

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

315B



SUBMITTAL DATE:
April 10, 2012

FROM: General Manager-Chief Engineer
SUBJECT: Amendment No. 1 to Cooperative Agreement
San Jacinto Valley Master Drainage Plan
Project No. 4-0-00865
District 3rd/District 3rd

RECOMMENDED MOTION:
Approve Amendment No. 1 to the Cooperative Agreement between the District and the City of San Jacinto; and authorize the Chairman to execute the Amendment documents on behalf of the District.

BACKGROUND:
On April 3, 2007 (Agenda Item 11.1), the Board approved a joint funding agreement with the City of San Jacinto in order to cooperatively fund the engineering and environmental studies necessary to complete preparation of the San Jacinto Valley Master Drainage Plan.

Continued on Page 2

KEC:blj

WARREN D. WILLIAMS
General Manager-Chief Engineer

FINANCIAL DATA	Current F.Y. District Cost:	\$36,502	In Current Year Budget:	Yes
	Current F.Y. County Cost:	N/A	Budget Adjustment:	No
	Annual Net District Cost:	N/A	For Fiscal Year:	2011-2012

SOURCE OF FUNDS: 25140 947460 525440 Zone 4 Construction/Maintenance/Miscellaneous – 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:
Michael R. Shetler

County Executive Office Signature

- Consent
- Policy
- Consent
- Policy

Dep't Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.: 4/3/2007, Item 11.1 | **District:** 3rd/Dis-
trict 3rd | **Agenda Number:**

11.8

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

FISCAL PROCEDURES APPROVED
BY: DAN M. CHAND, FINANCE DIRECTOR

Ivan M. Chand 3/29/2012

Departmental Concurrence

FORM APPROVED COUNTY COUNSEL
DATE: 4/11/12
BY: NEAL R. KIPNIS

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

SUBJECT: Amendment No. 1 to Cooperative Agreement
San Jacinto Valley Master Drainage Plan
Project No. 4-0-00865
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Page 2

BACKGROUND continued:

This Amendment is necessary due to unforeseeable circumstances that resulted in additional tasks and associated compensation in order to accomplish the project.

County Counsel has approved the Amendment as to legal form and the Amendment documents have been executed by the City.

FINANCIAL:

The District is contributing an additional \$36,502 toward the preparation of the necessary studies and environmental documents. Sufficient funds are available in the District's Zone 4 budget for FY 2011-2012.

KEC:bjj
P8/143110

COOPERATIVE AGREEMENT
AMENDMENT NO. 1
San Jacinto Valley Master Drainage Plan
Project No. 4-0-00865

The RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, hereinafter called "DISTRICT" and the CITY OF SAN JACINTO hereinafter called "CITY", hereby agree as follows:

RECITALS

A. DISTRICT and CITY previously entered into that certain Cooperative Agreement, executed on April 3, 2007 [DISTRICT'S Board Agenda Item No. 11.1], hereinafter called "AGREEMENT", providing for DISTRICT and CITY to cooperatively fund the engineering and environmental studies necessary to complete preparation of the San Jacinto Valley Master Drainage Plan, hereinafter called "PROJECT".

B. DISTRICT and CITY, as the PROJECT has proceeded, recognize the original estimates of costs will exceed the mutual contributions described in the AGREEMENT, and agree to raise the amount each party shall contribute to PROJECT.

DISTRICT desires to revise the amount of compensation to be paid to Albert A. Webb Associates (CONSULTANT) by replacing Paragraphs 4, and 5 of AGREEMENT in its entirety.

NOW, therefore, the parties hereto mutually agree to amend AGREEMENT as follows:

1. Paragraph 4 of AGREEMENT is amended to read:

4. The total fee for the work to be performed by CONSULTANT in preparation of SAN JACINTO VALLEY MDP under its contract with CITY, including the fee for the performance of OPTIONAL TASK, shall not exceed \$958,296 (nine hundred fifty eight thousand two hundred ninety six dollars) as set forth in Exhibit "B", unless a written

1 amendment to CONSULTANT'S CONTRACT is executed by CITY and CONSULTANT
2 prior to performance of additional services.

