

FORM APPROVED COUNTY COUNSEL  
 BY: *[Signature]* 2/23/15  
 DATE: GREGORY P. PRIAMOS

246 A



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

**FROM:** TLMA – Transportation Department

**SUBMITTAL DATE:**  
 February 11, 2015

**SUBJECT:** Amendment No. 1 to the Cooperative Agreement by and between the County of Riverside and the City of Menifee for Newport Road/Interstate 215 Interchange Improvements. 5th District; [\$18,275,000]; Local 100%

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

1. Approve the Amendment No. 1 to the Cooperative Agreement by and between the County of Riverside and the City of Menifee for Newport Road/Interstate 215 Interchange Improvements; and
2. Authorize the Chairman of the Board to execute the same.

Departmental Concurrence

*[Signature]*  
 Patricia Romo  
 Assistant Director of Transportation

*[Signature]*  
 Juan C. Perez  
 Director of Transportation and Land Management

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (Per Exec. Office)
<b>COST</b>	\$ 3,000,000	\$ 12,000,000	\$ 18,275,000	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
<b>NET COUNTY COST</b>	\$ 0	\$ 0	\$ 0	\$ 0	

**SOURCE OF FUNDS:** City of Menifee (100%). There are no General Funds used in this project.

**Budget Adjustment:** No

**For Fiscal Year:** 14/15, 15/16, 16/17

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

BY: *[Signature]*  
 Tina Grande

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

- A-30
- 4/5 Vote
- Positions Added
- Change Order

**Prev. Agn. Ref.:** 09/11/12, Item 3-44  
 10/21/14, Item 3-33

**District:** 5

**Agenda Number:** 3-45

**BACKGROUND:**

**Summary**

Newport Road is a primary east-west corridor in southwestern Riverside County. The Newport Road Interchange at Interstate 215 (I-215), within the City of Menifee (City), is a key regional interchange, serving the City, the surrounding unincorporated areas of the County of Riverside (County), and the region.

Since the County has extensive experience in administering construction contracts for interchange projects involving federal and state agencies, the County and the City mutually agreed to designate the County as the lead agency for this interchange project. A cooperative agreement between the County and the City for the construction of the Newport Road interchange at I-215 was approved by the Board of Supervisors (Board) on September 11, 2012 (Agenda Item 3-44). This Amendment No. 1 to the cooperative agreement will provide the funding necessary to construct the interchange project. The agreement provides for a maximum contribution of \$18,275,000 from the City of Menifee.

The Board of Supervisors approved the plans, specifications, and authorization to advertise for bids for this project on October 21, 2014 (Agenda Item 3-33). The award of the construction contract is a separate Board Agenda Item and a companion to this agreement.

The County is proposing to construct improvements to the Newport Road interchange at I-215 within the City beginning in spring 2015. The existing ramps will be reconstructed and new loop on-ramps will be added. Additionally, Newport Road will be widened to six through lanes between Haun and Antelope roads.

The agreement was approved by the Menifee City Council on February 4, 2015.

The agreement has been reviewed and approved by County Counsel.

Work Order No.: B5-0682

**Impact on Residents and Businesses**

The proposed Newport Road Interchange Project will reduce congestion, improve traffic flow, and improve public safety by improving the current traffic operations at the interchange.

**SUPPLEMENTAL:**

**Additional Fiscal Information**

The total project cost is expected to be \$48,448,000 and will be funded through a combination of Menifee Road and Bridge Benefit District, development fees collected by the County, Transportation Uniform Mitigation Fees, Federal Surface Transportation Program, Eastern Municipal Water District (for the associated water facilities) funds, and Southern California Gas Company funding.

**Contract History and Price Reasonableness**

N/A

AMENDMENT NO. 1

COOPERATIVE AGREEMENT BY AND BETWEEN  
COUNTY OF RIVERSIDE AND CITY OF MENIFEE

FOR

NEWPORT ROAD/INTERSTATE 215 INTERCHANGE IMPROVEMENTS

This Amendment No. 1 (hereinafter the "Amendment") to an agreement is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by and between the County of Riverside, (hereinafter "COUNTY"), and the City of Menifee (hereinafter "MENIFEE"), for the provision of certain activities related to Interchange improvements located at the intersection of Newport Road and Interstate 215 (I-215) (hereinafter "PROJECT") currently located within the jurisdictional boundaries of MENIFEE.

