

FORM APPROVED COUNTY COUNSEL
 BY: GREGORY P. PRIAMOS
 DATE: 12/2/15

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

149A



SUBMITTAL DATE:
 November 24, 2015

FROM: TLMA – Transportation Department

SUBJECT: Amendment No. 2 to the Cooperative Agreement Between the State of California Department of Transportation and the County of Riverside for the Interstate 10 at Palm Drive/Gene Autry Trail Interchange Project. 4th District; [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the attached Amendment No. 2 to the Cooperative Agreement between the State of California Department of Transportation (Caltrans) and the County of Riverside (County) (Caltrans Agreement No. 8-1418 A/2); and
2. Authorize the Chairman 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)
COST	\$ 0	\$ 0	\$ 0	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	
SOURCE OF FUNDS: N/A				Budget Adjustment: No	
				For Fiscal Year: 2015-16	

C.E.O. RECOMMENDATION:

APPROVE

BY *[Signature]*
 Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Prev. Agn. Ref.: 5-12-09, Item 3.36
 12-22-06. Item 3.62

District: 4

Agenda Number:

3-35

BACKGROUND:

Summary

Construction of the Interstate 10 at Palm Drive/Gene Autry Trail Interchange Project was completed on June 23, 2012. These improvements have helped improved the operation and has increased the capacity of the interchange.

On May 12, 2009 (Agenda Item 3.36), the Board of Supervisors approved a Construction Cooperative Agreement between Caltrans and the County for the Interstate 10 at Palm Drive/Gene Autry Trail Interchange Project. The Construction Cooperative Agreement outlined each agency's responsibility for the construction of the improvement and defined the funding sources for the project. On December 22, 2009 (Agenda Item 3.62), the Board of Supervisors approved Amendment No. 1 to the Construction Cooperative Agreement which increased the American Recovery and Reinvestment Act of 2009 Funds (Federal ARRA Funds) for the project, from \$4,574,000 to \$10,415,000, and decreased the local funding.

The Agreement included Federal, local and CVAG funds. A Notice of Completion was approved by the Board of Supervisors on April 29, 2014 by Minute Order 3.27 and all eligible federal funds have been received. Although the project was eligible to receive State Traffic Congestion Relief Funds (TCRP), the TCRP funds were not available at the time of pre-construction processing in 2009. At that time the State advised that the TCRP funds would be available in FY 15/16. Project construction proceeded using Coachella Valley Association of Governments (CVAG) funds under the expectation that the State Traffic Congestion Relief Funds (TCRP) would be pursued upon availability in FY 15/16, which is now.

Amendment No. 2 to the Cooperative Agreement is needed to show the TCRP funds as funding source for construction capital and construction support costs. This is needed before the State can reimburse the County and CVAG for funds expended. In addition, the amendment will extend the termination of the Agreement until the cooperative agreement closure statement is signed by the County and Caltrans for the project.

Impact on Residents and Businesses

The Traffic Congestion Relief Funds (TCRP), upon State reimbursement, will be forwarded to CVAG, as planned. The funds will allow CVAG to fund additional priority projects.

SUPPLEMENTAL:

Additional Fiscal Information

The State TCRP Funds will be used to reimburse CVAG for the construction capital and construction support costs they put into the project.

