

666



SUBMITTAL TO THE BOARD OF DIRECTORS OF THE REDEVELOPMENT AGENCY COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

FROM: Redevelopment Agency

SUBMITTAL DATE:
August 4, 2011

SUBJECT: Thermal Water and Sewer Improvements Project- First Amendment to Agreement with Coachella Valley Water District and Change Order 16

RECOMMENDED MOTION: That the Board of Directors:

1. Approve and authorize the Chairman of the Board to execute the First Amendment to the Agreement by and between the Redevelopment Agency for the County of Riverside and the Coachella Valley Water District; and
2. Approve and authorize the Chairman of the Board to execute Change Order 16 for the Thermal Water and Sewer Improvements Project in the amount of \$ 668,000.

BACKGROUND: The Board executed an agreement with the Coachella Valley Water District on April 20, 2010 for domestic water and sanitary system installation in conjunction with the Thermal Water and Sewer Improvements Project.

(Continued)

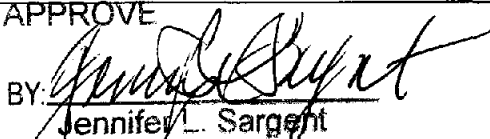

 Robert Field
 Executive Director

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 668,000	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2011/12


COMPANION ITEM ON BOARD OF SUPERVISORS AGENDA: No


SOURCE OF FUNDS: Redevelopment Agency Capital Improvement Funds-Desert Communities Project Area	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

BY: 
 Jennifer L. Sargent

County Executive Office Signature

FISCAL PROCEDURES APPROVED
 PAUL ANGULO, CPA, AUDITOR-CONTROLLER
 BY: 
 DATE: 8/2/11
 Department: SAMUEL WONG

FORM APPROVED COUNTY COUNSEL
 BY: 
 DATE: 8/2/11
 MARSHAL L. VICTOR

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

11 AUG - 3 24 38

Prev. Agn. Ref.: 4.4 of 10/19/10; 4.6 of 4/20/10; 4.9 of 07/21/09 District: 4 Agenda Number: **4.4**

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

BACKGROUND: (Continued)

Subsequently on October 19, 2010, the Board awarded the construction contract for the Thermal Water and Sewer Improvements Project (Project) and approved the budget. The project is nearing completion and the Coachella Valley Water District (CVWD) has requested to add the installation of gravity sewer pipelines on Church Street within the Thermal Sub Area of the Desert Communities Project Area to the Project.

The Project sewer pipelines were oversized by CVWD to allow for future capacity of additional connections into the system including the community of Thermal via the Church Street connection. Due to changes at the Thermal Sheriff Station the discharge from it and the Thermal Fire Station will not be sufficient to adequately keep waste moving through the 3.5 miles of pipeline. The large diameter pipes that have been installed require large volumes of discharge to move waste through the system. Currently the only connections to this backbone sewer are our two projects. CVWD intended to connect the Church Street Sewer to lines in RDA's project at a later date, but due to lack of flows wants to connect them now. The increased flows will eliminate odor issues, blockages and maintenance problems to the pipelines and to the Sheriff Station and Fire Station.

Change Order 16 in the amount of \$668,000 is for the full construction costs of the Church Street Sewer Improvements and will be reimbursed to the Redevelopment Agency for the County of Riverside (RDA) by CVWD. The First Amendment is to memorialize this additional work and provide documentation of intent of parties. Per the amendment, CVWD will reimburse RDA within 30 days of the completion of the improvements. The funding for the initial payments to contractor will come from the existing project budget contingency. This change order will not require an increase to previously Board approved project budget. The First Amendment and Change Order 16 are being brought to the Board as the \$668,000 exceeds the Agency Director's change order authority.

A Preliminary Exemption Assessment has been performed for the potential environmental impacts of this additional work. The analysis performed has determined that the proposed improvements are exempt under the California Environmental Quality Act (CEQA) as a Class 1 Categorical Exemption per CEQA Guidelines Section 15301. The gravity sewer line to be installed is a minor alteration to existing public facilities involving no expansion of use. Upon approval of Change Order 16 by Board, RDA staff will prepare and file a Notice of Exemption for this portion of improvements.

Agency Counsel has reviewed and approved as to form the First Amendment to Agreement and Change Order 16, therefore, RDA staff recommends that the Board execute both documents.

Attachments:

First Amendment to Agreement (3)

Change Order 16 (3)

**FIRST AMENDMENT TO SPECIAL DOMESTIC WATER SYSTEM
AND SANITATION SYSTEM INSTALLATION AGREEMENT**

THIS FIRST AMENDMENT TO SPECIAL DOMESTIC WATER SYSTEM AND SANITATION SYSTEM INSTALLATION AGREEMENT ("Amendment") is made this ___ day of _____, 2011 by and between Coachella Valley Water District, a public agency of the State of California ("District") and the Redevelopment Agency for the County of Riverside, a public body, corporate and politic in the State of California ("Agency").

RECITALS

A. On or about April 27, 2010, District and Agency executed that certain Special Domestic Water System and Sanitation System Installation Agreement ("Agreement"). The Agreement provided the domestic water and sanitation requirements for a Sheriff's Station and Fire Station on Agency property.

B. Section 12.e of the Agreement provides, in part, that any subsequent modifications shall be in writing and signed by parties.

C. District has requested Agency add Church Street Sewer Improvements to existing Thermal Water and Sewer Improvements Project. District has completed design and engineering of the Church Street Sewer Improvements and will provide approved plans to Agency for construction.

