

FORM APPROVED COUNTY COUNSEL
 BY: 48 Victor 12/14/09
 MARSHAL VICTOR DATE

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

476A



FROM: TLMA - Transportation Department


SUBMITTAL DATE:
 December 3, 2009

SUBJECT: Amendment No. 1 to the Construction Cooperative Agreement between the County of Riverside and the State of California Department of Transportation (Caltrans) for I-10 at Palm Drive/Gene Autry Trail Interchange.

RECOMMENDED MOTION: That the Board approve and authorize the Chairman of the Board to execute Amendment No. 1 to the Construction Cooperative Agreement between County of Riverside and Caltrans for the Palm Drive/Gene Autry Trail Interchange project located on Interstate 10. (District Agreement No. 8-1418 A/1)

BACKGROUND: The Palm Drive/Gene Autry Trail Interchange is a gateway into the Cities of Palm Springs, Desert Hot Springs and Cathedral City and the unincorporated County. Significant growth in the area has increased traffic beyond the capacity of the interchange and it is now failing during the peak hours of operation. Improvements are proposed to the

Departmental Concurrence


 Juan C. Perez
 Director of Transportation

(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: CVAG TUMF(30.8%), Federal-Stimulus ARRA (31.9%), Federal-Demo (6.7%), TCRP (30.6%)				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

Dep't Recomm.: Consent Policy Policy

Per Exec. Ofc.: Consent

Prev. Agn. Ref. 5/12/09 (3.36) | District: 5 | Agenda Number:

ATTACHMENTS FILED
 WITH THE CLERK OF THE BOARD

3.62

The Honorable Board of Supervisors

RE: Amendment No. 1 to the Construction Cooperative Agreement between the County of Riverside and the State of California Department of Transportation (Caltrans) for I-10 at Palm Drive/Gene Autry Trail Interchange.

December 3, 2009

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interchange that will increase capacity and improve the operation to a satisfactory condition for current and future traffic volumes. The improvement to the State Highway System consists of widening the Interstate 10/ Palm Drive/ Gene Autry Trail overcrossing and realigning and widening the entrance and exit ramps.

On May 12, 2009, the Board approved a Construction Cooperative Agreement between the County and Caltrans. This attached agreement increases the American Recovery and Reinvestment Act of 2009 (Federal Stimulus Funds) funding for the project by \$5,841,000. The project will receive a total of \$10,415,000 of Federal Stimulus Funds.

The estimated cost associated with the construction of Palm Drive/Gene Autry Trail Interchange is \$32,685,000. The existing funding breakdown for construction is as follows:

	<u>Funding Source</u>	<u>Amount</u>
1.	CVAG TUMF	\$10,070,000
2.	Federal-Stimulus ARRA	\$10,415,000
3.	Federal -Demo	\$2,200,000
4.	Traffic Congestion Relief Fund (TCRP)	<u>\$10,000,000</u>
	Total	\$32,685,000

CVAG has authorized additional funds for the project in the event the TCRP funds are not available.

The County has executed a separate Reimbursement Agreement with CVAG, under which the County is responsible for some of the Local 25% share for this project (the Cities of Desert Hot Springs, Palm Springs, and Cathedral City also share in this Local share) and CVAG is responsible for 75% of the amount identified in No. 1 above. That separate agreement with CVAG is being amended and will come back to the Board for separate action.

The other terms of the original Construction Cooperative Agreement between the County and Caltrans remains the same.

The construction of the interchange improvements are anticipated to start in early 2010.

Work Order No. A4-0740

Contract No. 09-04-005 A1
Riverside Co. Transportation

08-Riv-10-PM 35.7/36.5
I-10/Palm Drive/Gene Autry Trail
Improve Existing Interchange
EA 455804
District Agreement No. 8-1418 A/1

AMENDMENT NO. 1 TO AGREEMENT

THIS AMENDMENT NO. 1 TO AGREEMENT , ENTERED INTO EFFECTIVE ON _____, 2009, is between the STATE OF CALIFORNIA, acting by and through its Department of Transportation, referred to herein as "STATE," and the

COUNTY OF RIVERSIDE, a political subdivision of the State of California, referred to herein as "COUNTY".

RECITALS

1. The parties hereto entered into Agreement No. 8-1418, effective on May 18, 2009, said Agreement defining the terms and condition to construct SHS improvements consisting of widening the Interstate 10 (I-10)/ Palm Drive/Gene Autry Trail overcrossing and realigning and widening the entrance and exit ramps, referred to herein as "PROJECT."
2. It has been decided that the PROJECT will be contributing additional Regional American Recovery and Reinvestment Act of 2009 (ARRA) funds in the amount of \$5,841,000 to replace some of the Local funds.

IT IS THEREFORE MUTUALLY AGREED:

1. Under RECITALS of Agreement No. 8-1418, Article 4 is hereby amended to read as follows:

"COUNTY is currently funding PROJECT cost for capital outlay using funds shown on Exhibit A-1, attached hereto and made a part of this Agreement."
2. Under RECITALS of Agreement No. 8-1418, the following new Article 15 is hereby added to read as follows:

“The CTC approved the allocation of Regional American Recovery and Reinvestment Act of 2009 (ARRA) funds for PROJECT at its April, 2009 meeting.”