3 2. Paragraph 5 of AGREEMENT is amended to read:

4 5. The cost of CONSULTANT'S CONTRACT shall be shared equally between
5 DISTRICT and CITY, including appropriate expenses and any mutually approved extra
6 work, however, DISTRICT'S total contribution toward preparation of SAN JACINTO
7 VALLEY MDP shall not exceed \$479,148 (four hundred seventy-nine thousand one
8 hundred forty eight dollars) unless a written amendment to this Agreement is executed by
9 both parties hereto.

10
11 3. Except to the extent specifically added to, modified or amended hereunder, all of the
12 terms, covenants and conditions of said AGREEMENT executed on April 3, 2007 shall
13 remain in full force and effect between the parties hereto.

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

(to be filled in by Clerk of the Board)

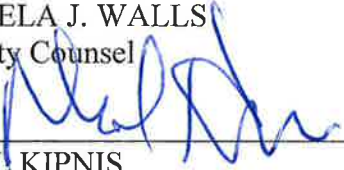
RECOMMENDED FOR APPROVAL. **RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT**

By 
WARREN D. WILLIAMS
General Manager-Chief Engineer
Riverside County Flood Control and Water
Conservation District Board of Supervisors

By _____
MARION ASHLEY, Chairman

APPROVED AS TO FORM:

ATTEST:

PAMELA J. WALLS
County Counsel
By 
NEAL KIPNIS
Deputy County Counsel

KECIA HARPER-IHEM
Clerk of the Board
By _____
Deputy

(SEAL)

San Jacinto MDP, Amendment No. 1
1/11/12
TLC:KEC:blj

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CITY OF SAN JACINTO

By Tim Hults
TIM HULTS
City Manager

APPROVED AS TO FORM:

ATTEST:

By Jeffrey S. Ballinger
JEFFREY S. BALLINGER
City Attorney ~~City Clerk~~

By Richard Miller
RICHARD MILLER

(SEAL)

San Jacinto MDP, Amendment No. 1
1/11/12
TLC:KEC:blj

January 7, 2010

TO: The Honorable Mayor and Members of the City Council
FROM: Habib Motlagh, City Engineer
SUBJECT: Change Order No. 1, San Jacinto Valley Master Drainage Plan Update contract with Webb Associates

RECOMMENDATION:

Approve Staff recommends that the City Council, by motion, approve a change order to the contract with Albert A. Webb Associates for preparation of the San Jacinto Valley Master Drainage Plan update, and authorize the Interim City Manager to execute the change order to the professional services agreement. Additionally, it is recommended that the City Council appropriate \$56,500 from Fund 39 Flood Control fund balance to the Drainage Plan Update project (CIP 02-024).

DISCUSSION:

Over the past four years, the City has had Albert A. Webb Associates under contract to prepare a revised master drainage plan for the San Jacinto area. The study has been over seen by both the City and the Riverside County Flood Control District (RCFC), with the two agencies sharing evenly in the cost of the work.

At this time, it is necessary to process a change order increasing the total dollar amount of the contract. Over the course of the contract, a number of work items that were outside the original scope of the contract were requested by members of either City or County staff. Additionally, the number of meetings included in the original contract was exceeded, as Webb regularly attended meetings with developers and other engineers at the request of the City and/or County. Finally, there is a need for Webb to do an analysis of a number of drainage facilities that were not originally included in their contract because it was believed that developers would have the analysis done in the near future (examples include Line E, Line G, and Line J). For each of these items, Webb has given a detailed description and prepared a line item cost in the attached letter.

Conversely, there was significant environmental work that was originally part of the contract that can be eliminated, as it was determined to not be necessary. This work largely consisted of biological field surveys. By not doing these surveys, a credit will partially offset the increased cost for other work done by Webb.

AGENDA ITEM 3A.14

City staff have been working with Webb Associates and RCFC for several months ironing out the details of exactly what work was in fact outside the scope of the original contract and the end result as shown in Webb's letter (attached) has been agreed to by all parties. The total increase in contract price would be \$113,002.

Upon approval by the City Council, a change order to the professional services agreement will be prepared for the Interim City Manager's signature using the boilerplate format provided by the City Attorney's office.

ALTERNATIVES:

1. Approve the change order as presented herein and appropriate \$56,500 from Fund 39 Flood Control fund balance to the Drainage Plan Update project (CIP 02-024).
2. Do not approve the change order or budget appropriation and provide further direction.