D. District has agreed to reimburse Agency for the full construction costs of \$668,000 for the Church Street Sewer Improvements. The improvements include but are not limited to; the installation of 2,975 linear feet of 8 and 10 inch diameter gravity sewer pipelines and associated manholes, laterals, and stub-outs. District will be responsible for all incidental costs associated with the installation of improvements to include; inspections, permits, fees, surveying, mapping, construction management, environmental clearance and geotechnical testing.

E. Agency and the District agree to amend the Agreement to provide for the addition of a gravity sanitary sewer pipeline to be installed in Church Street on the terms and conditions set forth herein.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTAL COVENANTS CONTAINED HEREIN, THE PARTIES AGREE TO AMEND THE AGREEMENT AS FOLLOWS:

1. District and Agency hereby agree that Agency shall include the Church Street Sewer Improvements in the Thermal Water and Sewer Improvements Project. The parties hereto agree that the full costs associated with the construction of the Church Street Sewer Improvements will be reimbursed by District to Agency within thirty (30) days after completion of improvements.
2. Agency represents and warrants to District that as of the date of this First Amendment, and to Agency's actual knowledge: (i) Agency has all requisite right, power, legal capacity, and authority to enter into and perform its obligations under this First Amendment; (ii) any persons executing this First Amendment on behalf of Agency are authorized to do so; (iii) the execution of this First Amendment by Agency does not

violate any provision of any other agreement to which Agency is a party; and (iv) except as may be specifically set forth in this First Amendment, no approvals or consents not heretofore obtained by Agency are necessary in connection with the execution of this First Amendment by Agency or with the performance by Agency of its obligations hereunder.

3. District represents and warrants to Agency that to District's actual knowledge: (i) District has all requisite right, power, legal capacity, and authority to enter into and perform its obligations under this First Amendment; (ii) any persons executing this First Amendment on behalf of District are authorized to do so; (iii) the execution of this First Amendment by District does not violate any provision of any other agreement to which District is a party; and (iv) except as may be specifically set forth in this First Amendment, no approvals or consents not heretofore obtained by District are necessary in connection with the execution of this First Amendment by District or with the performance by District of its obligations hereunder.
4. Neither the District nor Agency shall, either voluntarily or by action of law, assign or transfer this First Amendment or any obligation, right, title or interest assumed by such party, except as otherwise provided herein, without the prior written consent of the other party. Any attempted assignment in violation of this provision is void *ab initio*. Subject to the foregoing, the provisions of this First Amendment shall apply and bind the successors and assigns of the parties. Notwithstanding the foregoing, District acknowledges and agrees that in the event the Agency is deactivated or dissolved during the term of this First Amendment, and the Riverside County Economic Development Agency (EDA) is the legal successor entity of the Agency, the EDA shall thereafter be the successor to all of Agency's rights and obligations under this First Amendment.
5. Except as amended and supplemented in this First Amendment, the terms and conditions of the Agreement shall remain in full force and effect. Notwithstanding the immediately preceding sentence, the Agreement shall be interpreted in a manner consistent with the intent of this First Amendment.

[End – signature page follows]

**REDEVELOPMENT AGENCY
FOR THE COUNTY OF RIVERSIDE**

CHANGE ORDER NO. 16

Date: 7/15/2011

Project: Thermal Water and Sewer Improvements

To Contractor:

J&J Brothers Construction Company, Inc.
dba: Jones Bros. Construction Co.

Project No.:

Distribution:

Project Manager	Construction Manager
Contractor	Inspector
Fiscal	Architect/Engineer

You are directed to make the following changes. Changes shall include labor, material and equipment; each item to include all charges or indirect arising out of this work:

- 1) Furnish and install approximately 2,975 linear feet of 8" and 10" VCP gravity sewer pipeline including associated manholes, laterals and stub-outs in Church Street per drawings prepared by CVWD, dated 07/15/11.

COR #44

ADD \$ 668,000.00

The specifications, where pertinent, shall apply to these changes.

This Change Order provides for a time extension of 30 calendar days.

Original Contract Duration (calendar days):	<u>300</u>
Prior Authorized Time Extension (calendar days):	<u>0</u>
Revised Construction Duration (calendar days):	<u>330</u>
Original Contract Completion Date:	<u>8/29/2011</u>
Revised Contract Completion Date:	<u>9/28/2011</u>

NOTE: This change order is not effective until approved by the Chair, Board of Supervisors, Assistant County Executive Officer EDA or designee, as indicated.

The undersigned contractor has given careful consideration to the change proposed, including its effect on other work already contracted for, and hereby agrees, if this change order is approved, that he will provide all equipment, furnish all materials, except as may otherwise be noted above, and perform all services necessary for the work above specified, and will accept as full payment for all costs related in any way thereto the prices shown above.

Remarks:

Original Contract	\$	<u>12,451,068.00</u>
Prior Authorized <input checked="" type="checkbox"/> ADD <input type="checkbox"/> DED	\$	<u>158,199.16</u>
Total Contract Prior to this Change	\$	<u>12,609,267.16</u>
Authorized Changes on this C.O.:		
Addition	\$	668,000.00
Deduction	\$	0.00
NET: <input checked="" type="checkbox"/> Addition <input type="checkbox"/> Deduction	\$	<u>668,000.00</u>
Amount of Contract Authorized Including this Change Order	\$	<u>13,277,267.16</u>

Contractor _____	Date _____
Bob Buster, Chairman _____	Date _____
Board of Directors _____	
Architect/Engineer _____	Date _____
Project Manager _____	Date _____
Coachella Valley Water District _____	Date _____

Pursuant to:

- Board RDA Resolution 2009-09
- M.O. and Date _____