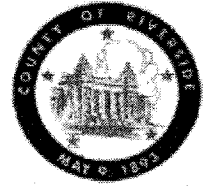


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

916 A



FROM: TLMA - Transportation Department

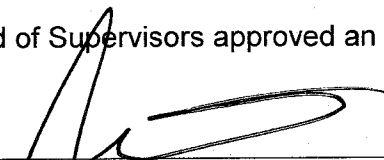
SUBMITTAL DATE:
March 1, 2012

SUBJECT: Amendment Number 1 to the Engineering Services Agreement for Construction Management Services for the Date Palm Interchange at Interstate 10.

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve Amendment Number 1 to the Engineering Services Agreement between Mendoza & Associates and the County of Riverside, and;
2. Authorize the Chairman to execute the Amendment.

BACKGROUND: On May 17, 2011, the Board of Supervisors approved an agreement with

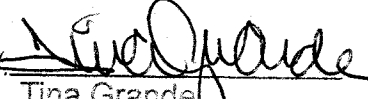

Juan C. Perez
Director of Transportation

BEC
(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: STIP Funds-Federal (100%)				Positions To Be Deleted Per A-30 <input type="checkbox"/>
				Requires 4/5 Vote <input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

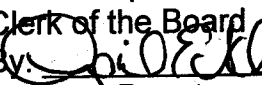
BY: 
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Tavaglione, seconded by Supervisor Ashley 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: March 13, 2012
xc: Transp.

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

Prev. Agn. Ref. 5/17/11, Item 3.31 | District: 4/4 | Agenda Number:

3.41

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

FORM APPROVED COUNTY COUNSEL
BY:  MARSHA L. VICTOR
DATE: 2/27/12

Departmental Concurrence

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

The Honorable Board of Supervisors

RE: Amendment Number 1 to the Engineering Services Agreement for Construction Management Services for the Date Palm Interchange at Interstate 10.

March 1, 2012

Page 2 of 2

Mendoza & Associates to provide construction management services for the reconstruction of Date Palm Interchange at Interstate 10. The agreement provided for Construction Management, Materials Testing, Construction Surveying and Environmental Monitoring services. A total contract amount of \$3,114,000 included a negotiated budget of \$2,708,000 and a contingency budget of \$406,000 to address unforeseen issues that may arise with the construction contractor. This amendment is now required to address comments from Caltrans Office of Audits and Investigation (Caltrans Audits) in order to remain eligible for federal reimbursement.

On May 23, 2011, the Department initiated a request for a Post-Award Audit from the Caltrans Audits, which was required to confirm federal eligibility. As a part of their review, Caltrans Audits determined that the contingency provision in the agreement was not acceptable. This amendment removes the contingency provision as it was originally proposed but, allows the Director of Transportation to authorize additional funds not to exceed 10% of the total project budget for services consistent with the approved scope of services. Therefore the total funds authorized by this amendment is equal to \$2,708,000 plus \$270,800 for a total of \$2,978,800. The language proposed in this Amendment is acceptable to Caltrans Audits.

Project No: A8-0373 (Date Palm Drive Interchange at Interstate 10), STPLN-5956(196)

1 **AMENDMENT 1**

2 **AMENDMENT TO AGREEMENT BETWEEN**

3 **THE COUNTY OF RIVERSIDE AND MENDOZA & ASSOCIATES**

4 **FOR ENGINEERING SERVICES ON THE DATE PALM/I-10 INTERCHANGE PROJECT**

5 THIS AMENDMENT 1 (hereinafter the "Amendment") to an agreement is made and entered into as of this
6 13 day of march, 2012, by and between the County of Riverside, a political subdivision of the State of
7 California (hereinafter the "COUNTY"), and Mendoza & Associates (hereinafter "ENGINEER").

8 **RECITALS**

- 9 A. COUNTY and ENGINEER have entered in an agreement titled " Engineering Services Agreement for Date
10 Palm at Interstate 10 Interchange Project between the County of Riverside • Transportation Department and
11 Mendoza & Associates", that is dated May 17, 2011 (hereinafter the "Agreement"). The Agreement provides
12 the terms and conditions, scope of work, schedule and budget for the performance of professional and
13 technical services necessary to provide construction management services for the reconstruction of the Date
14 Palm Drive Interchange on Interstate 10.
- 15 B. The parties desire to amend the current Agreement to comply with federal requirements for federal
16 reimbursement.

17 **AGREEMENT**


18 NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained, the parties agree as follows:

- 19 1. Amend Article IV.D. 2. as follows:
- 20 ► By adding the following statement after the first sentence: "increase in costs for services that are
21 consistent with the overall scope and do not cumulatively exceed ten percent (10%) of the total contract
22 budget. Any modification that purports to delete any line item of work that was included in the original Scope
23 of Service shall be considered a major change."
 - 24 ► By removing the following: "use of contingency pursuant to Article VI.B.1"
- 25 2. Amend Article V.A. 1. to read as follows: "The Contract start date is May 17, 2011. Services shall begin upon
26 notification to proceed by the COUNTY PROJECT MANAGER."
- 27 3. Amend Article VI.B.1. as follows:
- 28 ► By adding the following sentence at the beginning of the paragraph: "The method of compensation is a
29 cost plus fixed fee contract."

ARTICLE VIII • APPROVALS

COUNTY Approvals

RECOMMENDED FOR APPROVAL:

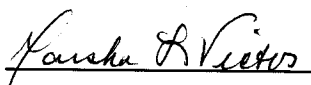
 Dated: 2/22/12

JUAN C. PEREZ

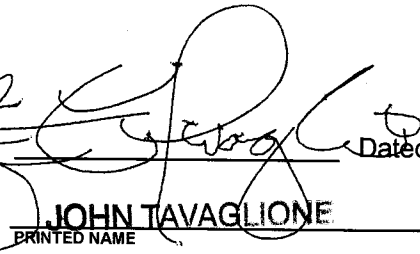
Director of Transportation

APPROVED AS TO FORM:

PAMELA J. WALLS, COUNTY COUNSEL

 Dated: 2/27/12
By Deputy

APPROVAL BY THE BOARD OF SUPERVISORS

 Dated: MAR 13 2012
JOHN TAVAGLIONE
PRINTED NAME

Chairman, Riverside County Board of Supervisors

ATTEST:

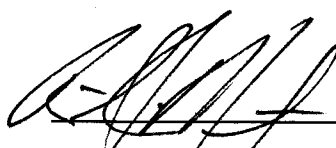
 Dated: MAR 13 2012

KECIA HARPER-IHEM

Clerk of the Board

ENGINEER Approvals

ENGINEER:

 Dated: 1.27.12
Richard J. Mendoza, P.E.
PRINTED NAME

President

TITLE

ENGINEER:

_____ Dated: _____

PRINTED NAME

TITLE