

**AMENDMENT NO. 3 TO THE  
AGREEMENT FOR SERVICES OF INDEPENDENT CONTRACTOR WITH BENGAL ENGINEERING  
(BC NO. 17-117)**

Pursuant to Paragraph 25 of the Agreement for Services of Independent Contractor (hereinafter AGREEMENT) entered into on August 23, 2016, as BC No.17-117, between the Santa Barbara County Flood Control and Water Conservation District (hereafter COUNTY), and **Bengal Engineering**, having its principal place of business at 360 S. Hope Avenue, STE C-110, Santa Barbara, California 93105 (hereafter CONTRACTOR), the COUNTY and CONTRACTOR amend the AGREEMENT as follows:

**1. Paragraph 4 of the Agreement is hereby amendment to read:**

**TERM.** CONTRACTOR shall commence performance on **August 23, 2016** and end performance upon completion, but no later than **December 31, 2024** unless otherwise directed by COUNTY or unless earlier terminated.

**2. Exhibit A, Statement of Work is hereby amended to include:**

Work as described in the attached Statement of Work from CONTRACTOR, attached as **EXHIBIT A2**, incorporated by this reference.

**3. Exhibit B, paragraphs A, B C, and D are hereby amended to read:**

- A. For CONTRACTOR services to be rendered under this Agreement, CONTRACTOR shall be paid a total contract amount, including cost reimbursements, not to exceed **\$493,791**.
- B. Extra Work required to complete the project may be authorized only if CONTRACTOR receives written approval by the County's designated representative as identified in Paragraph 1 of the Agreement at the same rate per unit as defined in **Attachments B1 and B2**. The total amount of contingency fund is 10% of the agreement amount or **\$49,379.10**.
- C. Payment for services and /or reimbursement of costs shall be made upon CONTRACTOR's satisfactory performance, based upon the scope and methodology contained in **EXHIBIT A, EXHIBIT A1, and EXHIBIT A2** as determined by COUNTY. Payment for services and/or reimbursement of costs shall be based upon the costs, expenses, overhead charges and hourly rates for personnel, as defined in **Attachment B1** (January, 2016 Fee Schedule) and **Attachment B2** (2022-23 Fee Schedule). Invoices submitted for payment that are based upon **Attachments B1 and B2** must contain sufficient detail to enable an audit of the charges and provide supporting documentation if so specified in **EXHIBIT A, EXHIBIT A1, and EXHIBIT A2**.
- D. **Monthly**, CONTRACTOR shall submit to the COUNTY DESIGNATED REPRESENTATIVE an invoice or certified claim on the County Treasury for the service performed over the period specified. These invoices or certified claims must cite the assigned Board Contract Number. COUNTY DESIGNATED REPRESENTATIVE shall evaluate the quality of the service performed and if found to be satisfactory and within the cost basis of **Attachments B1 and B2** shall initiate payment processing. COUNTY shall pay invoices or claims for satisfactory work within 30 days of receipt of correct and complete invoices or claims from CONTRACTOR.


In all other respects, the AGREEMENT, as previously amended, remains unchanged and in full effect.

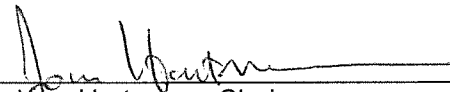
**IN WITNESS WHEREOF**, the parties have executed this Amendment No. 3 to be effective on the date executed by COUNTY.

**ATTEST:**

Mona Miyasato  
County Executive Officer  
Ex Officio Clerk of Board of Directors of  
the Santa Barbara County Flood  
Control and Water Conservation District

**SANTA BARBARA COUNTY FLOOD  
CONTROL & WATER CONSERVATION  
DISTRICT:**

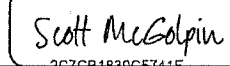
By:   
Deputy Clerk

By:   
Joan Hartmann, Chair  
Board of Directors


Date: 12-6-22

**RECOMMENDED FOR APPROVAL:**

Santa Barbara County Flood Control &  
Water Conservation District

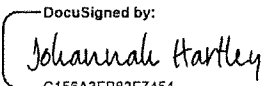
By:   
Scott D. McGolpin  
Public Works Director

**CONTRACTOR:  
Bengal Engineering**

By:   
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Authorized Representative  
Scott Onishuk  
Name: \_\_\_\_\_  
Title: Director

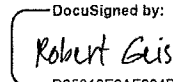
**APPROVED AS TO FORM:**

Rachel Van Mullem  
County Counsel

By:   
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Deputy County Counsel

