

FORM APPROVED COUNTY COUNSEL
 BY: *M. L. Victor* 6/18/09
 DATE: MARSHA L. VICTOR

**SUBMITTAL TO THE BOARD OF SUPERVISORS
 COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



SUBMITTAL DATE:
 June 22, 2009

FROM: TLMA - Transportation Department

SUBJECT: Amendment No. 4 to the On-Call Land Surveying Services Agreement with the firm of Cozad & Fox, Inc.

RECOMMENDED MOTION: That the Board;

- 1) Approve Amendment No. 4 to the Cozad & Fox, Inc., On-Call Surveying Services Agreement (Contract No. 04-05-008) from FY 04/05 between Cozad & Fox, Inc. and the County of Riverside; and
- 2) Authorize the Chairman of the Board to execute the same.

Juan C. Perez
 Director of Transportation

K.L.G.
 (Continued On Attached Page)

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 1,000,000	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2009-2010

SOURCE OF FUNDS: TIP Project Funds (100%)	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY: *Tina Grande*
 Tina Grande

County Executive Office Signature

Dept't Recomm.: Consent Policy

Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref. 06/24/08 Item# 3.55 | District: All | Agenda Number:

The Honorable Board of Supervisors

RE: Amendment No. 4 to the On-Call Land Surveying Services Agreement with the firm of Cozad & Fox, Inc.

June 22, 2009

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BACKGROUND: The Transportation Department needs additional land surveying support services to assist in the delivery of the necessary road improvement projects identified and funded in the Transportation Improvement Program (TIP).

On June 29, 2004, the Board of Supervisors executed an agreement between the County and Cozad & Fox, Inc. that authorized Cozad & Fox, Inc. to perform on-call surveying services for the Transportation Department. The agreement provided the Transportation Department with the authority to approve consulting services up to a maximum of \$75,000 per year over a three year period with the option of providing up to three, one (1) year extensions. On June 14, 2005 (1st Amendment), on January, 29, 2008 (2nd Amendment), and on June 24, 2008 (3rd Amendment) the Board executed amendments that provided one year extensions as well as increasing the maximums for the Transportation Department to authorize these services.

The Transportation Department is currently going through the RFP process for On-call Surveying Services and until new agreements have been approved this amendment (4th Amendment) will extend the expiration date to allow Cozad & Fox, Inc. to complete work assignments that have already been approved by the Transportation Department but are not yet complete. This extension will expire on June 30, 2010.

The additional required funding for these services will come from the respective related project funds. All associated funds have been incorporated in the FY 09/10 Budget and are fully reimbursable by the related projects. There is no Net County Cost associated with these services.

County Counsel has approved Amendment No. 4 as to legal form.

AMENDMENT No. 4 TO AGREEMENT BETWEEN
COUNTY OF RIVERSIDE AND COZAD & FOX, INC.

THIS AMENDMENT (hereinafter the "Amendment") to an agreement is made and entered into as of this _____ day of _____, 2009, by and between the County of Riverside, a political subdivision of the State of California (hereinafter the "COUNTY"), and Cozad & Fox, Inc. (hereinafter "SURVEYOR").

RECITALS

A. COUNTY and SURVEYOR have entered into an agreement for "On-Call Land Surveying Services" between County of Riverside • Transportation Department and Cozad & Fox, Inc. that is dated July 29, 2004 (hereinafter the "Agreement"). The Agreement provides the terms and conditions and budget for performance of professional and technical services necessary to assist the County with all phases of project delivery.

B. Under the terms of the agreement, the County Transportation Department is authorized to negotiate and approve various work assignments with the stipulation that the surveying services fees shall not exceed \$75,000 annually. On June 14, 2005 Amendment No. 1 (Contract No. 04-05-008-A1) was approved by Board of Supervisors increasing the amount from \$75,000 to \$500,000 annually. On January 29, 2008 Amendment No. 2 (Contract No. 04-05-008-A2) was approved by The Board of Supervisors increasing the amount from \$500,000 to \$1,000,000 annually. In order to handle the significant increase of TIP the parties desire to amend the agreement to extend the expiration date to allow SURVEYOR to complete work assignments that were approved during the contract period but were not completed by the SURVEYOR prior to the contract termination date. All work performed during the extended contract period will be subject to the original authorizations provided by the Transportation Department prior to or on June 30, 2009 and no additional budget authorization is requested.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained, the parties agree to amend as follows effective as of July 1, 2009:

