

AUG 04 2006

Mr. Tor Gudmundsen, P.E.

President

TG Engineers, P.C.

Sunny Plaza, Suite 303

125 TJ Crisostomo St.

Tamuning, Guam 96913-3551

Reference: *Notice to Proceed – Amendment No. 4 Environmental and Engineering Services for the Design of the New Municipal Solid Waste Landfill Facility; Project No. DPW-SW- 2004 (003)*

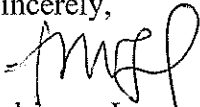
Mr. Gudmundsen:

Buenas yan Hafa Adai! This serves as your Notice to Proceed (NTP) for the above referenced project. The effective date of the NTP is upon receipt of this notice. All communication and coordination of work will be made with the DPW Consent Decree staff in accordance with the SOW.

Should the deadlines stated on the SOW pose a problem, you must inform DPW immediately. We look forward to the successful and timely completion of the project.

Si Yu'os Ma'ase.

Sincerely,



Adrienne Loerzel

Chairperson, Consent Decree Compliance Team

Office of the Governor

AMENDMENT NO. 4

AGREEMENT BETWEEN GOVERNMENT AND ENVIRONMENTAL AND ENGINEERING
CONSULTANT

THIS amendment made as of the _____ day of July, 2006, by and between the Government of Guam (hereinafter called the Government) and TG Engineers, PC (hereinafter called Consultant), will amend the Original Agreement dated May 3, 2005, for the environmental and engineering services for the preparation of environmental reports and supporting documents, construction plans, specifications and estimates (PS&E), the portions of Phase II for the Design of the New Municipal Solid Waste Landfill Facility, Project No. DPW-SW-2004 (003) (MSWLF).

WHEREAS the Government and the Consultant wish to proceed with certain other work and the submission of the documentation required for Phase II of the Project which, pursuant to the terms of the Original Agreement, is to be accomplished by one or more amendments to the Original Agreement.

NOW, therefore, the Government and Consultant, in consideration of the mutual covenants hereinafter set forth, agree to amend the original agreement as follows:

Section 1. **SCOPE OF WORK:** Section 1, Scope of Work, of the Original Agreement, as amended by Amendment No. 3, is hereby amended to include that work that is set forth in the Statement of Work attached hereto as Exhibit "A to Amendment No 4".

Section 3. **SCHEDULE OF SUBMITTALS:** Section 3, Schedule of Submittals, of the Original Agreement is amended to include the schedules stated in the attached Statement of Work.

Section 5. **COMPENSATION:** Section 5, Compensation, of the Original Agreement is hereby amended to provide:

The negotiated lump sum fee for that work required for Phase II as described in the attached Statement of Work, is sixty-four thousand, nine-hundred and sixty-eight dollars (\$ 64,968.00). The breakdown of the costs is shown in the TG Engineers, PC Fee Proposal Spreadsheet, Phase II Design, Amendment No. 4, Layon Landfill, Guam, dated July 12, 2006, pages 1-2. The Government will compensate the Consultant for the services rendered under this amendment.

Section 5 (F), Compensation, of the Original Agreement is hereby amended as to add the following:

Total for Amendment No. 4 Tasks \$ 64,968.00

All other sections of the original agreement and all contract amendments shall remain in effect.

IN WITNESS HEREOF, the parties hereto have executed this agreement on the day and year first above written.

06-0834

PARTIES AND SIGNATURES AS REQUIRED.

CONSULTANT

GOVERNMENT

[Handwritten Signature]

TOR GUDMUNDSEN, P.E.
President
TG Engineers, PC

Date: 7-17-06

[Handwritten Signature]

ADRIENNE LOERZEL
Governor's Chairperson
Consent Decree Compliance Team

Date: 19 July 06

CERTIFIED FUNDS AVAILABLE:

Account No.: 5100A06100GA005-230

Amount: \$64,968.00

[Handwritten Signature]

CYNTHIA U. JACKSON
Certifying Officer
Solid Waste Division, Consent Decree

Date: _____

CLEARED AS PER BBMR'S REVIEW:

CLEARED PER
BBMR'S REVIEW

[Handwritten Signature]

CARLOS P. BORDALLO
Director
Bureau of Budget and Management Research

Date: JUL 25 2006

APPROVED AS TO LEGALITY AND FORM:

APPROVED:

[Handwritten Signature]