**APPROVED AS TO ACCOUNTING FORM:**

Betsy M. Schaffer, CPA  
Auditor-Controller

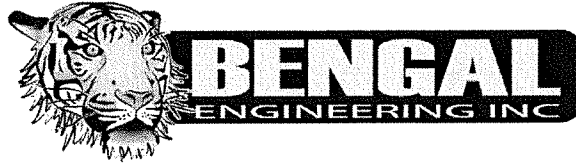
By:   
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Deputy

**APPROVED AS TO FORM:**

Greg Milligan, ARM  
Risk Manager

By:   
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Risk Management

**EXHIBIT A2**



October 17, 2022

Attn: Matt Griffin, P.E.  
Santa Barbara County Flood Control and Water Conservation District  
13 East Victoria Street  
Santa Barbara, CA 93101

**SUBJECT: Lower Mission Creek Flood Control Project Reach 3 and 4  
Budget Augmentation Request**

The County of Santa Barbara and Bengal Engineering entered a design contract for the Lower Mission Creek Project in August of 2016. The design for Reaches 3 and 4 progressed to the 95% submittal in October of 2017. As we know, catastrophic events associated with the Thomas Fire happened shortly after this submittal, shifting the County's attention to emergency operation and suspending most capital efforts.

Subsequently, efforts for Reaches 3 and 4 restarted, but progress was halted again for nearly a year due to COVID 19. In 2022 Reach 3 was successfully completed and now Reach 4 is moving forward. Recently, hurdles in right-of-way acquisition, have slowed progress again, and delayed the schedule more but the project is moving forward.

Because of these difficulties, which have been outside of Bengal or the County's control, the start-and-stop process and delay has consumed unanticipated time and budget. In order to wrap-up the design, for construction in 2024, Bengal seeks a time and budget augmentation to complete the anticipated project needs.

Bengal Engineering strives to provide excellent service to County. Our proposed scope is attached for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Md. Wahiduzzaman". The signature is written in a cursive style.

Md Wahiduzzaman  
CEO Bengal Engineering, Inc.

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Bengal Engineering  
360 South Hope Ave  
Santa Barbara, CA 93106

Phone: (805) 663-0788

website: [www.bengalengineering.com](http://www.bengalengineering.com)

Lower Mission Creek Flood Control Project Reach 3 and 4  
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**Scope of Extra Services:**

**Task 1 – Project Administration:**

Bengal Engineering will actively manage the effort coordinating with the team in planning and preparation for expediting the Reach 4 plans. The project administrative task will include overall project management, internal and external project meetings along with QA/QC.

**Project Management**

Bengal Engineering (Bengal) will manage the project by tracking the schedule and budget. Work will include:

- Coordination with stakeholders private and public utilities and other public agencies.
- Preparation of monthly project summary reports including work completed, work anticipated, and action items needed to keep the project on track.
- Quality Assurance/Quality Control

**Project Meetings**

Project Manager and appropriate staff will meet with the County and others by phone and in person to manage and deliver this project. Team teleconference meetings will be held during the design to keep the County and the design team informed of the status of the project and to obtain timely decisions. This subtask includes both external meetings and internal meetings.

**Task 2 – Real Property Coordination and Support**

Bengal Engineering is keenly aware project success relies on stakeholder acceptance, including with working with private property owners to obtaining rights to build the project.

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### **Right of Way Engagement**

We understand the County has procured real property services with Hamner and Jewell (HJA) whom we've worked with on multiple projects. The Legal Descriptions and Exhibits (L&D's) have been reviewed by the County and are finalized. Budget for this sub task includes a few items, some needed, some "just in case".

Budget includes:

- Coordination with HJ under direction of the County.
- Staking coordination requests (for County to stake)
- Parcel exhibits
- Minor revisions to the L&D's (just in case)

### **Task 3 – Reach 4 Final PSE Update**

Sequencing of project construction and challenges associated with the right-of-way acquisitions for Reach 4 have proven to be more complex than anticipated in 2016. In addition, the unanticipated complications previously mentioned from the Thomas Fire and COVID19, changed the project development approach from the original plan to approaching Reach 3 and 4 in parallel, to designing and constructing them sequentially which has naturally affected the time and effort for the workflow.

While we believe Bengal presented a strong final PSE, we anticipate there will be changes moving forward, perhaps from right-of-way negotiations, perhaps from direction from the Division. The budget for Task 3 provides the means to continue with such revisions.

### **Task 4 – Bid Support**

The current plan is to advertise the project in 2024. During the advertisement, contractors may have questions to address, some of which could generate corresponding changes in the bid documents. The budget for bidding support provides assistance with preparation of addendums, response to Requests for Information (RFI's) as requested and potential modification of plan sheets or specs

### **Estimated Budget**

In order to accommodate additional services described above, we are requesting you to allocate an additional budget of \$59,246 for the project. We propose to work on a Time-and-Material basis.