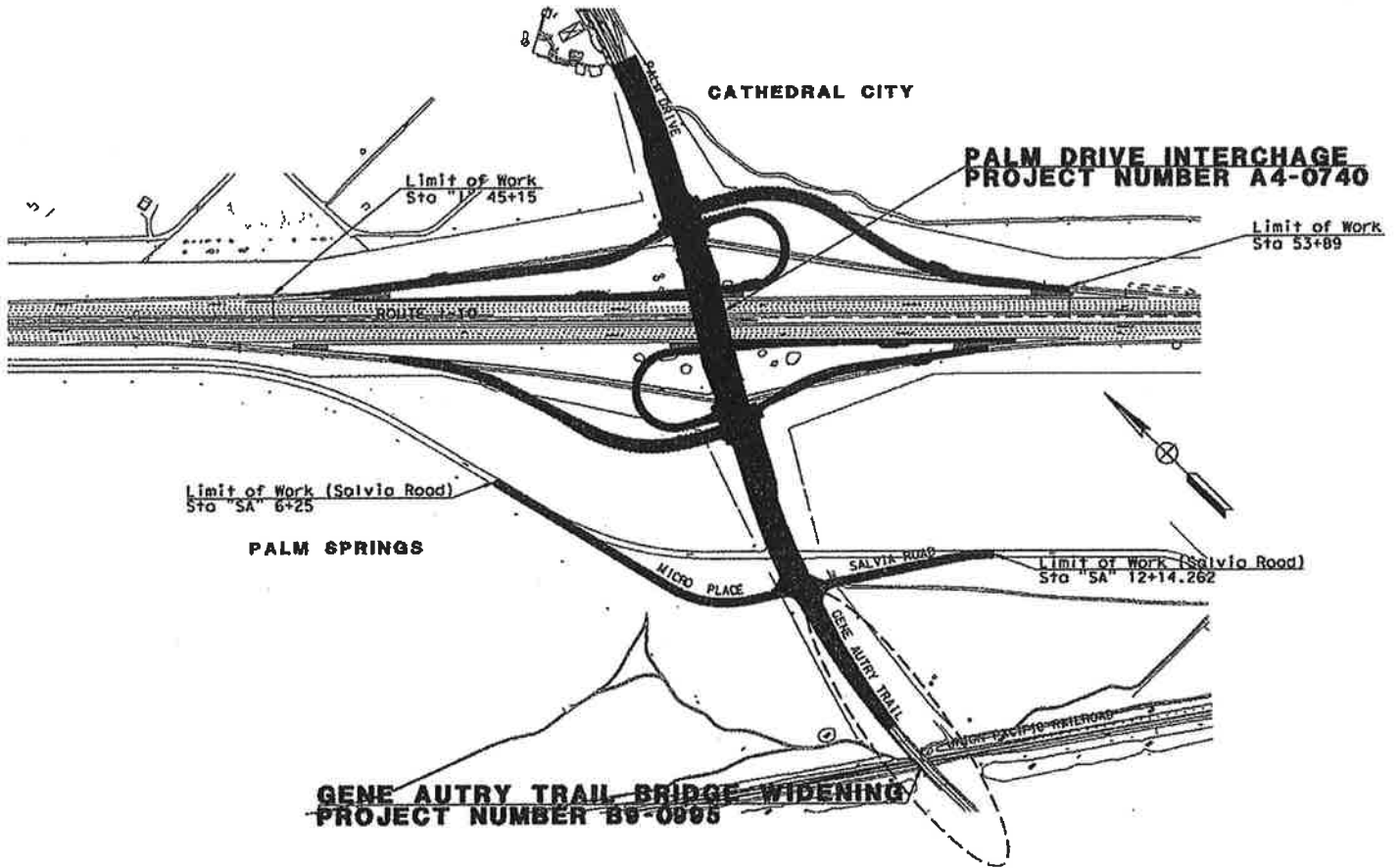
Contract History and Price Reasonableness

N/A

ATTACHEMENTS

Vicinity Map
Amendment No. 2

COUNTY OF RIVERSIDE
PALM DRIVE INTERCHANGE
AND
GENE AUTRY TRAIL BRIDGE WIDENING



08-Riv-10-PM 35.7/36.5
I-10/Palm Drive/Gene Autry Trail
Improve Existing Interchange
EA 455804
District Agreement No. 8-1418 A/2
Project Number 0800000726

AMENDMENT NO. 2 TO AGREEMENT

THIS AMENDMENT NO. 2 TO AGREEMENT , ENTERED INTO EFFECTIVE ON _____, 2015, is between the STATE OF CALIFORNIA, acting by and through its Department of Transportation, referred to herein as “STATE,” and the

COUNTY OF RIVERSIDE, a political subdivision of the State of California, referred to herein as “COUNTY.”