RECITALS

- A. The COUNTY and MENIFEE have entered into an agreement entitled "Cooperative Agreement by and between Riverside County and City of Menifee for Newport Road/Interstate 215 Interchange Improvement" that is dated June 5, 2014 (hereinafter the "Agreement"). The Agreement provides the terms and conditions, scope of work, schedule and budget for the completion of the project.
- B. It is now desired to amend the Agreement, providing changes to the estimated project costs as provided under Exhibit C.

AGREEMENT

NOW THEREFORE, in consideration of the mutual promises contained herein, the parties hereto agree as follows:

- 1. Section 2, the following paragraphs are added.

"6. To fund the construction, construction management and support costs necessary to construct PROJECT improvements. The estimated costs for the project are provided in Exhibit C. MENIFEE agrees that should unforeseen circumstances arise which result in an increase of any costs over those shown in Exhibit C, MENIFEE will in good faith amend this Agreement to include any such costs under this Agreement."

"7. To deposit with COUNTY, within 30 calendar days of receipt of invoice from COUNTY, the sum of \$1,827,500 equivalent to approximately ten percent (10%) of MENIFEE's estimated funding

1 contribution to construct the project as shown on Exhibit C. Deposit will be used to maintain the cash  
2 flow to provide timely payments to the construction contractor.”

3 “8. To pay COUNTY within 30 calendar days of receipt of COUNTY’s monthly billings for the actual  
4 expenditures for that month, and to continue making such payments on a monthly basis until  
5 completion of construction, construction management and support activities for the PROJECT.”

6 2. Section 3, Paragraph 2 is amended to reflect a new PROJECT total cost amount of \$48,448,000.

7 3. Exhibit C is amended and replace with the attached Exhibit C – Amendment No. 1.

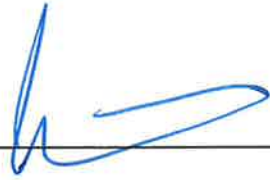
8 4. Except for the extent specifically modified or amended hereunder, all the terms, covenants, and conditions of  
9 the Agreement shall remain in full force and effect between the parties hereto.

10  
11 IN WITNESS HEREOF, the parties hereto have caused this Amendment to the Agreement to be duly executed  
12 this day and year first written above.

APPROVALS

COUNTY Approvals

RECOMMENDED FOR APPROVAL:

 Dated: 2/18/15

JUAN C. PEREZ

Director of Transportation and Land Management

APPROVED AS TO FORM:

GREGORY P. PRIAMOS, COUNTY COUNSEL

 Dated: 2/20/15  
By Deputy

APPROVAL BY THE BOARD OF SUPERVISORS

\_\_\_\_\_ Dated: \_\_\_\_\_

PRINTED NAME

Chairman, Riverside County Board of Supervisors

ATTEST:

\_\_\_\_\_ Dated: \_\_\_\_\_

Clerk of the Board (SEAL)

MENIFEE Approvals

APPROVED BY:

 Dated: 2-4-15

Scott Mann

PRINTED NAME

Mayor

APPROVED AS TO FORM:

 Dated: 2-4-15

Jeffrey T. Melching

PRINTED NAME

City Attorney

ATTEST:

 Dated: 2-4-15

Kathy Bennett

PRINTED NAME

City Clerk

EXHIBIT C – AMENDMENT NO. 1

ESTIMATED PROJECT COSTS

TASK	TOTAL
Environmental, Design, Utilities	\$ 5,681,000
Right-of-way	\$ 792,000
Construction, Construction Management, Inspection, Survey (includes 15% construction contingency due to complexity of project)	\$ 41,975,000
<b>TOTAL</b>	<b>\$ 48,448,000</b>

FUNDING – SUMMARY

Fund Source	Project Phase			Total Fund Amount
	Environmental, Design, Utilities	R/W	Construction, Construction Mgmt, Inspection, Survey	
Menifee RBBD	\$2,792,000	\$357,000	\$ 2,787,000	\$ 5,936,000
Developer Contributions		\$435,000		\$435,000
TUMF	\$2,838,000		\$5,440,000	\$8,278,000
Measure A	\$51,000			\$51,000
STP			\$14,625,000	\$14,625,000
Utility Companies			\$848,000	\$848,000
City of Menifee			\$17,875,000	\$17,875,000
City of Menifee (Additional funding for portion of 15% Construction Contingency)			\$400,000*	\$400,000*
<b>Total</b>	<b>\$5,681,000</b>	<b>\$ 792,000</b>	<b>\$ 41,975,000</b>	<b>\$ 48,448,000</b>

\*This funding to be used last and only after City Manager approval