

FORM APPROVED COUNTY COUNSEL 3/16/16  
 BY: GREGORY P. PRIAMOS DATE

Departmental Concurrence

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

119



**FROM:** TLMA – Transportation Department

**SUBMITTAL DATE:**  
 February 11, 2016

**SUBJECT:** Amendment No. 2 to the Engineering Services Agreement between County of Riverside and Kimley-Horn and Associates, Inc. for the Sunset Avenue Railroad Grade Separation Project. 5<sup>th</sup> District; [\$2,960,555]; Local Funds 100%

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

1. Approve the attached Amendment No. 2 to the Engineering Services Agreement between the County of Riverside (County) and Kimley-Horn and Associates, Inc. for the Sunset Avenue Railroad Grade Separation Project.; and
2. Authorize the Chairman of the Board to execute the same.

Patricia Romo  
 Assistant Director of Transportation

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (Per Exec. Office)
COST	\$ 51,674	\$ 0	\$ 2,960,555	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

<b>SOURCE OF FUNDS:</b> City of Banning (100%)	<b>Budget Adjustment:</b> N/A
	<b>For Fiscal Year:</b> 15/16

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

APPROVE  
 BY:   
 Tina Grande

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

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

**Prev. Agn. Ref.:** 12/03/13, Item 3-44; 5/10/11, **District:** 5 **Agenda Number:**  
 Item 3.31: 6/8/10. Item 3.69: 6/8/10. Item 3.63

3-32

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**  
**FORM 11:** Amendment No. 2 to the Engineering Services Agreement between County of Riverside and Kimley-Horn and Associates, Inc. for the Sunset Avenue Railroad Grade Separation Project. 5<sup>th</sup> District; [\$2,960,555]; Local Funds 100%

**DATE:** February 11, 2016

**PAGE:** 2 of 3

**BACKGROUND:**

**Summary**

The Sunset Avenue railroad crossing is currently at street level and causes significant traffic delays. A grade separation project is under construction to enhance traffic flows along Sunset Avenue and will provide a route for emergency services to access residents south of the railroad tracks, while improving overall safety in the area.

On June 8, 2010 (Agenda Item 3-63), the Board of Supervisors (Board) authorized and executed a Cooperative Funding Agreement with the City of Banning (City) that designates the County as the lead agency for the development and delivery of the project and provides the funding needed for these services. The Board also authorized and executed an Engineering Services Agreement on that date with Kimley-Horn and Associates, Inc. to provide preliminary engineering and environmental services for the project (Agenda Item 3.69)

On May 10, 2011 (Agenda Item 3.31), the Board authorized Amendment No. 1 to the Agreement with Kimley-Horn and Associates, Inc. to include final engineering, bid support and construction support services for the project.

On December 3, 2013 (Agenda Item 3-44), the Board awarded a construction contract to construct the Sunset Avenue Grade Separation Project to Riverside Construction Company, Inc.

Construction support services are provided by Kimley-Horn and Associates, Inc. when requested by Construction Management staff on an as needed basis. The actual level of support requested and required has exceeded the budget allocated for this support. Several unanticipated items have required design coordination, review and alterations during construction including the following:

- Changes made to the electrical design requested by the City and State Department of Transportation (Caltrans) to provide for improved maintenance of the electrical and lightening systems of the project.
- Changes to existing waterline facilities made prior to construction by the City require modifications to the new water facilities to be constructed with the project.
- Design of a new access road to the north side of the Union Pacific Railroad (UPRR) tracks requested by the railroad company during construction to provide access to their tracks that is restricted by the grade separation improvements.
- Revisions to the proposed landscaping plans to accommodate an August 28, 2015 memorandum issued by Caltrans in response to drought conditions impacting the State of California.

Amendment No. 2 will compensate Kimley-Horn and Associates, Inc. for construction support services required beyond the allocated budget.

**Impact on Residents and Businesses**

Railroad grade separations provide increased safety for both the traveling public and to the railroad by eliminating at grade crossings and the chance of rail related conflicts. The community will benefit from the increased traffic circulation through the grade separated crossing and from the safety provided by the installation of new traffic signals at the Sunset Avenue freeway off ramps.

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**PAGE:** 3 of 3

**SUPPLEMENTAL:**

**Additional Fiscal Information**

The final design is complete and the project is nearing the end of construction. The County of Riverside Transportation Department (Transportation Department) and Kimley-Horn and Associates, Inc. have agreed on a budget increase of \$51,674 to perform the additional construction support services.