- 1. On Page 19, Article IV. • Section A, Item 4, is amended to read "The Contract term will be for a period of three (3) years after the full execution of said agreement beginning Fiscal Year 2004/2005 with a COUNTY

1 option for three (3), one (1) year extensions, and shall not exceed an annual contract maximum obligation of
2 Seventy Five Thousand (\$75,000) for Fiscal Year 2004/2005; an annual maximum of Five Hundred Thousand
3 (\$500,000) for Fiscal Year 2005/2006 and 2006/2007; and an annual maximum of One Million (\$1,000,000)
4 for Fiscal Year 2007/2008 and 2008/2009 in accordance with provisions set forth in Exhibit B, which is
5 attached hereto and incorporated by this reference. As of July 1, 2009, COUNTY is extending the Agreement
6 for an additional year, through Fiscal Year 2009/2010."

7 2. Page 27, Exhibit B • Subsection B. MAXIMUM OBLIGATION, is amended to read "COUNTY'S maximum
8 obligation beginning Fiscal Year 2004/2005 shall be Seventy Five Thousand (\$75,000). For Fiscal Year
9 2005/2006 and 2006/2007, the maximum obligation is increased by \$425,000 for a maximum obligation of
10 Five Hundred Thousand (\$500,000); for Fiscal Year 2007/2008 the maximum obligation is increased by
11 \$500,000 for a maximum obligation of One Million (\$1,000,000); for Fiscal Year 2008/2009 and Fiscal Year
12 2009/2010 the maximum obligation shall be One Million (\$1,000,000), all of which are subject to the
13 availability of Federal, State, and local funds, with the rates in Attachment A-1 in effect, and will adhere to
14 Federal and State prevailing wage rates."

15 3. Except to the extent specifically modified or amended hereunder, all of the terms, covenants and conditions of
16 the Agreement shall remain in full force and effect between the parties hereto.

17 IN WITNESS HEREOF, the parties hereto have caused this Amendment to the Agreement to be duly executed
18 this day and year first written above.

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APPROVALS

COUNTY Approvals

RECOMMENDED FOR APPROVAL:

[Signature] Dated: 6/17/09

JUAN C. PEREZ

Director of Transportation

APPROVED AS TO FORM:

[Signature] Dated: 6/18/09
Marsha L. Victor

PAMELA J. WALLS

County Counsel

APPROVAL BY THE BOARD OF SUPERVISORS

_____ Dated: _____

PRINTED NAME

Chairman, Riverside County Board of Supervisors

ATTEST:

_____ Dated: _____

KECIA HARPER-IHEM

Clerk of the Board (SEAL)

SURVEYOR Approvals

SURVEYOR:

[Signature] Dated: 6/9/09

Brian Fox
PRINTED NAME

VICE PRESIDENT
TITLE

SURVEYOR:

_____ Dated: _____

PRINTED NAME

TITLE

ATTACHMENT A-1

SURVEYOR NAME: COZAD & FOX, INC.

HOURLY RATE

TYPE OF SERVICE

Map Checking Rate	\$120.00
Principal Civil Engineer/Structural Engineer	\$195.00
Principal Land Surveyor	\$160.00
Project Manager	\$160.00
Project Engineer	\$140.00
CAD Drafting	\$ 80.00
Administrative/Project Coordination	\$ 75.00
Typing, printing	\$ 45.00
Survey – Office Calculations	\$120.00
1-Man Survey Crew with Robotic Total Station or G.P.S. (4 hr. minimum)	\$160.00
2-Man Survey Crew with Robotic Total Station or G.P.S. (4 hr. minimum)	\$220.00
3-Man Survey Crew with Robotic Total Station or G.P.S. (4 hr. minimum)	\$295.00
Party Chief (L.S.I.T.)	\$120.00
Party Chief (L.S.)	\$160.00
Chainman	\$ 95.00

OTHER CHARGES

Expert Witness – Deposition and/or Court Appearance Rate	Two Times Hourly
Expert Witness – Research, Case Review and/or Preparation	Normal Hourly Rate
Mileage To and From Meeting or Project Site	\$.45/mile
Blueprints, Duplicating, Photography, Binding, etc.	Actual Cost plus 20%
Telephone Calls, Postage	Actual Cost plus 20%
Field Supplies (Stakes, Monuments, etc.)	Actual Cost plus 20%