

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

867A



FROM: TLMA - Transportation Department

SUBMITTAL DATE:
August 31, 2011

SUBJECT: Amendment No. 1 to the Construction Cooperative Agreement between the County of Riverside (COUNTY) and the California State Department of Transportation (CALTRANS) for improvements to the Interstate 215/Van Buren Boulevard Interchange Project.

RECOMMENDED MOTION: That the Board of Supervisors:

1. That the Board approve and execute the attached Amendment No. 1 to the Construction Cooperative Agreement between the COUNTY and CALTRANS, and;
2. Authorize the Chairman to execute the same (Caltrans Agreement No. 08-1471 A/1).

Juan C. Perez
Director of Transportation

JCP:jm:sv
(Continued On Attached Page)

FINANCIAL DATA	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:	2011/2012

SOURCE OF FUNDS: There are no General Funds used in this project.	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 Buster, seconded by Supervisor Benoit and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Benoit and Ashley
Nays: None
Absent: Stone
Date: September 13, 2011
xc: Transp.

Kecia Harper-Ihem
Clerk of the Board
By:
Deputy

Prev. Agn. Ref. 12/7/10, Item 3.39 | District: 1 & 5 | Agenda Number:

3.97

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

FORM APPROVED COUNTY COUNSEL
BY:
CYNTHIA M. GUNZEL
DATE: 8-29-11
Departmental Concurrence

Dept'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 (COUNTY) and the California State Department of Transportation (CALTRANS) for improvements to the Interstate 215/Van Buren Boulevard Interchange Project.

August 31, 2011

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BACKGROUND: The proposed project consists of improving the Van Buren Boulevard/I-215 freeway interchange, including replacing and widening the freeway and railroad overcrossing structures, reconfiguration and signalization of the on and off ramps and adding auxiliary lanes on Interstate 215. Landscaping and aesthetic features are planned within the State right-of-way as part of the project.

On December 7, 2010 the Board of Supervisors approved the Caltrans Construction Cooperative agreement, No. 08-1471 which outlines each agency's responsibility for the construction and funding of the improvements to the I-215/Van Buren Boulevard Interchange.

This amendment updates certain provisions within the agreement including: the addition of Federal Demonstration (DEMO) Earmark Funds; the addition of Federal Surface Transportation (STP) funds; advancing Measure A funds in lieu of the Trade Corridor Improvement Funds (TCIF) which are currently unavailable in order to maintain the project schedule; and designating the County as the Legally Responsible Person and Approved Signatory Authority for construction as indicated in the attached Agreement Amendment. The funding has also been reduced to reflect the current Engineers Estimate based on recent trends in the construction industry.

Project No. B70798

Contract No. 11-08-009
Riverside Co. Transportation

08-RIV-215-R32.3/R35.9

EA: 0E520

Federal Funds

District Agreement 08-1471 A/1

Project Number 0800000088

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 1471

THIS AMENDMENT No. 1 (AMENDMENT), entered into and effective on September 22, 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. 08-1471, (AGREEMENT) on December 15, 2010, defining the terms and conditions to reconstruct the Interstate 215 (I-215) and Van Buren Boulevard interchange in the county of Riverside, as well as, the realignment of I-215 due to right of way constraints and adjacent airport clearance requirements, referred to as PROJECT.
2. PARTNERS now seek to add Federal Demonstration (DEMO) Earmark funds for construction capital in the amount of \$568,153.
3. PARTNERS now seek to reduce local construction capital funds from \$47,750,000 to \$36,631,847 and construction support funds from \$7,508,000 to \$5,500,000 due to updated cost estimates and current construction cost trends.
4. PARTNERS also agree to advance other local public share Federal Surface Transportation Program (STP) funds for construction capital in the amount of \$10,000,000.
5. Partners also seek to add local Measure A funds in the amount of \$10,000,000 in advance of the Trade Corridor Improvement Funds (TCIF)
6. PARTNERS also now seek to add language for the Legally Responsible Person and the Approved Signatory Authority as mandated by the Construction General Permit.

7. A revised Funding Summary, dated June 7, 2011, is attached and made part of this AMENDMENT.

IT IS THEREFORE MUTUALLY AGREED:

1. 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.

2. Article 10 in the AGREEMENT is replaced in its entirety to read as follows:

“10. COUNTY is the only FUNDING PARTNER for this agreement. COUNTY’s funding commitment is defined in the revised FUNDING SUMMARY as shown on this amendment.”

3. Article 44 in the AGREEMENT is replaced in its entirety to read as follows:

“44. 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.

For purposes of this PROJECT, 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.”

4. Article 82 in the AGREEMENT is replaced in its entirety to read as follows:

“82. With some uncertainty related to the Trade Corridor Improvement Funds (TCIF) allocated for the I-215 and Van Buren Boulevard interchange construction project related with the potential delay of state bond sales and future allocation of bond proceeds, Parties agree to utilize other local Measure A funds to preserve and maintain the project construction

schedule. To facilitate this, COUNTY will utilize a "Letter of No Prejudice" (LONP) that allows COUNTY to advance these local public share Measure A funds in order to move the I-215 and Van Buren Boulevard interchange forward to initiate the interchange reconstruction project until such unknown future date upon which state bond funds become available and will be used to replenish the public share funds."

5. Article 83 of the AGREEMENT is deleted in its entirety.
6. New Article 107 is hereby added to read as follows:

"107. STATE will administer all federal subvention funds identified on the FUNDING SUMMARY."
7. All other terms and conditions of the AGREEMENT shall remain in full force and effect.
8. This AMENDMENT is deemed to be included and made part of the AGREEMENT.

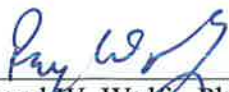
SIGNATURES

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.

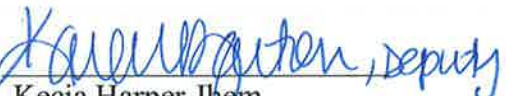
STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION


COUNTY OF RIVERSIDE

By: 
 cc Raymond W. Wolfe, PhD
 District Director


By: 
BOB BUSTER
 Chairman, Board of Supervisors


APPROVED AS TO FORM AND
PROCEDURE:

Attest: 
 Kecia Harper-Ihem
 Clerk, Board of Supervisors

By: 
 Attorney,
 Department of Transportation

APPROVED AS TO FORM AND
PROCEDURE:

CERTIFIED AS TO FUNDS
 By: 
 Lisa Pacheco
 District Budget Manager

By: 
 Cynthia M. Gunzel, Deputy
 Pamela Walls
 COUNTY Counsel
SYNTHIA M. GUNZEL

CERTIFIED AS TO FINANCIAL
TERMS AND POLICIES:

By: 
 Accounting Administrator