3. Under SECTION I of Agreement No. 8-1418, Articles 2, 3 and 12 are hereby amended to read as follows:
 2. To be responsible for funding PROJECT costs for construction capital outlay using Safe, Accountable, Flexible, Efficient Transportation Act Equity: A Legacy for Users/Federal Demonstration (SAFETEA-LU DEMO) funds in the amount of \$2,200,000 and COUNTY's local matching funds in the amount of \$550,000 and Regional ARRA funds in the estimated amount of \$10,415,000 and STATE's Traffic Congestion Relief Program (TCRP) funds in the amount of \$10,000,000 and COUNTY's local funds in the amount of \$5,981,000 towards a portion of construction capital outlay costs of PROJECT.
 3. To be responsible for funding PROJECT costs for construction support using local funds in the amount of \$3,539,000. The PROJECT construction capital and construction support costs are shown on Exhibit A-1, attached hereto and made a part of this Agreement. If it becomes necessary to obtain additional funds to complete PROJECT, these additional funds will be provided by COUNTY.
 12. To submit continuous billing for reimbursement of a portion of the expenditures for PROJECT, to be paid out of Regional ARRA funds and from STATE's TCRP funds, up to the amounts shown against those funds in Exhibit A-1.
4. Under SECTION I of Agreement No. 8-1418, the following new Articles 35 and 36 are hereby added to read as follows:
 35. To authorize STATE to obligate all Regional ARRA federal funds.
 36. Any Regional ARRA funding received and used by COUNTY that is determined by subsequent state and federal audit to be unallowable under federal law, regulations or administrative procedures including, without limitation, following the regular audit procedures, are subject to repayment by COUNTY within ninety (90) business days of demand or within such other period as agreed to by the parties. COUNTY agrees that to the extent COUNTY has not paid the unallowable costs, STATE is hereby authorized to intercept and withhold any future payments due COUNTY from STATE or any third party source, including but not limited to the State Treasurer, the State Controller or the California Transportation Commission but only in an amount equal to such unpaid amounts.
5. Under SECTION II of Agreement No. 8-1418, Article 9 is hereby amended to read as follows:

9. The total PROJECT costs, to be paid from out of Regional ARRA funds and STATE's TCRP funding sources, should not exceed the amounts shown in Exhibit A-1.
6. The new Exhibits A-1 and B-1, dated December 3, 2009, replaces the original Exhibits A and B of Agreement No. 1418 and are hereby attached to and made a part of that Agreement and any reference to Exhibits A and B in the original agreement are deemed to be a reference to the Exhibits A-1 and B-1.
7. All other terms and conditions of said Agreement No. 8-1418 shall remain in full force and effect.
8. This Amendment No. 1 to Agreement is hereby deemed to be a part of Agreement No. 8-1418.

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

COUNTY OF RIVERSIDE

RANDELL H. IWASAKI
Director of Transportation

By: _____
Chairman, Board of Supervisors

By: _____
RAYMOND W. WOLFE, PhD
District Director

Attest: _____
Clerk, Board of Supervisors

APPROVED AS TO FORM AND
PROCEDURE:

APPROVED AS TO FORM AND
PROCEDURE:

By: _____
Attorney,
Department of Transportation

By: *M. Victor, Deputy 12/14/09*
COUNTY Counsel
Marsha L. Victor

CERTIFIED AS TO FUNDS:

By: _____
District Budget Manager

CERTIFIED AS TO FINANCIAL
TERMS AND POLICIES:

By: _____
Accounting Administrator

FINANCE LETTER

DEPARTMENT OF TRANSPORTATION
 DIVISION OF ACCOUNTING
 LOCAL PROGRAM ACCOUNTING BRANCH

Project sponsored by:
 1) State Funds
 2) Local Agency

Date: 12.3.2009
 EA #: 455904
 Sponsoring Agency: County of Riverside
 Agreement #: 8-1418 A-1

ATTN:

Project Location: In Riverside County, on Interstate 10, Postmile 35.7 to 36.8. Reconstruct Interchange at Interstate-10/Palm Drive/Engene Antry Trail Near City of Palm Springs

Administered Phase of Work	Local Program Funds		Local Program Funds		Local Program Funds		State Funds		Total
	Federal: 100%	Federal: 80%	Federal: 80%	Match: 20%	TCRP	Fund Type: State			
SUPPORT									
Construction Support									\$1,539,000
CAPITAL									
Construction Capital	\$10,415,000	\$2,200,000	\$550,000	\$550,000	\$5,981,000	\$10,000,000	\$10,000,000		\$29,146,000
TOTALS	\$10,415,000	\$2,200,000	\$550,000	\$550,000	\$5,981,000	\$10,000,000	\$10,000,000		\$31,685,000

NOTES:

Project Manager: Elnad Makar 909 383-4078

REMARKS:

EXHIBIT A-1

CONTRIBUTION LETTER

EXHIBIT B-1

Date: 12/3/2009
 Local Agency: County of Riverside
 EA: 455804
 Agreement No.: 8-1418 A/1

Federal Fund Type	Federal Amount	Reimbursement Ratio	Match Fund Type	Match Amount	Totals
SAFETEA-LU DEMO	\$ 2,200,000.00	80/20	Local Funds	\$ 550,000.00	\$ 2,750,000.00
Stimulus Regional ARRA	\$ 10,415,000.00	0	No Match	\$ -	\$ 10,415,000.00
Project Manager: Emad Makar					
Notes: No Match for Stimulus Regional ARRA funds					