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### **Assumptions and limitations**

1. We assume stakeholders will participate proactively throughout the course of the project and that the project will proceed uninterrupted.
2. No effort is included for evaluation of the interior of surrounding of any building, nor does our work include modifications to any building.
3. Right-of-Way acquisition and utility agreements will be performed by others. Effort in the Fee Estimate is a budget figure to support these activities.

## ATTACHMENT B2 2022 -23 Fee Schedule

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### Fee Schedule

BENGAL ENGINEERING TEAM: Task Summary, Resource Estimate													10/13/2022		
Project Name: Lower Mission Creek Flood Control Project - Reach 4															
TASK	SUB-TASK	ITEM DESCRIPTION	HPS	HRS	HRS	HRS	HRS	HRS	HRS	HRS	HRS	HRS	\$	\$	\$
			PRINCIPAL CIVIL QA/QC ENGINEER	PROJECT MANAGER	BRIDGE/STRUCTURE ENGINEER	CIVIL ENGINEER	STAFF ENGINEER	ENGINEERING GEOLOGIST	GEOTECHNICAL ENGINEER	TECHNICIAN	ADMIN / CLERICAL	TOTAL LABOR HOURS	BENGAL ENGINEERING FEE	ROBER REESE FEE	TOTAL FEE
1		<b>Project Administration</b>													
		Project Management	8	36		12					12	68			
		Project Meetings	16	16						16		48			
		<b>Sub total - Task 1</b>	<b>24</b>	<b>52</b>	<b>0</b>	<b>12</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>16</b>	<b>12</b>	<b>116</b>	<b>\$ 17,958</b>	<b>\$ -</b>	<b>\$ 17,958</b>
2		<b>Real Property Coordination and Support</b>													
		Right of Way Engagement	8	24		12	2			32		78			
		<b>Sub total - Task 2</b>	<b>8</b>	<b>24</b>	<b>0</b>	<b>12</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>32</b>	<b>0</b>	<b>78</b>	<b>\$ 10,792</b>	<b>\$ 8,000</b>	<b>\$ 18,792</b>
3		<b>Reach 4 Final PSE Update</b>													
		PSE Update	8	24		16	40			40		128			
		<b>Sub total - Task 3</b>	<b>8</b>	<b>24</b>	<b>0</b>	<b>16</b>	<b>40</b>	<b>0</b>	<b>0</b>	<b>40</b>	<b>0</b>	<b>128</b>	<b>\$ 16,548</b>	<b>\$ -</b>	<b>\$ 16,548</b>
4		<b>Bid Support</b>													
		Design support during bidding	4	8		8	12			12		44			
		<b>Sub total - Task 4</b>	<b>4</b>	<b>8</b>	<b>0</b>	<b>8</b>	<b>12</b>	<b>0</b>	<b>0</b>	<b>12</b>	<b>0</b>	<b>44</b>	<b>\$ 5,888</b>	<b>\$ -</b>	<b>\$ 5,888</b>
		<b>Total Hours</b>	<b>44</b>	<b>108</b>	<b>0</b>	<b>48</b>	<b>54</b>	<b>0</b>	<b>0</b>	<b>100</b>	<b>12</b>	<b>366</b>	<b>\$ 51,196</b>	<b>\$ 8,000</b>	<b>\$ 59,196</b>

Reimbursable Expense:	BENGAL	REESE	TOTAL
Reproduction	\$ 50	\$ -	\$ 50
<b>Sub total</b>	<b>\$ 50</b>	<b>\$ -</b>	<b>\$ 50</b>
<b>Grand Total:</b>			<b>\$ 59,246</b>

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## Wage Rate

### Bengal Engineering Billing Rates - 2022-2023

Projects that do not have state/federal funding will be charged at our standard in-house rates:

	older rates	new
Principal Engineer	\$165.00	\$ 196.00
Project Manager	\$165.00	\$ 175.00
Bridge Engineer	\$165.00	\$ 170.00
Geotechnical Engineer	\$165.00	\$ 170.00
Engineering Geologist	\$165.00	\$ 170.00
Civil Engineer	\$155.00	\$ 150.00
Staff Engineer	\$112.00	\$ 116.00
Drafting / Technician	\$85.00	\$ 93.50
Administrative	\$65.00	\$ 71.50
Subcontractors	Cost + 10% oversight	
Travel	Cost; No cost for projects within Santa Barbara County.	
Vehicle	Current IRS rate; No cost for projects within Santa Barbara County.	
Reproduction/Postage, Etc.	Cost	

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