DOUGLAS B. MOYLAN
Attorney General of Guam

JUL 25 2006

Date: 7/28/06



[Handwritten Signature]

ELIX P. CAMACHO
Governor of Guam

Date: 7/31/06

Amendment No. 4 for the
Environmental and Engineering Services for
the New Municipal Solid Waste Landfill Facility

DEPARTMENT OF ADMINISTRATION	
DIVISION OF ACCOUNTS	
Registration Date	<u>8-7-2006</u>
Registered No.	<u>7/13/2006</u>
Book No./Vendor#	<u>CD50603 184</u>
Registered By	<u>[Signature]</u>

STATEMENT OF WORK – AMENDMENT NO. 4

**ENVIRONMENTAL & ENGINEERING SERVICES FOR
DESIGN OF THE NEW MUNICIPAL SOLID WASTE LANDFILL FACILITY (MSWLF)
PROJECT NO. DPW-SW-2004 (003)**

PHASE II

TASK IV – FINAL PS & E

The Final PS&E shall be at least 100% complete incorporating the approved comments from the pre-final (100%) PS&E. The following consists of work to be performed under Task IV, Amendment No. 4.

1.0 FIELD WORK

1.1 Survey Services

- a. Survey for access road re-alignment, approx 100lf x 2,500lf.

2.0 OTHER CONSULTING

2.1 Field Investigations and Environmental Assessment Approval for the R-O-W and Access Road Re-alignment

- a. Revise the Severance Map and Re-submit for approval
- b. Install survey monuments in the field
- c. Environmental field investigation
- d. Archaeological field investigation and report
- e. Prepare and submit a Draft Environmental Assessment
- f. Public Comment and Approval Process
- g. Prepare and submit the Final Environmental Assessment

2.2 Access Road Design Revisions, approximately 2,500 lf of road

- a. Design Revisions for Geometry, Grading, Drainage, Utilities and Erosion Control
- b. Revise drawings and documents including the Engineering Cost Estimate and Design Narrative

3.0 PROJECT MANAGEMENT AND COORDINATION

- 3.1 Project Kick-off Meeting to be scheduled immediately following the NTP
- 3.2 Progress Meetings as required.

4.0 SCHEDULE & DELIVERABLES

4.1 Schedule & Deliveries

a. July 2006: Fieldwork

- Topographic Survey
- Field Investigations

b. August – September 2006: Road Re-design

- Complete the road re-design

c. September – December 2006:

- Environmental Assessment Approval Process

5.0 TRAVEL, EQUIPMENT AND DIRECT EXPENSES

5.1 Reproduction Costs – included with Amendment No. 3 reimbursable expenses.

6.0 SCHEDULE OF FEES

The following fees for each set of tasks shall be paid in monthly increments based on effort and submittal of deliverables for Phase II work in accordance with a payment schedule approved by both the Consultant and the Department of Public Works. DPW will retain 10% of the amount of each invoice. The 10% retainage for each invoice will be processed for payment with the following invoice, but only after approval and acceptance of work accomplished during the preceding invoice period.

TASK	TGE TEAM FEE	DIRECT EXPENSES	TOTAL
TOTAL	\$64,968	\$ - 0 -	\$64,968

7.0 RESPONSIBILITIES OF THE GOVERNMENT

The Government shall provide the Consultant with the following:

7.1 Right to Entry to private and Government lands will be provided by DPW for access into the property and areas affected by the proposed development.

- 7.2 Copies of maps, drawings, reports and documents in the Government's possession.
- 7.3 Timely review of submittals and decisions required to advance the progress of the work.

8.0 REFERENCES

- 8.1 US District Court, Territory of Guam, Civil Case No. 02-00022, Consent Decree, dated February 11, 2004.
- 8.2 Statement of Work, Phase I, Environmental & Engineering Services for Design of the New Municipal Solid Waste Landfill Facility (MSWLF), Project No. DPW-SW-2004 (003), revised April 28, 2005.
- 8.3 Rules and Regulations for the Guam Environmental Protection Agency (GEPA) Solid Waste Disposal, Title 22, Division 4, Chapter 23, Articles 1-7 and Addendum and Appendix sections.
- 8.4 Project Scope review meetings with DPW, GEPA and Office of the Attorney General Representatives.
- 8.5 Final Supplemental Environmental Impact Statement for the Siting of a Municipal Solid Waste Landfill Facility, Guam, prepared for the Guam Department of Public Works, dated July 15, 2005.