

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

982



**FROM:** TLMA - Transportation Department

**SUBMITTAL DATE:**  
July 15, 2010

**SUBJECT:** Amendment No. 2 to the Construction Cooperative Agreement between the County of Riverside, City of Palm Springs and the State of California Department of Transportation (Caltrans) for I-10 at Indian Avenue Interchange.

**RECOMMENDED MOTION:** That the Board approve and authorize the Chairman of the Board to execute Amendment No. 2 to the Construction Cooperative Agreement between the County of Riverside, City of Palm Springs and Caltrans for the Indian Avenue Interchange project located on Interstate 10. (District Agreement No. 8-1433 A/2)

**BACKGROUND:** The Indian Avenue at Interstate 10 Interchange project is identified as a high priority facility in CVAG's Regional Arterial Program. In addition, it is a gateway into the Cities of Palm Springs and Desert Hot Springs and the unincorporated County. Significant growth in the

Juan C. Perez  
Director of Transportation

(Continued On Attached Page)

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	20010/11
<b>SOURCE OF FUNDS:</b> City of Palm Springs (100%)				<b>Positions To Be Deleted Per A-30</b> <input type="checkbox"/>
				<b>Requires 4/5 Vote</b> <input type="checkbox"/>

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

APPROVE

BY:   
Tina Grande

**County Executive Office Signature**

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Ashley, seconded by Supervisor Benoit and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley  
Nays: None  
Absent: None  
Date: August 31, 2010  
xc: Transp.

Kecia Harper-Ihem  
Clerk of the Board  
By:   
Deputy

Prev. Agn. Ref. 10/20/09 (3.71),  
12/15/09 (3.23)

District: 5

Agenda Number:

ATTACHMENTS FILED  
WITH THE CLERK OF THE BOARD

**3.76**

FORM APPROVED COUNTY COUNSEL  
DATE: 7/29/10  
BY:   
MARSHAL VICTOR

Departmental Concurrence

Dep't Recomm.: ☐ Consent ☐ Policy ☒  
Per Exec. Ofc.: ☐ Consent ☒ Policy ☒

The Honorable Board of Supervisors

RE: Amendment No. 2 to the Construction Cooperative Agreement between the County of Riverside, City of Palm Springs and the State of California Department of Transportation (Caltrans) for I-10 at Indian Avenue Interchange.

July 15, 2010

Page 2 of 2

area has increased traffic beyond the capacity of the interchange and it is now failing during the peak hours of operation. Improvements are proposed to the interchange that will increase capacity and improve the operation to a satisfactory condition for current and future traffic volumes.

The City of Palm Springs is the lead agency for the Indian Avenue Interchange project. The City has requested that the County of Riverside perform the Advertisement, Award and Administration (AAA) for this project. The City of Palm Springs will reimburse the County for all costs associated with the project.

The attached agreement expands the terms of the Original and Amendment No. 1 of the Construction Cooperative Agreement to incorporate the use of State Transportation Improvement Program/Regional Improvement Program (STIP/RIP) funding for construction capital and construction support services for the project. The project will be receiving \$13,656,000 of State STIP/RIP funding.

The other terms of the original Construction Cooperative Agreement between the City, County and Caltrans remain the same.

The construction of the interchange improvements are anticipated to start in August 2010.

Work Order No. A8-0372

WHEN DOCUMENT IS FULLY EXECUTED RETURN  
CLERK'S COPY

to Riverside County Clerk of the Board, Stop 1010  
Post Office Box 1147, Riverside, Ca 92502-1147  
Thank you.

Contract No. 09-09-004-A2  
Riverside Co. Transportation

08-Riv-10-PM 32.6/33.6  
Reconstruct Existing Interchange at  
I-10/Indian Avenue  
EA 455701  
District Agreement No. 8-1433 A/2

## AMENDMENT NO. 2 TO AGREEMENT

THIS AMENDMENT NO. 2 TO AGREEMENT, ENTERED INTO EFFECTIVE ON  
September 16, 2010, is between the STATE OF CALIFORNIA, acting by and through its  
Department of Transportation, referred to herein as "STATE," and the

CITY OF PALM SPRINGS, a body politic and  
municipal corporation of the State of California,  
referred to herein as "CITY"

and

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. 8-1433, on October 27, 2009, to reconstruct existing interchange at Interstate 10 (I-10)/Indian Avenue, located within the City of Palm Springs, in Riverside County, referred to herein as "PROJECT."
2. The parties hereto entered into Agreement No. 8-1433 A/1, on December 23, 2009, to include Regional American Recovery and Reinvestment Act of 2009 (ARRA) funds in the amount of \$5,517,500 in place of some of the Local funds.
3. It has been decided that the PROJECT will now be using STATE's Transportation Improvement Program/Regional Improvement Program (STIP/RIP) funding source in place of the Local funds.

