

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

328A



FROM: TLMA - Transportation Department

SUBMITTAL DATE:

April 12, 2011

SUBJECT: Amendment No. 1 to the Construction Cooperative Agreement between the County of Riverside and the State of California Department of Transportation (Caltrans) for Phase 1, SR 79 - Scott Road to Domenigoni Parkway

RECOMMENDED MOTION: That the Board approve and execute the attached Amendment 1 to the Construction Cooperative Agreement between the State of California and the County of Riverside and authorize the Chairman to execute the same (Caltrans Agreement No. 08-1484 A/1).

BACKGROUND: The proposed project consists of widening SR-79 from Thompson Road to Domenigoni Parkway from two to four lanes, for approximately 8 miles. Winchester Road (SR-79) is a major north-south corridor in Southwest Riverside County. This project will improve

Juan C. Perez
Director of Transportation

(Continued On Attached Page)

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	No
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2011/2012

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<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 Stone, seconded by Supervisor Ashley 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: April 12, 2011
 xc: Transp.

Kecia Harper-Ihem
 Clerk of the Board
 By: Deputy

Prev. Agn. Ref. 2/08/11 (3.30) | **District:** 3 | **Agenda Number:**

3.25

FORM APPROVED COUNTY COUNSEL
 BY: MARSHAL VICTOR
 DATE: 4/5/11

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

The Honorable Board of Supervisors

RE: Amendment No. 1 to the Construction Cooperative Agreement between the County of Riverside and the State of California Department of Transportation (Caltrans) for Phase 1, SR 79 - Scott Road to Domenigoni Parkway

April 12, 2011

Page 2 of 2

travel through the corridor and ease congestion caused by the significant increase in traffic volume. The project environmental document was approved on December 28, 2010.

On February 8, 2011 the Board of Supervisors approved the Caltrans Construction Cooperative agreement, No. 08-1484 which outlined each agency's responsibility for the construction of the improvements on Phase 1, SR 79 from Scott Road to Domenigoni Parkway.

Since the Agreement was approved, it has been determined that it would be beneficial to utilize the Federal funds for Construction Support as well as Construction. This Amendment outlines this change in the distribution of funds. The overall funding has also been reduced to reflect the current Engineers Estimate based on recent trends in the construction industry, and is estimated to be \$24.5 million, with \$20.4 million of Federal funding. Construction for Phase 1 is scheduled to begin in the Summer of 2011.

In addition, Caltrans has requested that language be added to the original agreement that designates the County as the Legally Responsible Person and Approved Signatory Authority for construction as indicated in the attached Agreement Amendment, page 7, item 50, paragraph 3. All other terms of the original agreement remain in effect.

Once bids are opened and final costs are determined, the Transportation Department will finalize the County's cost contribution and bring it for approval before the Board as part of the construction contract award.

Project No. B40527

Contract No. 11-01-017 A1
Riverside Co. Transportation

08-RIV-79-R12.2/R15.8

EA: 46461

Federal Funds

District Agreement 08-1484 A/1

Project Number 0800001041

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.

AMENDMENT NO.1 TO AGREEMENT 08-1484

THIS AMENDMENT No. 1 (AMENDMENT), entered into and effective on April 19, 2011, is between the State of California, acting through its Department of Transportation, referred to as CALTRANS, and

County of Riverside, a political subdivision of the State of California, referred to as COUNTY.

RECITALS

1. CALTRANS and COUNTY collectively referred to as PARTNERS, entered into Agreement No. 08-1484, (AGREEMENT) on March 3, 2011, defining the terms and conditions for improvements consisting of widening State Route 79 in Riverside County from Scott Road to Domenigoni Parkway from two to four lanes, for approximately 4 miles, referred to as PROJECT.
2. PARTNERS now seek to add language for the Legally Responsible Person and the Approved Signatory Authority as mandated by the Construction General Permit and to modify the funding summary (based on updated engineers estimate).
3. A revised FUNDING SUMMARY is attached and made part of this AMENDMENT.

IT IS THEREFORE MUTUALLY AGREED:

1. Article 50 in the AGREEMENT is replaced in its entirety to read as follows:
"50. COUNTY will advertise, open bids, award, and approve the construction contract in accordance with the California Public Contract Code and the California Labor Code.

COUNTY will not advertise the construction contract until CALTRANS completes or accepts the final plans, specifications, and estimate package;

CALTRANS approves the Right of Way Certification; and SPONSOR verifies full funding of CONSTRUCTION SUPPORT and CONSTRUCTION CAPITAL.

By accepting responsibility to advertise and award the construction contract, COUNTY also accepts responsibility to administer the construction contract.

PARTNERS agree that COUNTY is designated as the Legally Responsible Person and the Approved Signatory Authority pursuant to the Construction General Permit, State Water Resources Control Board (SWRCB) Order Number 2009-0009-DWQ, as defined in Appendix 5, Glossary, and assumes all roles and responsibilities assigned to the Legally Responsible Person and the Approved Signatory Authority as mandated by the Construction General Permit.”

2. A revised FUNDING SUMMARY is attached and made part of the AGREEMENT. Any reference to the FUNDING SUMMARY in the AGREEMENT is deemed to refer to the revised FUNDING SUMMARY attached herein.
3. All other terms and conditions of the AGREEMENT shall remain in full force and effect.
4. This AMENDMENT is deemed to be included and made part of the AGREEMENT.

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.


SIGNATURES

PARTNERS declare that:

1. Each partner is an authorized legal entity under California state law.
2. Each partner has the authority to enter into this agreement.
3. The people signing this agreement have the authority to do so on behalf of their public agencies.


STATE CALIFORNIA DEPARTMENT
OF TRANSPORTATION

COUNTY OF RIVERSIDE

By: 
cc Raymond W. Wolfe, PhD
District Director

By: 
Chairman, Board of Supervisors
BOB BUSTER

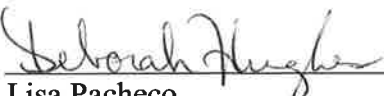
APPROVED AS TO FORM AND
PROCEDURE:

By: 
Attorney
Department of Transportation

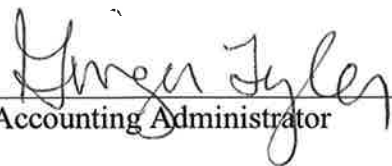
By: , deputy for
Kecia Harper-Jhem
Clerk of the Board

CERTIFIED AS TO FUNDS:

APPROVED AS TO FORM AND
PROCEDURE:
Pamela J. Walls
County Counsel

By: 
for Lisa Pacheco
Budget Manager

By:  4/5/11
Deputy

By: 
Accounting Administrator

FUNDING SUMMARY

Funding Source	Funding Partner	Fund Type	CON Capital	CON Support	Subtotal Support	Subtotal Capital	Subtotal Funds Type
FEDERAL	COUNTY	STPL	\$18,552,000	\$1,855,000	\$1,855,000	\$18,552,000	\$20,407,000
LOCAL	COUNTY	COUNTY	\$3,715,817	\$372,000	\$372,000	\$3,715,817	\$4,087,817
		Subtotals by Component	\$22,267,817	\$2,227,000	\$2,227,000	\$22,267,817	\$24,494,817