

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



1128

**FROM:** General Manager-Chief Engineer

**SUBMITTAL DATE:**  
July 29, 2014

**SUBJECT:** Approval of Amendment No. 1 to Multi-Year Consulting Services Agreement for On-call Civil Engineering and Ancillary Services; 1 year; [\$750,000]; District Funds 100%

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Approve Amendment No. 1 to Multi-Year Consulting Services Agreement ("Agreement") between the District and Atkins North America, Inc., extending the term of the Agreement to June 30, 2015, increasing the contract amount for Fiscal Year 2014-15 and changing the name and title of the individual with signature authority on Attachment "B" – Task Order Approval Form; and
2. Authorize the Chairman to execute Amendment No. 1 on behalf of the District.

**BACKGROUND:**  
Summary

Continued on Page 2

*For*   
WARREN D. WILLIAMS  
General Manager-Chief Engineer

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 750,000	\$ N/A	\$ 750,000	\$ N/A	Consent <input type="checkbox"/> Policy <input type="checkbox"/>
NET DISTRICT COST	\$ 750,000	\$ N/A	\$ 750,000	\$ N/A	

<b>SOURCE OF FUNDS:</b> 25110-25170 947400-947520 525440 Zone 1 through Zone 7 Professional Services	<b>Budget Adjustment:</b> No
	<b>For Fiscal Year:</b> 14/15

**C.E.O. RECOMMENDATION:**

APPROVE  
  
BY: Steven C. Horn

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

- Positions Added
- Change Order

- A-30
- 4/5 Vote

Prev. Agn. Ref.: 8/16/2011 (11.15) | District: All | Agenda Number:

11-3

FOR APPROVED COUNTY COUNSEL  
 BY:  DATE: \_\_\_\_\_  
 BY:  7/15/14  
 JEANINE J. REY Departmental Concurrence  
 FISCAL PROCEDURES APPROVED  
 JEANINE J. REY, FINANCE DIRECTOR

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

**FORM 11:** Approval of Amendment No. 1 to Multi-Year Consulting Services Agreement for On-call Civil Engineering and Ancillary Services; 1 year; [\$750,000]; District Funds 100%

**DATE:** July 29, 2014

**PAGE:** Page 2 of 2

**BACKGROUND:**

**Summary (continued)**

On August 16, 2011, the Board of Supervisors approved a multi-year Consulting Services Agreement (Agreement) between the District and Atkins North America, Inc. (Consultant) (Board Agenda Item No. 11.15). The Agreement, with contract limits of \$250,000 per fiscal year and a further cap of \$750,000 over the term of the Agreement (FY 2011-12 through FY 2013-14), allows the District to retain Consultant to provide on-call civil engineering and ancillary services in support of the District's capital improvement programs.

Pursuant to this Agreement, Consultant was retained to provide construction management services for the District's Little Lake Master Drainage Plan Line B, Stage 1 and Hemet Master Drainage Plan Line D, Stage 7 projects. Due to the complexity of these projects, additional time is needed to complete the work required. In addition, the costs for construction management services are expected to exceed the fiscal year contract limits as specified in the Agreement. In order to allow District to complete project construction in a timely manner, District staff is recommending that the Board approve Amendment No. 1 to the Agreement to: i) extend the term of the Agreement to June 30, 2015; ii) increase the per year contract amount from a not to exceed two hundred fifty thousand dollars (\$250,000) to a not to exceed seven hundred fifty thousand dollars (\$750,000) for Fiscal Year 2014-15; and iii) change the name and title of the individual with signature authority on Attachment "B" – Task Order Approval Form.

Approval of Amendment No. 1 will not modify the total aggregate contract amount previously authorized by the Board, which remains capped at seven hundred fifty thousand dollars (\$750,000) for the entire term of the Agreement.

County Counsel has approved this Amendment as to legal form.

**Impact on Residents and Businesses**

Costs incurred under this Amendment will be funded by ad-valorem property tax revenue and entail no new fees, taxes or bonded indebtedness to residents and businesses.

**SUPPLEMENTAL:**

**Additional Fiscal Information**

Sufficient amounts are included in the current budget for FY 2014-15.

**Contract History and Price Reasonableness**

The authorized and expended amount, as applicable, of the Agreement and the cost of this Amendment No. 1 are summarized below:

Agreement:

<u>Fiscal Year</u>	<u>Authorized amount</u>	<u>Expended Amount</u>
2011-12	Not to exceed \$250,000	\$0
2012-13	Not to exceed \$250,000	\$0
2013-14	Not to exceed \$250,000	\$0

Total contract amount: Not to exceed \$750,000

Amendment No. 1:

<u>Fiscal Year</u>	<u>Authorized amount</u>
2014-15	Not to exceed \$750,000

Total contract amount: Not to exceed \$750,000

AMENDMENT NO. 1 TO  
CONSULTING SERVICES AGREEMENT

1  
2  
3 The Riverside County Flood Control and Water Conservation District,  
4 hereinafter called "DISTRICT", and WS ATKINS PLC, doing business in California as  
5 Atkins North America, Inc., hereinafter called "CONSULTANT", previously entered  
6 into that certain Consulting Services Agreement, hereinafter called "AGREEMENT",  
7 dated August 16, 2011 to provide on-call civil engineering and ancillary services in  
8 accordance with applicable federal, state, and local laws and regulations as requested by  
9 DISTRICT; and