RECITALS

1. The parties hereto entered into Agreement No. 8-1418, effective on May 18, 2009, said Agreement defining the terms and condition to construct SHS improvements consisting of widening the Interstate 10 (I-10)/ Palm Drive/Gene Autry Trail overcrossing and realigning and widening the entrance and exit ramps, referred to herein as “PROJECT.”
2. The parties hereto entered into Amendment No. 1 to Agreement on December 24, 2009, to contribute additional Regional American Recovery and Reinvestment Act of 2009 funds in replace of local funds.
3. It has been determined that PROJECT will not be completed prior to the termination date of said Agreement. Also, the TCRP funds will now be used for Construction Capital and Construction Support.
4. PROJECT was originally programmed with \$10,000, 000 TCRP funds to reimburse the COUNTY as a lead applicant agency, for costs incurred in PROJECT. Said TCRP funds were not available and COUNTY had requested that the California Transportation Commission (CTC) approve, pursuant to Government Code section 14556.33 and CTC’s TCRP Guidelines and allow the replacement of those absent TCRP funds with local funds for PROJECT with possible subsequent reimbursement by STATE.
5. The CTC approved a TCRP allocation Plan in September 2008. In July 2009, CTC approved a TCRP amendment for this PROJECT and also included moving this PROJECT from Tier 2 to Tier 1 with up to \$10,000, 000 TCRP allocation in FY 15/16.

6. COUNTY has now expended \$5,733,000 of local funds in lieu of TCRP funds and seeking reimbursement from TCRP FY 15/16 allocation.
7. STATE herein agrees to reimburse COUNTY for all qualifying expenditure which total at \$5,733,000.

IT IS THEREFORE MUTUALLY AGREED:

1. Under RECITALS of Agreement No 8-1418, Articles 4, 5, 8 and 9 are hereby replaced in their entirety to read as follows:
 - “4. COUNTY is currently funding PROJECT cost for capital outlay using funds shown on Exhibit A-2, attached hereto and made a part of this Agreement.”
 - “5. COUNTY is funding PROJECT costs for construction support using funds shown on Exhibit A-2, attached hereto and made a part of this Agreement.”
 - “8. The California Transportation Commission (CTC) approved the application for PROJECT submitted by COUNTY at its October 30, 2008 meeting and directed STATE to allocate to COUNTY the TCRP amount of \$10,000,000 to be expended on the construction capital and support for PROJECT.”
 - “9. The CTC approved the allocation of Regional American Recovery and Reinvestment Act of 2009 (ARRA) funds for PROJECT at its April, 2009 meeting and directed STATE to allocate to COUNTY the Regional ARRA funds in the amount of \$10,415,000, to be expended on the construction capital for PROJECT.” However, COUNTY has only expended \$5,733,000 of local funds in lieu of TCRP funds and seeking reimbursement from TCRP FY 15/16 allocation.
 - “9a. STATE herein agrees to reimburse COUNTY for all qualifying expenditure which total at \$5,733,000.”
2. Under SECTION I of Agreement No. 8-1418, Articles 2, 3 and 12 are hereby replaced in their entirety to read as follows:
 - “2. To be responsible for funding PROJECT costs for construction capital outlay using Safe, Accountable, Flexible, Efficient Transportation Act Equity: A Legacy for Users/Federal Demonstration (SAFETEA-LU DEMO) funds in the amount of \$2,200,000 and STATE’s Traffic Congestion Relief Program (TCRP) matching funds in the amount of \$550,000 and Regional ARRA funds in the estimated amount of \$10,415,000 and STATE’s TCRP funds in the amount of \$5,183,000 and COUNTY’s local funds in the amount of \$161,847 towards a portion of construction capital outlay costs of PROJECT.”

