

FORM APPROVED COUNTY COUNSEL
 BY: GREGORY P. PRIAMOS
 DATE: 4/27/16

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

525A



FROM: TLMA – Transportation and Planning Department

SUBMITTAL DATE:
 March 2, 2016

SUBJECT: Amendment No. 4 to Agreement 11-08-021 between the County of Riverside and Applied Earthworks, Inc. for On-Call Environmental Services. All Districts; [\$1,900,000]; Various State and Local Funds 100%

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve Amendment No. 4 to increase the contract budget for the On-Call Environmental Services Agreement between the County of Riverside (County) Applied Earthworks, Inc.; and
2. Authorize the Chairman of the Board to execute the same.

BACKGROUND:

Summary

Environmental Services are needed to provide access to expertise and additional personnel, enabling the County of Riverside Transportation Department (Transportation Department) to meet increasing state and federal regulatory compliance demands.

Patricia Romo

Patricia Romo
 Assistant Director of Transportation

Juan C. Perez

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	\$ 900,000	\$ 0	\$ 1,900,000	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

SOURCE OF FUNDS: Various by project- State Funds and Local Funds- 100%.
 There are no General Funds used in this Agreement.

Budget Adjustment: No
For Fiscal Year: 2015/2016

C.E.O. RECOMMENDATION:

APPROVE

BY: *Tina Grande*
 Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Prev. Agn. Ref.: 9/27/11, Item 3-32; 7/1/2014, District: All
 Item 3-57: 6/30/2015. Item 3-64

Agenda Number:

3-27

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

FORM 11: Amendment No. 4 to Agreement 11-08-021 between the County of Riverside and Applied Earthworks, Inc. for On-Call Environmental Services. All Districts; [\$1,900,000]; Various State and Local Funds 100%

DATE: March 2, 2016

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BACKGROUND:

Summary (continued)

The Transportation Department utilizes outside consulting firms to assist in the environmental phase of project delivery, often the critical path, to supplement the currently available small core Transportation Department staff, and make use of specialized expertise for certain environmental studies. Environmental Services are needed to provide access to additional expertise and personnel, enabling the Transportation Department to meet increasing state and federal regulatory compliance demands.

On September 27, 2011 (Agenda Item 3-32), the Board of Supervisors (Board) approved the On-Call Environmental Services Agreement with Applied Earthworks, Inc. with an annual amount not-to-exceed \$250,000. The On-call Environmental Agreement is for a 3-year term with the option to extend the contract two (2) additional one (1) year terms following the close of the initial three (3) year term.

On July 1, 2014 (Agenda Item 3-57), the Board approved Amendment No. 1 which provided Applied Earthworks, Inc. the first of two optional one-year extensions in the amount of \$250,000 for Fiscal Year 2014/2015 and authorized the Director of Transportation to approve future extensions as provided for in the agreement. On June 30, 2015 (Agenda Item 3-64), the Board approved Amendment No. 2 which revised the annual budget in the agreement for Fiscal Year 2015/2016 from \$250,000 per year to \$500,000 per year. The revision was necessary due to an increased amount of project activities requiring efficient and timely environmental analysis. On June 8, 2015, the Director of Transportation approved Amendment No. 3 which provided a second and final one-year extension.

The \$500,000 budget for Fiscal Year 2015/2016 for Applied Earthworks, Inc. has been exhausted due to a combination of unanticipated emergency work and large and complex road construction projects under or nearing construction. Applied Earthworks, Inc. provided historic documentation support for the Emergency Replacement of the Abrigo Ditch Bridge and Vado Ditch Bride on Chuckwalla Valley Road Project; cultural monitoring for the Newport Road and State Route 79 Detention Basin; and cultural, archaeological and paleontological monitoring and mitigation support for the Clinton Keith Road Extension Project. The budget must be increased to provide sufficient capacity to continue working on critical on-call work assignments for necessary environmental services. There is a need for complex cultural field investigations, site testing/analysis and construction monitoring for the Clinton Keith Road Extension Project, Applied Earthworks, Inc. is also providing cultural services for the I-10/Jefferson Street Interchange Project. Amendment No. 4 will increase the contract budget amount an additional \$400,000 for a total \$900,000 for the remainder of Fiscal Year 2015/2016 which will allow for the environmental analysis to continue in an efficient and expedient manner for the Clinton Keith Rd Extension Project and the I-10/Jefferson St Interchange Project.

