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| 2. AMENDMENT/MODIFICATION NO. 0010 | 3. EFFECTIVE DATE 12 MAR 2004 | 4. REQUISITION/PURCHASE REQ. NO. N/A | 5. PROJECT NO. <i>(If applicable)</i> |
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| 6. ISSUED BY USACE SACRAMENTO DISTRICT ATTN: CONTRACTING DIVISION 1325 J STREET SACRAMENTO, CALIFORNIA 95814-2922 | 7. ADMINISTERED BY <i>(If other than Item 6)</i> SEE ITEM 6 |
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| 8. NAME AND ADDRESS OF CONTRACTOR <i>(No., street, county, State and ZIP Code)</i> | (✓) | 9A. AMENDMENT OF SOLICITATION NO. W91238-04-R-0009 |
| | X | 9B. DATED <i>(SEE ITEM 11)</i> 6 FEB 2004 |
| | | 10A. MODIFICATION OF CONTRACTS/ORDER NO. N/A |
| | | 10B. DATED <i>(SEE ITEM 13)</i> N/A |

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers is extended, is not extended.

Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods:

(a) By completing Items 8 and 15, and returning 1 copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA *(If required)*

13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS, IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

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| (✓) | A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: <i>(Specify authority)</i> THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A. |
| | B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES <i>(such as changes in paying office, appropriation date, etc.)</i> SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b). |
| | C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF: |
| X | D. OTHER <i>(Specify type of modification and authority)</i> |

E. IMPORTANT: Contractor is not, is required to sign this document and return _____ copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION *(Organized by UCF section headings, including solicitation/contract subject matter where feasible.)*
SAN LORENZO RIVER CONTRACT 3
SANTA CRUZ, CALIFORNIA

1 ENCL
 1) REVISED PAGES: 02101.

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

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| 15A. NAME AND TITLE OF SIGNER <i>(Type or print)</i> | 16A. NAME AND TITLE OF CONTRACTING OFFICER <i>(Type or print)</i> |
| 15B. CONTRACTOR/OFFEROR <i>(Signature of person authorized to sign)</i> | 15C. DATE SIGNED |
| | 16B. UNITED STATES OF AMERICA BY <i>(Signature of Contracting Officer)</i> |
| | 16C. DATE SIGNED |

SECTION 02101

CARE AND DIVERSION OF WATER

PART 1 GENERAL

1.1 SUMMARY

This work specified in this section includes furnishing all plant, labor, materials, and equipment for diversion and control of all surface water from any source. It includes construction, maintenance, and removal of all temporary diversion and protective works in the river channel. The responsibility of the Contractor for protection of the work is specified in Section 01500; GENERAL REQUIREMENTS. All work covered under this section shall be in accordance with Section 01354; ENVIRONMENTAL PROTECTION.

1.2 SUBMITTALS

Governmental approval is required for all submittals with a "GA" designation; submittals having an "FIO" designation are for information only. The following shall be submitted in accordance with Section 1330; SUBMITTAL PROCEDURES:

SD-01 Data

Diversion Plan; GA

Within fifteen (15) calendar days after receipt of notice of award, the Contractor shall submit to the Contracting Officer for approval, plans showing the methods he proposes to use to divert and control water originating from any source. These plans shall include all measures proposed for diversion and removal of water, including details of the diversion structure and pumping system. The plans for the diversion structure shall be signed and stamped by a **registered Civil Engineer** ~~in the State of California~~ and shall include calculations on the stability, settlement and seepage of the structure. The proposed screens on the pumps to protect fish shall be detailed in these plans. The plans shall relate to the various phases of work proposed. The plans shall comply with all environmental commitments made by the Government in CEQA and NEPA documents, as well as all Terms and Conditions detailed in the Biological Opinions prepared for this project by USFWS and NMFS under the Endangered Species Act. Any pipe drains, subdrains, or other facilities used in the diversion process which are not a part of the permanent work as indicated on the Drawings, shall be subsequently removed in a manner acceptable to the Contracting Officer. The Contractor shall assume full responsibility for the adequacy of his water diversion and control methods, and prior knowledge by the Contracting Officer of the Contractor's method of diversion will in no way release the Contractor from the fulfillment of his obligations or place the Government, in any manner, responsible for any losses due to failure or inadequacy of the water diversion and control method used.

Qualifications of Fisheries Biologist; GA

Within fifteen (15) calendar days after receipt of notice of award, the Contractor shall submit to the Contracting Officer for approval, the qualifications of the fisheries biologist he proposes to use to monitor the initial removal of water from the river channel behind the diversion structure. These qualifications shall meet the minimum qualifications described in the Fish Management Plan. The fisheries biologist must be approved by NOAA Fisheries. Contact NOAA Fisheries at (707) 575-6016 or (707) 578-8555 for approval procedures.

Fisheries Monitoring Report; FIO

Contractor shall provide a written monitoring report to NOAA Fisheries within 90 working days following completion of the fish relocation. The report shall include all of the information required in the Biological Opinion from NOAA Fisheries. The monitoring report shall also be provided to the Contracting Officer.

SD-14 Samples; FIO

Steelhead Mortalities; FIO

Contractor's fisheries biologist shall retain all steelhead mortalities, placed in an appropriately sized whirl-pak or zip-lock bag, labeled with the date and time of collection, fork length, location of capture, and frozen as soon as possible. Frozen samples shall be retained until specific instructions are provided by NOAA Fisheries.

Genetic Tissue Collection Data; FIO

Contractor's fisheries biologist shall collect genetic tissue collection data as described in the Biological Opinion and provide it to the Salmonid Genetic Repository, NOAA Fisheries Science Center, 110 Shaffer Road, Santa Cruz, California, 95060. Contact Dr. Carlos Garza at (831) 420-3903 with questions or for additional instructions.

1.3 PROTECTION FROM DAMAGE

The Contractor shall be responsible for protecting the work from damage by water originating from any source. Channel flows include water originating upstream of the work, water from tidal action in the river, wave action in the river, water from side storm drains and channels adjacent to the work site and will be in addition to any and all groundwater within the project area. The diversion structure shall be capable of blocking all water at an elevation of **+8.0 feet NGVD**, which includes two feet of freeboard above the expected maximum water surface elevation.

1.4 DIVERSION

Where the work area encroaches on the live waters in San Lorenzo River, the stream shall be diverted around the work area. Temporary diversion structures shall be used in the existing channel within the limits of work to protect the work from damage by water. The diversion structure shall allow continuous flow of the river and shall not block the river from flowing upstream or downstream. All diversion operations shall follow the approved Best Management