The contract budget will be adjusted as follows:

Original Contract Budget (Prelim Engineering & Environmental)	\$ 813,477
Amendment No. 1: PS&E, Bid Support, Construction Support	<u>\$ 2,095,404</u>
Prior Approved Subtotal	\$2,908,881
<b>Amendment No. 2: Construction Support</b>	<b><u>\$ 51,674</u></b>
Total Revised Contract Budget	\$ 2,960,555

The Engineering Services Contract is funded 100% by the City of Banning. No County funds are being used for this project.

Project Number: C0-0529

**Contract History and Price Reasonableness**

The extra work was required by the City of Banning, State Department of Transportation, and the Union Pacific Railroad. The total proposed consultant fee is reasonable given the complexity of the project.

**ATTACHMENTS:**

Vicinity Map  
Amendment No. 2

# SUNSET AVENUE GRADE SEPARATION PROJECT LOCATION MAP



**AMENDMENT NO. 2**

**AMENDMENT TO AGREEMENT BETWEEN**

**THE COUNTY OF RIVERSIDE AND KIMLEY-HORN AND ASSOCIATES, INC**

THIS AMENDMENT (hereinafter the "Amendment 2") to an agreement is made and entered into as of this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by and between the County of Riverside, a political subdivision of the State of California (hereinafter the "COUNTY"), and Kimley-Horn and Associates, Inc. (hereinafter "ENGINEER").

**RECITALS**

- A. COUNTY and ENGINEER have entered in an agreement entitled "Engineering Services Agreement for Sunset Avenue Railroad Grade Separation Project between County of Riverside • Transportation Department and Kimley-Horn and Associates, Inc." that is dated June 8, 2010 (hereinafter the "Agreement"). The Agreement provides the terms and conditions, scope of work, schedule and budget for the performance of professional and technical services necessary to prepare preliminary engineering plans, environmental technical studies and an environmental document.
- B. COUNTY and ENGINEER have entered in an amendment to the agreement entitled "AMENDMENT NO. 1, AMENDMENT TO AGREEMENT BETWEEN THE COUNTY OF RIVERSIDE AND KIMLEY-HORN AND ASSOCIATES, INC" that is dated MAY 10, 2011 (hereinafter the "Amendment 1"). The Amendment 1 provides the terms and conditions, scope of work, schedule and budget for the performance of professional and technical services necessary to prepare final Plans, Specifications and Estimates and Construction Support Services that are needed to construct the proposed improvements.
- C. The above noted services are complete and the County Board of Supervisors awarded a construction contract to construct the Sunset Avenue Grade Separation Project for \$18,237,589 to Riverside Construction Company on December 3, 2013.
- D. The Sunset Avenue Grade Separation Project is located within the right-of-way and/or jurisdictional boundaries of the State Transportation Department (Caltrans), the City of Banning and the Union Pacific Railroad. Subsequent to award of the construction contract each of these agencies has requested changes that require design modifications that go beyond the normal construction support services and beyond the approved budget for these services.
  - a. Caltrans requested landscaping changes due to drought conditions.
  - b. Caltrans & City of Banning requested changes to the electrical design

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- c. City of Banning requested change to the waterline alignment.
- d. UPRR requested an additional access ramp/driveway.

E. The parties desire to amend the Agreement to include the scope of work and budget needed to perform the additional Construction Support services for the project.

**AGREEMENT**

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained, the parties agree as follows:

- 1. Appendix A is amended to include the additional services as described in the attached Scope of Services entitled "AMENDMENT 2 • APPENDIX A2 • SCOPE FOR ADDITIONAL CONSTRUCTION SUPPORT SERVICES"
- 2. Appendix C • Article CV is amended by increasing the contract budget by \$64,788 as provided below and in accordance with the attached Fee Proposal entitled "Amendment 2 • Appendix C2 • Sunset Ave Grade Separation Project Fee Proposal Summary".