Impact on Residents and Businesses

This amendment will provide increased access to specific environmental expertise in areas that will supplement Transportation Department staff resources, keeping Transportation projects moving.

SUPPLEMENTAL:

Additional Fiscal Information

All associated contract costs will be funded using project funds. Project funds include, but are not limited to, Measure "A", Gas Tax, Western Riverside Council of Governments (WRCOG), Transportation Uniform Mitigation Fee (TUMF), Road and Bridge Benefit District, developer contributions, and various State funds. No net County costs will be incurred as a result of this agreement.

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Original Contract Amount:

	Fiscal Year 2011/2012	\$250,000
	Fiscal Year 2012/2013	\$250,000
	Fiscal Year 2013/2014	\$250,000
Amendment No. 1	Fiscal Year 2014/2015	\$250,000 (First one-year extension)
Amendment No. 2	Fiscal Year 2015/2016	\$500,000 (First augment)
Amendment No. 3	Fiscal Year 2015/2016	\$0 (Second one-year extension)
Amendment No. 4	Fiscal Year 2015/2016	\$400,000 (Second augment)
	Total	\$1,900,000

Contract History and Price Reasonableness

The billing rates for environmental services from Applied Earthworks, Inc. remain unchanged from the billing rates included in their September 27, 2011 County-awarded agreement. The billing rates of Applied Earthworks, Inc. are comparable to those of other consulting firms offering similar services.

ATTACHMENTS:

Amendment No. 4

AMENDMENT No. 4 TO AGREEMENT

for On-Call Environmental Services

between County of Riverside- Transportation Department

and Applied Earthworks, Inc.

THIS AMENDMENT (hereinafter the “Amendment No. 4”) 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 Applied Earthworks, Inc. (hereinafter “CONSULTANT”).

RECITALS

- A. COUNTY and CONSULTANT have entered into an Agreement entitled “On-Call Environmental Services between County of Riverside – Transportation Department and Applied Earthworks, Inc.” dated September 27, 2011, Agenda Item 3.32 (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 provide on-call Environmental services.
- B. Due to an increased amount of roadway activities requiring varying levels of environmental analysis, the amount of compensation is required to be increased a second time to provide sufficient funding capacity for efficient and timely environmental analysis. The parties augmented the compensation amount on June 30, 2015 in an amendment entitled “Amendment No. 2 to Agreement for On-call Environmental Services between County of Riverside-Transportation Department and Applied Earthworks, Inc.” (Amendment No. 2), Agenda Item 3-64. The parties now desire to amend the compensation amount for the remainder of Fiscal Year 2015/2016.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained, the parties agree as follows, effective as of this _____ day of _____, 2016:

- 1. Article VI – COMPENSATION subsection B.1. of the original Agreement was amended by Amendment No. 2 on June 30, 2015 (Agenda Item 3-64) by deleting the sentence “The total amount of the Contract is not to exceed \$250,000 per year.” and replacing with the following: “The total amount of the Contract is

1 not to exceed \$500,000 per year.” Amendment No. 4 is amending the previously amended Agreement
2 language with the following: “The total amount of the contract is not to exceed \$900,000”.

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4 2. Appendix C · Article CIV · Cost Proposal of the original Agreement was amended by Amendment No. 2 on
5 June 30, 2015 (Agenda Item 3-64) by deleting the Annual Budget Amount for July1, 2015 to June 30, 2016
6 of “\$250,000” and replacing with “\$500,000”. Amendment No. 4 is amending the “\$500,000” with
7 “\$900,000”.
- 8 3. CONSULTANT agrees to bill at rates approved in the October 28, 2011 Agreement, for the term of this
9 agreement.
- 10 4. Except to the extent specifically modified or amended hereunder, all of the terms, covenants and conditions
11 of the Agreement shall remain in full force and effect between the parties hereto.

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

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APPROVALS

COUNTY Approvals

RECOMMENDED FOR APPROVAL:

 Dated: 4/4/13

Juan C. Perez
Director of Transportation and Land Management

APPROVED AS TO FORM:

GREGORY P. PRIAMOS

 Dated: 4/20/16
Deputy
County Counsel

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)

CONSULTANT Approvals

CONSULTANT:

Applied Earthworks, Inc.

 Dated: 1/20/16

Vanessa Mirro
PRINTED NAME

Vice President
TITLE

CONSULTANT:

_____ Dated: _____

PRINTED NAME

TITLE