

MODIFICATION #1 TO  
PROFESSIONAL SERVICES AGREEMENT #6063  
TILLAMOOK COUNTY AND ENVIRONMENTAL SCIENCE ASSOCIATES (ESA)  
KILCHIS HOUSE DRAINAGE AND FLOOD REDUCTION DESIGN

This agreement modification, hereafter "modification # 1", is entered into by and between ENVIRONMENTAL SCIENCE ASSOCIATES (ESA), hereafter "contractor" and TILLAMOOK COUNTY, hereafter "county", pursuant to ORS 203.010. The parties entered into a Professional Services Agreement on December 2, 2020. The parties intend this modification to modify their earlier agreement only as to their expressions herein. The mutual promises of each are given in exchange and as consideration for, the promises of the other.

(~~Strike through text~~ indicates removals and *italicized text* indicates additions).

**2. AGREEMENT PRICE AND AMOUNT**

The price for the services provided by contractor shall be ~~Eighty Six Thousand Seven Hundred Forty One and 00/100 Dollars (\$86,741.00)~~ *Ninety Five Thousand Seven Hundred Forty One and 00/100 Dollars (95,741.00)*.

**3. AGREEMENT TERM**

The term of period of this agreement shall begin November 18, 2020, and end ~~December 31, 2024~~ *June 30, 2022*.

**4. AGREEMENT DOCUMENTS**

The following documents comprise the agreement and are incorporated herein by reference in their entirety.

- 4.1. This Agreement;
- 4.2. Project Proposal; and
- 4.3. Statutory Public Contract Provisions; and
- 4.4. *Project and Amendment Proposal dated February 15, 2022.*

All provisions of the underlying agreement not otherwise modified by this document remain in full force and effect and are incorporated herein by reference.

**ACKNOWLEDGEMENT:**

**EACH PARTY REPRESENTS TO THE OTHER BY THEIR SIGNATURES BELOW THAT EACH HAS READ, UNDERSTANDS AND AGREES TO ALL COVENANTS, TERMS AND CONDITIONS OF THIS AGREEMENT. EACH PARTY REPRESENTS TO THE OTHER TO HAVE THE ACTUAL AND/OR APPARENT AUTHORITY TO BIND THEIR RESPECTIVE LEGAL PERSONS, CORPORATE OR OTHERWISE, IN CONTRACT.**


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Approved as to form and content this 17<sup>th</sup> day of March, 2022.

  
 Contract Officer

Dated this \_\_\_\_ day of \_\_\_\_\_, 2022.

CONTRACTOR: ENVIRONMENTAL SCIENCE ASSOCIATES (ESA)



Kevin Coulton, P.E., Principal Associate  
 819 SE Morrison Street, Suite 310  
 Portland, Oregon 97214  
 503-274-2010  
 hwhite@esassoc.com

Dated this 24th day of March, 2022.

THE BOARD OF COMMISSIONERS  
 FOR TILLAMOOK COUNTY, OREGON

|  | Aye | Nay | Abstain/Absent |
|--|-----|-----|----------------|
| _____<br>David Yamamoto, Chair         | ___ | ___ | ___/___        |
| _____<br>Erin D. Skaar, Vice-Chair     | ___ | ___ | ___/___        |
| _____<br>Mary Faith Bell, Commissioner | ___ | ___ | ___/___        |

ATTEST: Tassi O'Neil,  
 County Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
 Special Deputy

\_\_\_\_\_  
 Joel W. Stevens  
 County Counsel



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Suite 310  
Portland, OR 97214  
503.274.2010 phone  
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esassoc.com

February 15, 2022

Chris Laity, PE  
Director  
Tillamook County Public Works  
503 Marolf Loop Road  
Tillamook, OR 97141

**Subject:** Kilchis House Drainage and Flood Reduction Project - Amendment #1

### **Project and Amendment Description**

Tillamook County Public Works (County) previously entered an agreement with ESA to assist with the design of drainage and flood reduction elements for Kilchis House, an assisting living and hospice facility that suffered flooding from local surface runoff in 2015.

The following information modifies the original contract scope of work and fee by adding \$9,000 of additional budget to account for additional complexity in the design primarily resulting from one key design assumption that was determined to be invalid. Specifically, the original scope of work assumed that the proposed drain at the low point near the Kilchis House could be routed to the north and connect to the City of Tillamook's existing storm sewer system. However, this existing pipe and manhole elevations are too high to allow the new drain line to connect into it, and therefore, the Kilchis House drain line needs to be connected to the rest of the proposed storm sewer system that would flow through the fairgrounds parking lot. This change adds complexity to the design by combining multiple sub basins, requiring the development of a HydroCAD model to confidently estimate peak flow rates, pipe capacities, and discharge to outfall locations, among other parameters. Additionally, the original scope of work assumed that ESA would receive a comprehensive topographic survey from the Tillamook County surveyor, but the County only provided limited point survey data. This approach required ESA to utilize multiple drawing sources, some in different coordinate systems, to prepare a combined base map of existing conditions.

This amendment also reduces the original scope of work by eliminating the preparation of specifications by ESA from the current scope. Preparation of specifications will be deferred to the Construction Engineering Phase, which will be funded along with construction and completed at a later date.

Lastly, this amendment extends the contract term which expired on December 31, 2021, to March 31, 2022.

### **Schedule**

ESA will submit Final Plans no later than March 10<sup>th</sup>, 2022, in order to accommodate TCPWD staff departure and grant close out.

### **Budget**

The original contract not-to-exceed limit was \$86,741. This Amendment #1 increases the not-to-exceed contract limit to \$95,741.

Sincerely,

*Hunter White*

Hunter White, PE  
Principal Civil and Water Resources Engineer