AUG 31 2010 3,76

2010-11-10 4301

**IT IS THEREFORE MUTUALLY AGREED:**

1. Under RECITALS of Agreement No. 8-1433, Articles 4 and 6, are hereby amended in their entirety to read as follows:
  - "4. CITY for the purpose of funding PROJECT cost for capital outlay will be using Regional ARRA funding source in the amount not to exceed \$5,517,500, STATE's Transportation Improvement Program/Regional Improvement Program (STIP/RIP) funding source in the amount of \$13,035,867, Federal Demonstration Transportation Equity Act for the 21<sup>st</sup> Century (DEMO TEA 21) funds in the amount of \$1,120,885 and STIP/RIP matching funds in the amount of \$224,177; and Safe, Accountable, Flexible, Efficient, Transportation Act Equity - A legacy for Users (DEMO SAFETEA-LU) funds in the amount of \$1,979,780 and STIP/RIP matching funds in the amount of \$395,956. The PROJECT cost estimate is \$22,274,165 as shown on Exhibit A-2, attached hereto and made a part of this Agreement."
  - "6. The STATE's STIP/RIP funds were programmed by the California Transportation Commission (CTC) at the July 26, 2007, meeting, for the PROJECT's construction capital and support."
2. Under SECTION I of Agreement No. 8-1433, Articles 1, 3 and 8, are hereby amended in their entirety to read as follows:
  - "1. To be responsible for one hundred (100%) percent of total PROJECT construction cost (of which a portion will be funded out of STATE's STIP/RIP, Regional ARRA, DEMO and SAFETEA-LU funding sources, as shown in Exhibit A-2) required for satisfactory completion of PROJECT, including, but not limited to Construction Zone Enhancement Enforcement Program (COZEEP), "State-furnished material (SFM)," and source inspection costs of STATE's IQA. If it becomes necessary for an increase in PROJECT funding, said increase will be paid in full by CITY."
  - "3. CITY authorizes STATE to reimburse itself from then available STIP/RIP funds for the actual cost of SFM and source inspection cost."
  - "8. Upon completion of the construction capital and support activities for PROJECT, to furnish STATE with a detailed statement of the total actual costs funded from STATE's STIP/RIP funding source, which were reimbursed to CITY on a continuous basis."
3. Under SECTION I of Agreement No. 8-1433, Articles 4, 5, and 6, are hereby deleted in their entirety
4. Under SECTION II of Agreement No. 8-1433, Article 3 is hereby amended in its entirety to read as follows:

- “3. To submit a written request for any SFM identified in the PROJECT plans, specifications, and estimates (PS&E) a minimum of forty-five (45) days in advance of the need for such materials. COUNTY may take delivery of the SFM.”
5. Under SECTION III of Agreement No. 8-1433, Articles 3, 5 and 7, are hereby amended in their entirety to read as follows:

  - “3. To provide, at CITY’s cost, any SFM as shown on the PROJECT PS&E. Upon receipt of COUNTY’s request for any such SFM, STATE will order those materials and STATE will make those SFM available to COUNTY at a STATE designated site.”
  - “5. STATE to reimburse itself from then available STIP/RIP funds for actual cost of SFM and source inspection for PROJECT.”
  - “7. To allocate \$13,656,000 from STATE’s STIP/RIP funding source to PROJECT. These funds were programmed by the CTC at the July 26, 2007, meeting for construction capital and support services for PROJECT.”
6. Under SECTION IV of Agreement No. 8-1433, a new Article 31 is hereby added to read as follows:


  - “31. STATE invoices for support costs including all direct and applicable indirect costs. Applicable indirect costs are determined by the type of funds being used to pay for support. State and federal funds are subject to the Program Functional Rate. Local funds (Measure money, developer fees, special assessments, etc.) are subject to the Program Functional Rate and the Administration Rate. STATE establishes the Program Functional Rate and the Administration Rate annually according to State and Federal regulations.”
7. The new Exhibit A/2, dated May 6, 2010, replaces the original Exhibit A and A/1 of Agreement No. 8-1433 and is hereby attached to and made a part of that Agreement and any reference to Exhibit A and A/1 in the original agreement is deemed to be a reference to the Exhibit A/2.
8. All other terms and conditions of said Agreement No. 8-1433 shall remain in full force and effect.
9. This Amendment No. 2 to Agreement is hereby deemed to be a part of Agreement No. 8-1433.

