

617B



**SUBMITTAL TO THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

**FROM:** General Manager-Chief Engineer  
**SUBJECT:** West Cathedral Canyon Channel Levee  
Project No. 6-0-00011  
Professional Services Agreement – Amendment No. 4

**SUBMITTAL DATE:**  
August 16, 2011

**RECOMMENDED MOTION:**

1. Ratify and approve Amendment No. 4 to the Agreement between the District and HDR Engineering, Inc. (Consultant);
2. Authorize the Chairman to execute Amendment No. 4 on behalf of the District; and
3. Authorize the General Manager-Chief Engineer to extend the Agreement for fiscal year 2012-2013 (if needed).

**BACKGROUND:**

On October 16, 2007 the Board of Supervisors approved a Professional Services Agreement (Item 11.6) which set forth the terms and conditions by which Consultant would perform engineering analysis to determine levee criteria for West Cathedral Canyon Channel Levee. On November 18, 2008, Amendment No. 1 was executed to provide an extension for the time of performance through June 30, 2009 (Item 11.4).

Continued on Page 2

KEC:bjj

*Steve Thomas*

FOR **WARREN D. WILLIAMS**  
General Manager-Chief Engineer

<b>FINANCIAL DATA</b>	F.Y. 11-12 District Cost:	\$25,851	In Current Year Budget:	Yes
	Current F.Y. County Cost:	N/A	Budget Adjustment:	No
	Annual Net District Cost:	N/A	For Fiscal Year:	11-12,12-13

<b>SOURCE OF FUNDS:</b> 25160 947500 525440 - Professional Services	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

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

**APPROVE**

BY: *Alex Garn*  
**Alex Garn**

County Executive Office Signature

**MINUTES OF THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT**

On motion of Supervisor Buster, 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: August 16, 2011  
xc: Flood

Kecia Harper-Ihem  
Clerk of the Board  
By: *Kecia Harper-Ihem*  
Deputy

11.9

FISCAL PROCEDURES APPROVED  
NAMI M. CHAND, FINANCE DIRECTOR  
BY: *Sharon Key-Hawkins*  
SHARON KEY-HAWKINS

FORM APPROVED COUNTY COUNSEL  
DATE  
BY: *NEAL R. WIPNIS*  
NEAL R. WIPNIS

Departmental Concurrence

Dept's Recomm.:  Consent  Policy  
Per Exec. Ofc.:  Consent  Policy

**FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD SUBMITTAL  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

**SUBJECT:** West Cathedral Canyon Channel Levee  
Project No. 6-0-00011  
Professional Services Agreement – Amendment No. 4

**SUBMITTAL DATE:** August 16, 2011

**BACKGROUND (CONTINUED)**

On June 30, 2009 Amendment No. 2 (item 11.6) was approved to extend the time for performance of the Agreement through June 30, 2010.

On October 5, 2010 Amendment No. 3 (item 11.8) was approved to extend the time for performance of the Agreement through June 30, 2011.

Levee Certification Reports have been submitted to the United States Department of Homeland Security-FEMA Region IX, and comments were received January 20<sup>th</sup> 2011. FEMA's comments require additional documentation to be submitted upon clarification of a few outstanding policy interpretations from the FEMA Regional Engineer. Amendment No. 4 provides an extension of the Agreement through June 30, 2012 to allow Consultant to address FEMA's comments and complete any additionally requested work accordingly.

County Counsel has approved the amendment as to form.

**FINANCIAL INFORMATION:**

Sufficient funds are included in District's Budget for FY 2011-2012. Sufficient funding will be included in the District's proposed budget for fiscal year 2012-2013 to cover the remaining portion of the contract.

KEC:blj

PROFESSIONAL SERVICES AGREEMENT

West Cathedral Canyon Channel Levee

Project No. 6-0-00011

Amendment No. 4

The RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, hereinafter called "DISTRICT" and HDR ENGINEERING, INC., hereinafter called "CONSULTANT", previously entered into that certain Agreement, dated October 16, 2007, for the project described as the West Cathedral Canyon Channel Levee, hereinafter called "AGREEMENT"; and

On November 18, 2008, DISTRICT and CONSULTANT entered into Amendment No. 1 to extend the time for performance of AGREEMENT to June 30, 2009.

On June 30, 2009, DISTRICT and CONSULTANT entered into Amendment No. 2 to extend the time for performance of AGREEMENT to June 30, 2010.

On October 5, 2010, DISTRICT and CONSULTANT entered into Amendment No. 3 to extend the time for performance of AGREEMENT to June 30, 2011.

On January 20, 2011, DISTRICT received comments from the Federal Emergency Management Agency (FEMA) on the Levee Certification Reports. FEMA's comments require additional documentation to be submitted upon clarification of a few outstanding policy interpretations from FEMA. DISTRICT desires to further extend the time for performance of AGREEMENT in order for CONSULTANT to address FEMA's comments.

NOW, THEREFORE, AGREEMENT is hereby amended as follows, effective, July 1, 2011:

Paragraph 3 of AGREEMENT is changed to read:

3. TIME FOR PERFORMANCE - CONSULTANT shall i) continue performance of services and shall diligently perform the tasks to full completion by June 30, 2012, or ii)

1 prior to the termination date of this Agreement, by mutual written consent of  
2 DISTRICT and CONSULTANT, this Agreement, as determined necessary by  
3 DISTRICT, may be extended for an additional one-year term.

4 Except to the extent specifically added to, modified or amended hereunder, all of the terms,  
5 covenants and conditions of said AGREEMENT dated October 16, 2007 remain in full force  
6 and effect between the parties hereto.

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IN WITNESS WHEREOF, the parties hereto have executed this Agreement on

AUG 16 2011

(to be filled in by Clerk of the Board)

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RECOMMENDED FOR APPROVAL:

RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

By Steve Thomas  
WARREN D. WILLIAMS  
General Manager-Chief Engineer

By Marion Ashley  
MARION ASHLEY, Chairman  
Riverside County Flood Control and  
Water Conservation District Board of  
Supervisors

APPROVED AS TO FORM:

ATTEST:

PAMELA J. WALLS  
County Counsel  
By [Signature]  
NEAL KIPNIS  
Deputy County Counsel

KECIA HARPER-IHEM  
Clerk of the Board  
By [Signature]  
Deputy

(SEAL)

Professional Services Agreement – HDR Engineering, Inc. - Amendment No. 4  
7/18/11  
KEC:blj

HDR ENGINEERING, INC.

By   
Responsible Officer

Mark Seits  
Printed Name

Vice President  
Title

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Professional Services Agreement – HDR Engineering, Inc. - Amendment No. 4  
7/18/11  
KEC:bjj