Original Contract • Prelim Engineering and Environmental Budget	\$813,477
Amendment 1 • PS&E, Bid Support & Construction Support	\$2,095,404
<b>Amendment 2 Funding</b>	
City, Caltrans and UPRR requested additional services	\$51,674
<b>Total Additional Funds – Amendment 2</b>	<b>\$51,674</b>
<b>Total Amended Amount</b>	<b>\$2,960,655</b>

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

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

ARTICLE VIII • APPROVALS

COUNTY Approvals

RECOMMENDED FOR APPROVAL:

Patricia Romo Dated: 3/7/16

JUAN C. PEREZ

Director of Transportation and Land Management  
**Assistant Director of Transportation**

APPROVED AS TO FORM:

GREGORY P. PRIAMOS, County Counsel

Yousha Victor Dated: 3/10/16

By Deputy

APPROVAL BY THE BOARD OF SUPERVISORS

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

PRINTED NAME

Chairman, Riverside County Board of Supervisors

ATTEST:

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

KECIA HARPER-IHEM

Clerk of the Board (SEAL)

ENGINEER Approvals

ENGINEER:

Dennis Landau Dated: 1/25/16

Dennis Landau  
PRINTED NAME

Vice Pres. LA  
TITLE

ENGINEER:

Jason Valencia Dated: 1/25/16

JASON VALENCIA  
PRINTED NAME

Assistant Secretary  
TITLE

1 **AMENDMENT 2 • APPENDIX A2 • SCOPE FOR ADDITIONAL CONSTRUCTION SUPPORT SERVICES**

2 **ARTICLE AI • INTRODUCTION**

3 **A. CHANGES TO ELECTRICAL DESIGN**

4 During construction several changes to electrical design were requested by Caltrans and City of Banning to  
5 accommodate changes to maintenance responsibilities.

6 **B. CHANGES TO WATERLINE ALIGNMENT**

7 Waterline alignment required to be redesigned to accommodate recently installed City facilities. During the  
8 design phase of the project, the design team coordinated with City to identify future city facilities that would  
9 connect to the project facility. However, the city installed these facilities in slightly different location, requiring  
10 the project to redesign waterlines facilities.

11 **C. NEW RAILROAD ACCESS DRIVEWAY DESIGN/PLANS**

12 Union Pacific Railroad (UPRR) requested the addition of a new access to the north side of the railroad  
13 tracks. UPRR was provided with engineering plans during the design phase and approved the plans. UPRR  
14 failed to note or request access to the north side of the railroad tracks as part of their review and approval.  
15 UPRR subsequently requested access during construction. Kimley-Horn will prepare plans to include  
16 driveway layouts, profile, grading and construction details. Proposed drainage facilities would also need to be  
17 modified to accommodate new driveway.

18 **D. REVISIONS TO LANDSCAPING TO ADDRESS DROUGHT CONDITIONS**

19 *(Budget for this extra work is not a part of this funding request – the work was paid out of contingency funds)*

20 In response to a Caltrans Memorandum issued August 28, 2015 by Caltrans Chief Engineer Karla Sutliff and  
21 Deputy Director, Maintenance and Operations Steve Takigawa, Caltrans District 8 Staff has requested  
22 specific changes to the proposed landscaping in response to drought conditions impacting the State of  
23 California. Caltrans District 8 staff has requested removal of a significant portion of the proposed vegetation  
24 and replacement with drought tolerant plantings. The planned irrigation system required modification  
25 consistent with the changes in vegetation. Kimley-Horn shall facilitate the coordination of the changes  
26 between the State and City of Banning and revise the landscape design plans accordingly.



**Amendment 2 • Appendix C2 • Sunset Ave Grade Separation Project Fee Proposal Summary**

January 27, 2016

COMPANIES	PHASE I	PHASE II	PHASE III	PHASE IV	CONTINGENCY	TOTAL
<b>KIMLEY HORN &amp; ASSOCIATES</b>						
ORIGINAL CONTRACT	\$ 663,477.00				\$ 150,000.00	\$ 813,477.00
AMENDMENT 1	\$ (90,000.00)	\$ 1,984,971.00	\$ 16,097.00	\$ 84,336.00	\$ 100,000.00	\$ 2,095,404.00
ADMINISTRATIVE MODIFICATION 1	\$ 24,500.00	\$ (24,500.00)				
ADMINISTRATIVE MODIFICATION 2		\$ 191,735.00			\$ (191,735.00)	
ADMINISTRATIVE MODIFICATION 3		\$ 21,000.00			\$ (21,000.00)	
ADMINISTRATIVE MODIFICATION 4				\$ 37,260.00	\$ (37,260.00)	
AMENDMENT 2 (Additional Services)				\$ 51,674.00		\$ 51,674.00
<b>TOTAL</b>	<b>\$ 597,977.00</b>	<b>\$ 2,173,206.00</b>	<b>\$ 16,097.00</b>	<b>\$ 173,270.00</b>	<b>\$ 5.00</b>	<b>\$ 2,960,555.00</b>

- Phase I Preliminary Engineering & Environmental
- Phase II Plans, Specs & Estimates
- Phase III Bid Support
- Phase IV Construction Support