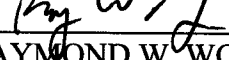
SIGNATURES ON FOLLOWING PAGE:

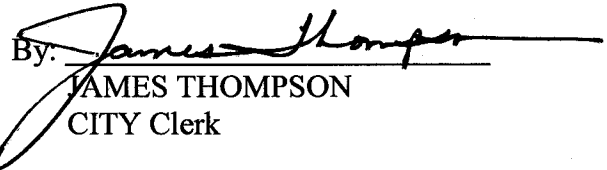
STATE OF CALIFORNIA  
DEPARTMENT OF TRANSPORTATION

CINDY MCKIM  
Director

CITY OF PALM SPRINGS

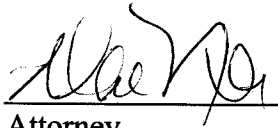
By:   
DAVID H. READY  
CITY Manager


By:   
RAYMOND W. WOLFE, PhD  
District Director

By:   
JAMES THOMPSON  
CITY Clerk

APPROVED AS TO FORM AND  
PROCEDURE:

APPROVED AS TO FORM AND  
PROCEDURE:

By:   
Attorney,  
Department of Transportation

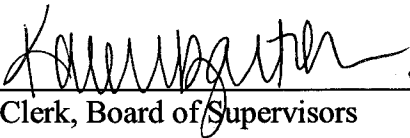
By:   
DOUGLAS HOLLAND  
CITY Counsel

CERTIFIED AS TO FUNDS:

COUNTY OF RIVERSIDE

By:   
Supervisor, Board of Supervisors  
MARION ASHLEY

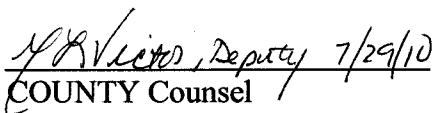
By:   
District Budget Manager

By:  deputy for  
Clerk, Board of Supervisors  
KECIA HARPER-IHEM

CERTIFIED AS TO FINANCIAL  
TERMS AND POLICIES:

APPROVED AS TO FORM AND  
PROCEDURE:

By:   
Accounting Administrator

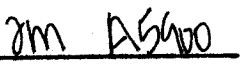
By:  Deputy 7/29/10  
COUNTY Counsel  
Marsha L. Victor

WHEN DOCUMENT IS FULLY EXECUTED RETURN

CLERK'S COPY

to Riverside County Clerk of the Board, Room 1010  
Post Office Box 1147, Riverside, CA 92502-1147  
Thank you.

APPROVED BY CITY COUNCIL

7-21-10 

Date: 5/6/2010

# EXHIBIT A/2

## COST ESTIMATE

Sustained Phases of Work		Local Program Funds		Local Program Funds	Local Program Funds		State Funds	Totals
		Federal %: 80	Match %: 20	Federal %: 100	Federal %: 80	Match %: 20	100%	
		Fund Type: DEMO/FEAZ	Fund Type: STIP/RIP	Fund Type: Regional Stimulus ARRA	Fund Type: DEMO SAFETEA-LU	Fund Type: STIP/RIP	Fund Type: STIP/RIP	
<b>SUPPORT</b>	<b>Phase</b>							
<b>PA&amp;ED</b>	<b>0</b>							\$0.00
<b>PS&amp;E</b>	<b>1</b>							\$0.00
<b>R/W Support</b>	<b>2</b>							\$0.00
<b>Construction Support</b>	<b>3</b>						\$4,078,290.00	\$4,078,290.00
<b>CAPITAL</b>	<b>Phase</b>							
<b>R/W Capital</b>	<b>9</b>							\$0.00
<b>Construction Capital</b>	<b>4</b>	\$1,120,885.00	\$224,177.00	\$5,517,500.00	\$1,979,780.00	\$395,956.00	\$8,957,577.00	\$18,195,875.00
<b>TOTALS</b>		\$1,120,885.00	\$224,177.00	\$5,517,500.00	\$1,979,780.00	\$395,956.00	\$13,035,867.00	\$22,274,165.00