

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

160 A



FROM: TLMA - Transportation Department

SUBMITTAL DATE:
September 4, 2009

SUBJECT: Amendment No. 4 to the Engineering Services Agreement with Kimley-Horn and Associates for On-Call Traffic Engineering Services.

RECOMMENDED MOTION: That the Board of Supervisors:

1. Ratify the attached Amendment No. 4 to the On-call Traffic Engineering Services Agreement with Kimley-Horn and Associates and the County of Riverside;
2. Authorize the Chairman of the Board to execute the same;

BACKGROUND: Consulting engineering services are used by the Transportation Department to provide specialized engineering expertise and supplemental engineering services, enabling the Transportation Department to deliver road improvement projects identified and funded in the



Juan C. Perez
Director of Transportation


LTT:cw
(Continued On Attached Page)

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2009/10

SOURCE OF FUNDS: Gas Tax, Measure A, TUMF Fees, RBBD Fees, Developer Fees, Permit Fees (the % of each fund source will depend on future work assignments authorized by the Transportation Dept.)	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

County Executive Office Signature

Policy
 Policy
 Consent
 Consent
 Dept't Recomm.:
 Per Exec. Ofc.:

Prev. Agn. Ref. 10/2/04 (3.19), 3/22/05 (3.23), 7/31/07(3.106), 7/29/08 (3.140) | **District:** All | **Agenda Number:**

3.46

Departmental Concurrence

BY: MARSHAL L. VICTOR DATE 8/27/09

The Honorable Board of Supervisors
RE: Amendment No. 4 to the Engineering Services Agreement with Kimley-Horn and Associates for On-Call Traffic Engineering Services
September 4, 2009
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Transportation Improvement Program.

On November 2, 2004, the Board of Supervisors executed an agreement between the County and Kimley-Horn and Associates that authorized Kimley-Horn and Associates to perform traffic engineering services for the Transportation Department. The agreement provided the Transportation Department with the authority to approve consulting services over a three year period with the option of providing up to two one-year extensions. On July 31, 2007 (2nd Amendment) and July 29, 2008 (3rd Amendment) the Board executed amendments that provided two one-year extensions for the Transportation Department to authorize these services.

This amendment will extend the contract expiration date for two additional years to June 30, 2011, to allow Kimley-Horn and Associates to complete work assignments that have already been approved by the Transportation Department but are not yet complete. All work performed during the extended contract period will be subject to the original authorizations provided by the Transportation Department and no additional budget authorization is requested.

All associated contract costs would be fully funded by Gas Tax, Measure "A" TUMF fees, RBBD fees, Developer fees and Permit fees. Thus, no Net County costs would be incurred as a result of this contract amendment.

County Counsel has approved this amendment as to form.

FOURTH AMENDMENT TO AGREEMENT

for

On-Call Traffic Engineering Services

between

County of Riverside - Transportation Department and Kimley-Horn and Associates

THIS AMENDMENT (hereinafter the "4th 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 Kimley-Horn and Associates (hereinafter "ENGINEER").

RECITALS

- A. COUNTY and ENGINEER have entered in an agreement entitled "On-Call Engineering Services between County of Riverside – Transportation Department and Kimley-Horn and Associates" that is dated November 2, 2004 (hereinafter the "Agreement") and the Amendments to the Agreement between the COUNTY and ENGINEER that is dated March 22, 2005, July 31, 2007, and July 29, 2008 (hereinafter the "Agreement"). The Agreement provides the terms and conditions, scope of work, schedule and budget for the performance of professional and technical services necessary to provide on-call engineering services.
- B. Appendix B • Article BI establishes the time period for allowing work assignments to be authorized under the original agreement. The terms and conditions specified that work assignments can be authorized until June 30, 2007 and that the authority to execute work assignments can be modified through one-year supplemental extensions. The agreement allows for two separate one-year extensions. The 2nd Amendment executed July 31, 2007, and the 3rd Amendment executed on July 29, 2008 each extended the ability to authorize work assignments for one year.
- 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 engineering services fees shall not exceed \$500,000 annually. The parties desire to amend the Agreement to extend the expiration date to allow ENGINEER to complete work assignments that were approved during the contract period but were not completed by the ENGINEER 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 as follows,
effective June 30, 2009:

1. Appendix B • Article BI is amended by extending the contract termination date to June 30, 2011.
2. Except to the extent specifically modified or amended hereunder, all of the terms, covenants and conditions of the Agreement shall remain in full force and effect between the parties hereto.

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

1 APPROVALS

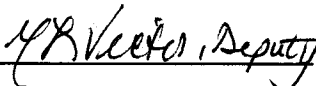
2 COUNTY Approvals

3 RECOMMENDED FOR APPROVAL:

4
5  Dated: 8/25/09

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7 JUAN C. PEREZ
8 Director of Transportation

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10 APPROVED AS TO FORM:

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12 Marsha L. Victor
13  Deputy Dated: 8/27/09

14 PAMELA J. WALLS
15 County Counsel

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17 APPROVAL BY THE BOARD OF SUPERVISORS

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19
20 _____ Dated: _____

21 PRINTED NAME
22 _____
23 Chairman, Riverside County Board of Supervisors

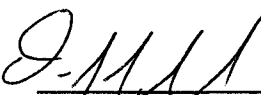
24 ATTEST:

25
26
27 _____ Dated: _____

28 KECIA HARPER-IHEM
29 Clerk of the Board (SEAL)

Kimely-Horn and Associates Approvals

ENGINEER:

 Dated: 8/10/2009

Dennis Landaul
PRINTED NAME

Vice President
TITLE

ENGINEER:

 Dated: 8/10/2009

Scott W. Colvin
PRINTED NAME

Assistant Secretary
TITLE