10  
11 Recently, DISTRICT selected CONSULTANT to provide certain  
12 engineering and ancillary services for certain DISTRICT'S capital improvement  
13 projects. Due to the length and complexity of these projects, DISTRICT desires to  
14 extend the term of AGREEMENT to June 30, 2015 and to increase the per year amount  
15 of compensation under said AGREEMENT by five hundred thousand dollars  
16 (\$500,000); and

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18 CONSULTANT also desires to change the name and title of the individual  
19 with signature authority on Attachment "B" - Task Order Approval Form in the  
20 AGREEMENT; and

21  
22 DISTRICT and CONSULTANT mutually agree that, upon approval of this  
23 Amendment No. 1 by DISTRICT'S Board of Supervisors, Attachment "B" - Task Order  
24 Approval Form in AGREEMENT shall be replaced by a new Attachment "B" - Task  
25 Order Approval Form, and the amount of compensation under said AGREEMENT for  
26 FY 2014-15 shall be increased from a not to exceed amount of two hundred fifty  
27 thousand dollars (\$250,000) to a not to exceed amount of seven hundred fifty thousand  
28 dollars (\$750,000).

1 NOW, THEREFORE, DISTRICT and CONSULTANT mutually agree to  
2 amend AGREEMENT as follows, effective August 16, 2014:

3 1. Attachment "B" – Task Order Approval Form in AGREEMENT is  
4 replaced in its entirety by the new Attachment "B" – Task Order  
5 Approval Form, attached hereto and made a part hereof.

6  
7 2. Section 4 is amended to read:

8 4. TERM

9 "The term of this AGREEMENT became effective on the date the  
10 AGREEMENT was executed by DISTRICT'S Board of  
11 Supervisors, and ends on June 30, 2015."

12 3. Section 5, second sentence is amended to read:

13 "The total amount to be paid to CONSULTANT for the performance  
14 of all Task Orders approved pursuant to this Agreement shall not  
15 exceed seven hundred fifty thousand dollars (\$750,000) for the entire  
16 term of this Agreement and any amendments thereafter."

17  
18 4. Except to the extent specifically added to, modified or amended herein,  
19 all of the terms, covenants and conditions of said AGREEMENT dated  
20 August 16, 2011, shall remain in full force and effect between the  
21 parties hereto.

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

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(to be filled in by Clerk of the Board)

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

By: *Steve Thomas*  
*for* 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

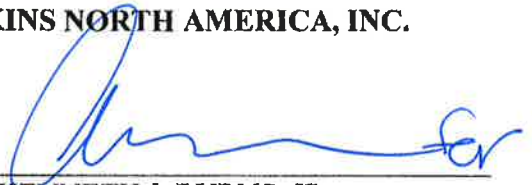
By: *Neal Kipnis*  
NEAL KIPNIS  
Deputy County Counsel

By: \_\_\_\_\_  
Deputy

(SEAL)

Amendment No. 1 to Consulting Services Agreement FY 2014-15  
w/Atkins North America, Inc.  
06/26/14  
LMD:blj

**ATKINS NORTH AMERICA, INC.**

By:   
KENNETH J. BURNS, JR.  
Senior Vice President

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Amendment No. 1 to Consulting Services Agreement FY 2014-15  
w/Atkins North America, Inc.  
06/26/14  
LMD:blj

ATTACHMENT "B"**TASK ORDER APPROVAL FORM**

CONSULTANT: \_\_\_\_\_

PROJECT NAME: \_\_\_\_\_

The Scope of Services for \_\_\_\_\_, a copy of which is attached hereto as Exhibit "A" and incorporated herein by this reference, shall constitute an approved Task Order pursuant to the Agreement between DISTRICT and CONSULTANT dated \_\_\_\_\_ ("AGREEMENT"). CONSULTANT agrees to perform the services described in Exhibit "A" within the time set forth in the Project Schedule as described in Exhibit "B" attached hereto and incorporated herein, for a fee amount of \$\_\_\_\_\_, unless otherwise modified by DISTRICT'S Project Manager in a subsequent Task Order Approval Form. All charges shall be consistent with the Compensation/Fee Rate Schedule which is attached as Exhibit "C" and incorporated herein by this reference.

Performance of the services shall be subject to the terms and conditions contained in the AGREEMENT.

Dated this \_\_\_\_\_ day of \_\_\_\_\_  
(To be filled in by General Manager-Chief Engineer)

**RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT**

By: \_\_\_\_\_  
WARREN D. WILLIAMS  
General Manager-Chief Engineer

**ATKINS NORTH AMERICA, INC.**

By: \_\_\_\_\_  
KENNETH J. BURNS, JR.  
Senior Vice President