

E X H I B I T 1

C O N T R A C T M O D I F I C A T I O N

CHANGE NO:	<u>2</u>
PROJECT NO:	<u>MTD1101</u>
ORIGINAL CONTRACT	\$ <u>47,440</u>
CONTRACT AUGMENT 1	\$ <u>5,530</u>
CONTRACT AUGMENT 2	\$ <u>11,294</u>
REVISED CONTRACT	\$ <u>64,264</u>

DATE: June 4, 2012
 PROJECT: Ygnacio Valley High School
Field Lighting Project
 TO: Mount Diablo Unified School District
 ADDRESS: Holbrook Elementary School
333 Ronald Way
Concord, CA 94519
 ATTENTION: Mitchell Stark/Pete Pedersen

This memorandum describes a scope and budget augment requested by LSA Associates, Inc. as part of the CEQA Initial Study/Mitigated Negative Declaration for the Ygnacio Valley High School Field Lighting Project.

Scale of Comments and Response Effort Required. The large volume of comment letters and individual comments will require far more professional effort than was assumed in our original contract with the Mount Diablo Unified School District.

After reviewing all of the letters submitted by the public on the Initial Study/Mitigated Negative Declaration (IS/MND), we have determined which questions and comments require a formal response as part of a Response to Comments document. The legitimately-defined comments are large in volume for a project of this scale, reaching 143 in number as presented in 23 separate letters and/or emails.

Contractual Responsibilities. On rare occasions, LSA needs to secure a scope and budget augment to prepare responses to comments. The following clause from our contract stated our intentions in this regard and, in combination with the detailed budget table provided with our scope of work, illustrates how LSA is living up to its legal obligations on the contract:

TASK D. RESPOND TO PUBLIC COMMENTS

Immediately following the end of the public review period, LSA will discuss with the District any comments received during the public review period, and the approach to undertake in responding to comments. This scope assumes that LSA would respond to a moderate number of comments from the public and agencies in the form of a memorandum.

Table 2 in the original contract shows a budget of \$2,580 for the response to comments effort. (This assumed 8 hours of effort on the part of David Clore and the same number for Caroline Park, as well as 2 hours of word processing.)

Strategies for Economizing on the Response Effort. There are several methods by which LSA will be able to reduce the time and effort required to respond to comments on the Draft EIR:

- Comments on the Project's Merits. Many of the comments submitted to the District pertain to the merits of the project and do not make claims about the adequacy of the IS/MND or the environmental review process. In reading through all of the submitted materials and developing our budget augment estimate, we have taken into account those comments that do not require a response under CEQA.

- Duplicative Comments. Just over half (12 out of 23) of the letters submitted on the IS/MND are form letters, offering the same comments multiple times. Our budget augment is based on the assumption that responses to these duplicative letters would simply refer back to the original set of responses.

Cost Calculations. Because we do not often experience a volume of IS/MND comments that is as large as that which was received for this project, and recognizing that estimating the effort required to undertake work at this scale is always a challenge, LSA undertook a forensic exercise using empirical data from the dozen largest response-to-comment (RTC) efforts that we have worked on over the past decade. We created a table from those compiled data and include it here (attached as Table 1).

What the table calculates is the average cost per comment of these dozen similar RTC efforts (after inflating the older year dollars to 2012 dollars using Consumer Price Index increases as a rough proxy for inflation). Based on these empirical data, the average cost per comment was \$321. If that average cost were to be applied to the number of substantive comments received on the Draft EIR, the total cost for responding to the comments would be \$45,931. Applying average cost per comment data from a more limited selection of projects (ones with comment types of less complexity) would yield a total cost of approximately \$25,168.

Our estimate of the cost to respond to this extraordinary volume of Draft EIR comments takes the lesser of the two estimates (\$25,168), subtracts the amount allocated to the RTC process in the original contract budget (\$2,580), and then cuts that number in half (to reflect the 12 form letters and recognition that responding to those comments should not require more than an hour). The result is a request for a net increase of \$11,294 to address the comments ($(\$25,168 - \$2,580 = \$22,588) / 2 = \$11,294$).

Deliverables. LSA will provide responses to comments in a stand alone document with its own table of contents.

Schedule. Table 2 sets forth a timeline for achieving a potential School Board meeting by July 9, 2012. As shown in the table, this timeline will be very fast-paced and will require performance by both LSA and District staff according to the benchmarks shown there.

