

**SUBMITTAL TO THE FLOOD CONTROL AND
WATER CONSERVATION DISTRICT BOARD
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

129B



FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
September 14, 2010

SUBJECT: East Cathedral Channel Levee,
Arenas Canyon Levee and Palm Canyon Wash
Project Nos. 6-0-00010 and 6-0-00040
Professional Services Agreement – Amendment No. 3

RECOMMENDED MOTION:

1. Approve Amendment No. 3 between the District and Nolte Associates, Inc. (Consultant);
2. Authorize the Chairman to execute Amendment No.3 on behalf of the District;

BACKGROUND:

On September 4, 2007 (Item 11.9) the Board of Supervisors approved a Professional Services Agreement which set forth the terms and conditions by which Consultant would perform engineering analysis to determine levee criteria for Cathedral Channel Levee, Arenas Canyon Levee and Palm Canyon Wash.

Amendment No. 1 was executed on November 18, 2008 (agenda item 11.5) extending the time for performance to June 30, 2009. (Continued on page 2)

KEC:bj

Warren D. Williams
WARREN D. WILLIAMS
General Manager-Chief Engineer

| | | | | |
|-----------------------|---------------------------|----------|---------------------|----------|
| FINANCIAL DATA | F.Y. 10-11 District Cost: | \$47,736 | In FY 10-11 Budget: | Yes |
| | Current F.Y. County Cost: | N/A | Budget Adjustment: | No |
| | Annual Net District Cost: | N/A | For Fiscal Year: | FY 10-11 |

| | | |
|--|---|--------------------------|
| SOURCE OF FUNDS: 25160 947500 525440 - Professional Services | Positions To Be Deleted Per A-30 | <input type="checkbox"/> |
| | Requires 4/5 Vote | <input type="checkbox"/> |

C.E.O. RECOMMENDATION:

APPROVE

BY: *Alex Gann*
Alex Gann

County Executive Office Signature

FISCAL PROCEDURES APPROVED
 MAN. M. CHAND, FINANCE DIRECTOR
 DATE: 9/14/10
 DEPARTMENTAL COORDINATION
 BY: NEAL R. KIPNIS
 FORM APPROVED COUNTY COUNSEL
 DATE: 9/14/10
 BY: NEAL R. KIPNIS
 Policy Consent
 Policy Consent
 Dep't Recomm.: Per Exec. Ofc.:

Prev. Agn. Ref.:

District: 4th Agenda Number:
ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

11.2

**FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD SUBMITTAL
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

SUBJECT: East Cathedral Channel Levee,
Arenas Canyon Levee and Palm Canyon Wash
Project Nos. 6-0-00010 and 6-0-00040
Professional Services Agreement – Amendment No. 3

SUBMITTAL DATE: September 14, 2010
Page 2

BACKGROUND (continued):

Amendment No. 2, extending the time for performance to June 30, 2010, was approved by the Board on June 30, 2009 (agenda item 11.7).

Levee Certification Reports have been submitted to the United States Department of Homeland Security-FEMA Region IX, however we have not received any response or review comments to date. Amendment No. 3 provides an extension of the Agreement through June 30, 2011 to allow Consultant to address any comments and complete any additionally requested work as a result of FEMA's review.

County Counsel has approved the amendment as to form.

FINANCIAL INFORMATION:

Sufficient funds are included in District's Budget for FY 2010-2011.

KEC:blj

1 PROFESSIONAL SERVICES AGREEMENT
2 East Cathedral Channel Levee,
3 Arenas Canyon Levee and Palm Canyon Wash
4 Project Nos. 6-0-00010 and 6-0-00040
5 Amendment No. 3

6 The RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION
7 DISTRICT, hereinafter called "DISTRICT" and NOLTE ASSOCIATES, INC., hereinafter
8 called "CONSULTANT", previously entered into that certain Agreement, dated September 4,
9 2007, for the Project described as the East Cathedral Canyon Levee, Arenas Canyon Levee and
10 Palm Canyon Wash hereinafter called "AGREEMENT"; and

11 On November 18, 2008 DISTRICT and CONSULTANT entered into Amendment No. 1
12 to extend the time for performance to June 30, 2009; and

13 On June 30, 2009 DISTRICT and CONSULTANT entered into Amendment No. 2 to
14 extend the time for performance for AGREEMENT to June 30, 2010; and

15 Based upon FEMA's pending review of the Levee Certification Reports prepared by
16 CONSULTANT, DISTRICT desires to further extend the time for performance for
17 CONSULTANT to provide any clarification and address any comments as a result of FEMA's
18 review.

19 NOW, THEREFORE, AGREEMENT is hereby amended as follows, effective June 30,
20 2010:

21 Paragraph 3 of AGREEMENT is changed to read:

- 22 3. TIME FOR PERFORMANCE - CONSULTANT shall continue performance of
23 services and shall diligently perform the tasks to full completion by June 30,
24 2011.
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Except to the extent specifically added to, modified or amended hereunder, all of the terms, covenants and conditions of said AGREEMENT dated September 4, 2007 remain in full force and effect between the parties hereto.

//

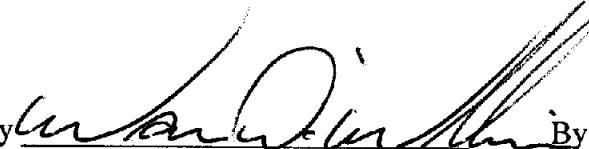
//

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on

(to be filled in by Clerk of the Board)

RECOMMENDED FOR APPROVAL: RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

By 
WARREN D. WILLIAMS
General Manager-Chief Engineer

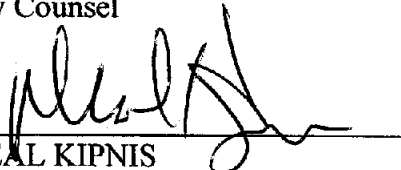
By _____
MARION ASHLEY, Chairman
Riverside County Flood Control and
Water Conservation District Board of
Supervisors

APPROVED AS TO FORM:

ATTEST:

PAMELA J. WALLS
County Counsel

KECIA HARPER-IHEM
Clerk of the Board

By 
NEAL KIPNIS
Deputy County Counsel

By _____
Deputy

(SEAL)

Professional Services Agreement – Nolte Associates, Inc. - Amendment No. 3
7/14/10
KEC:blj

NOLTE ASSOCIATES, INC.

By Joseph Minner
Responsible Officer

Joseph Minner
Printed Name

SR. Vice President
Title

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Professional Services Agreement – Nolte Associates, Inc. - Amendment No. 3:
7/14/10
KEC:blj