMAGE (Any one fire) \$1,000,000
	<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				MED EXP (Any one person) \$10,000
	<input checked="" type="checkbox"/> Contractual Liability				PERSONAL & ADV INJURY \$2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:				GENERAL AGGREGATE \$4,000,000
	<input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC				PRODUCTS - COMP/OP AGG \$4,000,000
D	AUTOMOBILE LIABILITY	57UECIZ0972	08/06/09	08/06/10	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000
	<input checked="" type="checkbox"/> ANY AUTO				BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS				BODILY INJURY (Per accident) \$
	<input type="checkbox"/> SCHEDULED AUTOS				PROPERTY DAMAGE (Per accident) \$
	<input checked="" type="checkbox"/> HIRED AUTOS				
	<input checked="" type="checkbox"/> NON-OWNED AUTOS				
	GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT \$
	<input type="checkbox"/> ANY AUTO				OTHER THAN EA ACC \$
					AUTO ONLY: AGG \$
A	EXCESS LIABILITY	57SBALT9745	08/06/09	08/06/10	EACH OCCURRENCE \$4,000,000
	<input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE				AGGREGATE \$4,000,000
	<input type="checkbox"/> DEDUCTIBLE				\$
	<input type="checkbox"/> RETENTION \$				\$
					\$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	WZP80976028	09/01/09	09/01/10	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER
					E.L. EACH ACCIDENT \$1,000,000
					E.L. DISEASE - EA EMPLOYEE \$1,000,000
					E.L. DISEASE - POLICY LIMIT \$1,000,000
C	OTHER Professional Liability	USS1020238	03/31/10	03/31/11	\$1,000,000 per Claim
					\$2,000,000 Annl Aggr.

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

General Liability Policy excludes claims arising out of the performance of professional services.

Ref: All Operations.

(See Attached Descriptions)

CERTIFICATE HOLDER	ADDITIONAL INSURED; INSURER LETTER:	CANCELLATION
County of Marin 3501 Civic Center Drive, Suite 415 San Rafael, CA 94903		SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT.
		AUTHORIZED REPRESENTATIVE <i>Shardell, CRCU</i>

DESCRIPTIONS (Continued from Page 1)

BUSINESS LIABILITY ADDITIONAL INSURED: County of Marin and any other person named in the written contract between the Named Insured and the Certificate Holder. The coverage afforded is pursuant to Section C., Who Is An Insured, Sub-Section 6., Additional Insureds When Required By Written Contract, Written Agreement Or Permit, Subsection f. Any Other Party of the Business Liability Coverage Form, Form No. SS 00 08.

Insurance is primary per policy form.

Professional Liability Deductible: \$50,000 per claim.