Contract Amendment. All other terms and conditions of the contract dated June 28, 2011, remain unchanged. Please sign, date and return one copy of this letter. Your signature will serve as confirmation and acceptance of the stated amounts and terms. Please notify us if any part of this letter is inconsistent with your understanding of the revised amounts and terms.

Sincerely,

LSA ASSOCIATES, INC.

BY: 

TITLE: Managing Principal

DATE: June 4, 2012

Approved by:

MOUNT DIABLO UNIFIED SCHOOL DISTRICT

BY: _____

TITLE: _____

DATE: _____

Table 1. Comparison of Draft EIR Comment Volumes and Budgets for Recent Large Comment Projects (2000 - 2011)

Project	Lead Agency	Total # of Letters	Total # of Comments	Actual Year's Dollars		Current Dollars	
				Labor Cost for Preparing Responses	Average Cost per Comment	Labor Cost for Preparing Responses	Average Cost per Comment
Strong Neighborhoods Initiative (2000)	San Jose Redevelopment	5	47	\$22,000	\$468	\$29,000	\$620
Alameda Point GPA (2001)	City of Alameda	20	75	\$18,000	\$240	\$23,000	\$310
Uptown Mixed Use Development (2002)	City of Oakland	19	85	\$53,000	\$623	\$66,500	\$780
Thomas Berkeley Square (2002)	County of Alameda	6	42	\$11,500	\$273	\$14,500	\$350
Brandenburg Mixed Use (2002)	San Jose Redevelopment	13	163	\$45,000	\$276	\$56,500	\$350
Livermore General Plan and Specific Plan (2002)	City of Livermore	27	275	\$35,000	\$127	\$44,000	\$160
Catellus Mixed Use Project (2003)	City of Alameda	33	279	\$59,000	\$211	\$74,000	\$270
Martinez Downtown Specific Plan (2003)	City of Martinez	59	650	\$67,270	\$103	\$84,500	\$130
North Main St Projects (2004)	City of Milpitas	6	25	\$10,721	\$428	\$13,000	\$520
Bentley School (2009)	City of Oakland	147	453	\$51,212	\$113	\$54,000	\$120
Albany Village (2010)	City of Albany	37	355	\$89,860	\$253	\$93,000	\$260
Emerald Views (2011)	City of Oakland	54	755	\$154,775	\$205	\$154,775	\$210
Average		36	267	\$51,445	\$277	\$58,898	\$321

Preliminary Cost Estimate for YVHS -- Based on Average Per-Comment Data

Project		Total # of Letters	Total # of Comments
Ygnacio Valley High School (2012)	MDUSD	23	143

<i>Preliminary Labor Cost Estimate</i>	<i>Average Cost per Comment</i>
\$45,931	\$321

Preliminary Cost Estimate for YVHS -- Based on Select Per-Comment Data*

Project		Total # of Letters	Total # of Comments
Ygnacio Valley High School	MDUSD	23	143

<i>Preliminary Labor Cost Estimate</i>	<i>Average Cost per Comment</i>
\$25,168	\$176

*Select projects include Livermore General Plan and Specific Plan (City of Livermore, 2002); Martinez Downtown Spec. Plan (City of Martinez, 2003); Bentley School (City of Oakland, 2009); Albany Village (City of Albany, 2010); and Emerald Views (City of Oakland, 2012).

Table 2
YVHS Field Lighting Project
Responses to Comments
Final Timeline

Milestone	Responsible Party	Duration (weeks)	Completion Date	Cumulative Weeks
Review Letters, Scan, Enumerate and Set-up Files	LSA	1.00	June 1, 2012	1.00
Prepare Scope, Schedule & Budget Augment Request	LSA	--	June 4, 2012	--
Prepare Preliminary Response to Comments Document	LSA	2.00	June 18, 2012	3.00
Review of Preliminary Response to Comments Document	District	0.50	June 21, 2012	3.50
Prepare Screencheck Response to Comments Document	LSA	0.50	June 25, 2012	4.00
Review Screencheck Response to Comments Document	District	0.25	June 26, 2012	4.25
Prepare Final IS/MND and MMRP	LSA	0.25	June 28, 2012	4.50
Earliest date for IS/MND adoption by Board	District	1.50*	July 9, 2012	6.00

* Earliest date = 10 calendar days after publication of any responses to public comments.