FISCAL IMPACT:

The total increase in contract price for the master drainage plan would be \$113,002. Since the City and RCFC are splitting the cost of this work, each agency would be responsible for an additional \$56,501.

For the City's share, it is recommended that unallocated Flood Control funds (Fund 39) be appropriated to the Drainage Plan Update project (CIP 02-024). A recent review by the Finance Department showed that this fund has an available balance of approximately \$1,445,000, therefore, adequate funds exist.

ATTACHMENTS:

- Letter from Webb Associates summarizing change order costs, dated 12/11/2009

A L B E R T A .

WEBB

AGENDA ITEM 3A.14
A S S O C I A T E S

3788 MCCRAY STREET • RIVERSIDE, CA 92506
PHONE: 951.686.1070 • FAX: 951.788.1256
WWW.WEBBASSOCIATES.COM

December 11, 2009

Mr. Habib Motlagh, City Engineer
CITY OF SAN JACINTO
595 South San Jacinto Avenue
San Jacinto, CA 92583

RE: Revised Request for Contract Addendum #1; Additional Environmental and Engineering Services for the San Jacinto Valley Master Drainage Plan

Dear Habib:

In response to our previous Contract Addendum Request and subsequent meetings, Webb Associates respectfully submits this revised request for a contract addendum in order to compensate for additional engineering services for the above mentioned project. Also included in this letter is a proposed budget to provide MDP Level Engineering on various facilities that were not included as part of our original contract with the City. Finally, this letter will provide a credit to the City for Environmental Studies that were not required based upon the consent to a programmatic EIR by the Flood Control District.

The additional services that Webb has already provided as part of the San Jacinto Valley MDP Update are as follows:

- Additional Alternatives Analysis beyond those designated in the Scope of Services..... \$40,800
- Preparation of Nodal Routing Exhibits. These exhibits were prepared at the request of the District and were in addition to Unit Hydrology Routing Exhibit..... \$5,450
- Multi-Day Routing Analysis of the Line D and the Casa Loma Basins..... \$7,900
- Coordination with Outside Consultants, Attendance at San Jacinto Technical Subcommittee Meetings, and Additional Meetings not included as part of the original contract..... \$80,592
- Site Access – Webb Associates assisted the District in identifying the parcels that originally “needed” site access for biological surveys. Webb prepared several exhibits and helped track responses to the access request letters that the District sent to affected property owners.\$10,350

Total Additional Services Already Provided.....\$145,092

AGENDA ITEM 3A.14

The following is a list of proposed engineering services (originally to be provided by other engineers) that were not included as part of our original contract that are required to complete the MDP update:

- Line E from Reservoir to E-Y-Z Confluence (Hydrology, Hydraulics, Plan & Profile, Cost Estimate)\$12,600
- Line G – Lyon Basin to Palm (Plan & Profile, Cost Estimate)\$5,874
- Line G – Palm to Upstream End (Hydraulics, Plan & Profile, Cost Estimate)\$7,961
- Line G-2 from Ramona Park to Reservoir (Hydraulics, Plan & Profile, Cost Estimate)\$4,799
- Line G-3 (Hydraulics, Plan & Profile, Cost Estimate)\$5,053
- Modification to Interactive CD.....\$3,483
- 5 Additional MDP Coordination Meetings.....\$9,910

Total Additional Services Required For MDP Completion.....\$49,680

The following is a list of biological surveys and environmental analyses that were originally included in our Scope of Services but not performed due to the change in the Scope of the EIR:

- Small Mammal Trapping\$10,000
- Least Bell's Vireo Survey \$10,600
- Fairy Shrimp Survey\$26,570
- Functions and Values Assessment\$6,410
- Preliminary Results of Surveys\$5,310
- Delineation Report\$8,360
- MSHCP Consistency Analysis\$7,260
- DBESP Analysis\$7,260

Total Credit\$81,770

We request that the City transfer the environmental credit to help offset the cost of the additional services. Doing this would leave a net fee of \$113,002 for additional services. Based upon this, we hereby request that our contract be amended by an amount of **\$113,002** to compensate for the additional services listed above.