- “3. To be responsible for funding PROJECT costs for construction support using STATE’s TCRP funds in the amount of \$4,250,000. The PROJECT construction capital and construction support costs are shown on Exhibit A-2, attached hereto and made a part of this Agreement. If it becomes necessary to obtain additional funds to complete PROJECT, these additional funds will be provided by COUNTY.”
- “12. To submit continuous billing for reimbursement of a portion of the expenditures for PROJECT, to be paid out of Regional ARRA funds and from STATE’s TCRP funds, up to the amounts shown against those funds in Exhibit A-2.”
3. Under SECTION II of Agreement No. 8-1418, Articles 8 and 9 are hereby replaced in their entirety to read as follows:
- “8. Upon availability of TCRP funds, to pay COUNTY not later than twenty-five (25) working days upon receipt of COUNTY’s continuous billing therefore, for a portion of the actual construction capital and support expenditures, to be paid from STATE TCRP funding source required for PROJECT.”
- “9. The total PROJECT costs, to be paid from out of Regional ARRA funds and STATE’s TCRP funding sources, should not exceed the amounts shown in Exhibit A-2.”
4. Under SECTION III of Agreement No. 8-1418, Articles 4 and 29 are hereby replaced in their entirety to read as follows:
- “4. Subject to annual legislative appropriations and the availability of State Budget Act authority for this purpose, and then only if those PROJECT TCRP funds are actually subsequently allocated by the CTC, to reimburse COUNTY for the actual allowable PROJECT construction costs. Reimbursement will be based on actual eligible costs incurred, not to exceed the legislatively approved amount of \$5,733,000 for construction capital and support work performed pursuant to this Agreement.”
- “29. This Agreement will terminate upon completion of PROJECT that all parties have met all scope, cost, and schedule commitments included in this Agreement and have signed a cooperative agreement closure statement, which is a document signed by parties that verifies the completion of PROJECT.
- However, all indemnification, document, retention, audit, claims, environmental commitment, legal challenge, hazardous material, operation, maintenance and ownership articles will remain in effect until terminated or modified in writing by mutual agreement.

5. The new Exhibits A-2 and B-2, dated October 19, 2015, replaced the original Exhibits A, B, A-1, and B-2 of Agreement No. 8-1418 and is hereby attached to and made a part of

that Agreement and any reference to Exhibits A, B, A-1, and B-1 in the Agreement are deemed to be a reference to the Exhibits A-2 and B-2.

6. All other terms and conditions of said Agreement shall remain in full force and effect.
7. This Amendment No. 2 to Agreement is hereby deemed to be a part of Agreement.

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

COUNTY OF RIVERSIDE

By: _____
John Bulinski
District 8 Director

By: _____
Chairman, Board of Supervisors

CERTIFIED AS TO FUNDS:

Attest: _____
Clerk, Board of Supervisors

By: _____
Lisa Pacheco
District Budget Manager

APPROVED AS TO FORM AND
PROCEDURE:

By: Yanika B. Victor 12/2/15
COUNTY Counsel

Exhibit A-2

DEPARTMENT OF TRANSPORTATION
 DIVISION OF ACCOUNTING
 LOCAL PROGRAM ACCOUNTING BRANCH

Project sponsored by:
 1) State Funds
 2) Local Agency

Date: 10/19/2015
 EA #: 455804
 Sponsoring Agency: County of Riverside
 Agreement #: 8-1418 A/2

ATTN:

Project Location:	In Riverside County, on Interstate 10, Postmile 35.7 to 36.5. Reconstruct Interchange at Interstate-10/Palm Drive/Eugene Autry Trail Near City of Palm Springs					
Administrated Phases of Work	Local Program Funds	Local Program Funds		Local Program Funds	State Funds	Totals
	Federal : 100%	Federal : 80%	Match: 20%		TCRP	
	Fund Type: Stimulus Regional ARRA	Fund Type: SAFETEA-LU Demo	TCRP-State	Locals Funds	Fund Type: State	
SUPPORT						
Construction Support					\$4,250,000	\$4,250,000
CAPITAL						
Construction Capital	\$10,415,000	\$2,200,000	\$550,000	\$161,847	\$933,000	\$14,259,847
TOTALS	\$10,415,000	\$2,200,000	\$550,000	\$161,847	\$5,183,000	\$18,509,847
NOTES:						
Project Manager: Emad Makar 909 383-4978						
REMARKS:						

Exhibit B-2

Date: 10/19/2015
 Local Agency: County of Riverside
 EA: 455804
 Agreement No.: 8-1418 A/2

Federal Fund Type	Federal Amount	Reimbursement Ratio	Match Fund Type	Match Amount	Totals
SAFETEA-LU DEMO	\$2,200,000	80/20	TCRP-State	\$550,000	\$2,750,000
ARRA	\$10,415,000	0	No Match	\$0	\$10,415,000
Project Manager: Emad Makar					
Notes: No Match for ARRA Stimulus funds					