

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

510B



FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
November 20, 2012

SUBJECT: On-call National Pollutant Discharge Elimination System Support Services
Amendment No. 1 to Consulting Services Agreement

RECOMMENDED MOTION:

1. Ratify and approve Amendment No. 1 to the Consulting Services Agreement between the District and CDM Smith, Inc.;
2. Authorize the Chairman to execute the Amendment documents on behalf of the District; and
3. Authorize the District's General Manager-Chief Engineer to sign any necessary future amendments to the above Consulting Services Agreement that do not increase the cost to the District and do not materially change the scope of services.

BACKGROUND:

See Page 2.

WARREN D. WILLIAMS
General Manager-Chief Engineer

FINANCIAL DATA	Current F.Y. District Cost:	\$373,113.36	In Current Year Budget:	Yes
	Current F.Y. County Cost:	\$N/A	Budget Adjustment:	N/A
	Annual Net District Cost:	\$350,000	For Fiscal Year:	12/13;13/14;14/15

SOURCE OF FUNDS:		Positions To Be Deleted Per A-30	<input type="checkbox"/>
25180 947540 525440 NPDES Whitewater Assessment – Prof. Services		Requires 4/5 Vote	<input type="checkbox"/>
25190 947560 525440 NPDES Santa Ana Assessment – Prof. Services			
25200 947580 525440 NPDES Santa Margarita Assessment – Prof. Services			

C.E.O. RECOMMENDATION:

APPROVE

BY: Michael R. Shetler
Michael R. Shetler

County Executive Office Signature

MINUTES OF THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT

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

Ayes: Buster, Stone, Benoit and Ashley
Nays: None
Absent: Tavaglione
Date: November 20, 2012
xc: Flood

Kecia Harper-Ihem
Clerk of the Board
By: [Signature]
Deputy

11.5

FISCAL PROCEDURES APPROVED
JEANINE J. REY, FINANCE DIRECTOR
BY: [Signature] 10/29/2012
JEANINE J. REY

FORM APPROVED COUNTY COUNSEL
DATE: 11/28/12
NEEL KIPNIS
Policy Policy
Consent Consent
ATTACHMENTS FILED WITH THE CLERK OF THE BOARD
Per Exec. Ofc.:

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

SUBJECT: On-call National Pollutant Discharge Elimination System Support Services
Amendment No. 1 to Consulting Services Agreement

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Page 2

BACKGROUND:

The District previously entered into a multi-year Consulting Services Agreement (Agreement) with Camp Dresser & McKee, Inc. to provide on-call National Pollutant Discharge Elimination System (NPDES) support services (Board Agenda Item No. 11.14 of August 16, 2011). Camp Dresser & McKee, Inc. subsequently merged with Wilbur Smith Associates and officially changed the legal name of the company from Camp Dresser & McKee, Inc. to CDM Smith Inc. (Consultant).

Pursuant to the Agreement, Consultant assisted the District with the development of two significant regulatory compliance programs during Fiscal Year 2011-12 as required by the Santa Ana Regional Water Quality Control Board. However, the development of the above programs resulted in additional tasks and associated compensation that exceeded the contract limit set for Fiscal Year 2011-2012 by \$23,113.36. In order to allow District to continue to provide timely response to regulatory requirements and to manage its Agreement in a more efficient manner, District staff is recommending that the contract limits be increased from \$250,000 to \$273,113.36 for Fiscal Year 2011-2012 and from \$250,000 to \$350,000 for any Fiscal Year thereafter with a total not to exceed amount of \$973,113.36 for the entire term of the Agreement and any amendments thereafter.

This Amendment is necessary i) to reflect corporate name change, and ii) to provide for an increase in the contract limits.

FINANCIAL:

Sufficient funding is available in the District's budget for Fiscal Year 2012-2013. Sufficient funding will be included in the proposed budget(s) for Fiscal Years 2013-2014 and 2014-2015, as appropriate.

AMR:blj

AMENDMENT NO. 1 TO
CONSULTING SERVICES AGREEMENT

1
2 RIVERSIDE COUNTY FLOOD CONTROL AND WATER
3 CONSERVATION DISTRICT, hereinafter called "DISTRICT", and CAMP DRESSER
4 & McKEE, INC., previously entered into that certain Consulting Services Agreement,
5 hereinafter referred to as AGREEMENT, dated August 16, 2011 to provide on-call
6 National Pollutant Discharge Elimination System (NPDES) support services in
7 accordance with applicable federal, state, and local laws and regulations as requested by
8 DISTRICT; and
9

10 CAMP DRESSER & McKEE, INC. has now merged with WILBUR
11 SMITH ASSOCIATES and officially changed the legal name of the company from
12 CAMP DRESSER & McKEE, INC. to CDM SMITH INC., hereinafter called "CDM
13 SMITH INC.". The AGREEMENT will now be in the name of CDM SMITH INC.
14 rather than CAMP DRESSER & McKEE, INC.; and CDM SMITH INC., hereinafter
15 called "CONSULTANT", agrees to assume all responsibilities or obligations of CAMP
16 DRESSER & McKEE, INC. under the AGREEMENT; and
17

18 DISTRICT desires CONSULTANT to provide additional services above
19 the level specified in the AGREEMENT and CONSULTANT is willing to perform such
20 work as requested by DISTRICT; and
21

22 DISTRICT and CONSULTANT mutually agree that CONSULTANT'S
23 total amount of compensation for the additional services to be paid under said
24 AGREEMENT shall be increased from two hundred fifty thousand dollars (\$250,000)
25 to two hundred seventy three thousand one hundred thirteen dollars and thirty six cents
26 (\$273,113.36) for fiscal year 2011-2012 and to three hundred fifty thousand dollars
27 (\$350,000) in any fiscal year with a cap of nine hundred seventy three thousand one
28

1 hundred thirteen dollars and thirty six cents (\$973,113.36) for the entire term of this
2 AGREEMENT and any amendments thereafter.

3 NOW, THEREFORE, DISTRICT and CONSULTANT mutually agree to
4 amend the AGREEMENT as follows:

5 1. Section 4 is amended to read:

6 4. TERM

7 The term of this Agreement shall become effective on the
8 date the Agreement is executed by DISTRICT'S Board of
9 Supervisors, and shall remain in effect through the required
10 date for completion of an assigned Task Order, provided that
11 such Task Order was approved prior to June 30, 2014 and
12 completed by June 30, 2015.

14 2. Section 5 is amended to read:

15 5. COMPENSATION

16 CONSULTANT shall receive compensation for all services
17 satisfactorily performed under this Agreement in accordance
18 with the terms of the approved Task Order(s). The total
19 amount to be paid to CONSULTANT for the performance of
20 all Task Orders approved pursuant to this Agreement shall
21 not exceed two hundred seventy three thousand one hundred
22 thirteen dollars and thirty six cents (\$273,113.36) for fiscal
23 year 2011/2012, three hundred fifty thousand dollars
24 (\$350,000) in any fiscal year thereafter and shall not exceed
25 the sum of nine hundred seventy three thousand one hundred
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1 thirteen dollars and thirty six cents (\$973,113.36) for the
2 entire term of this Agreement and any amendments thereafter.

3 3. Except to the extent specifically added to, modified or amended
4 herein, all of the terms, covenants and conditions of said AGREEMENT
5 dated August 16, 2011, shall remain in full force and effect between the
6 parties hereto.

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

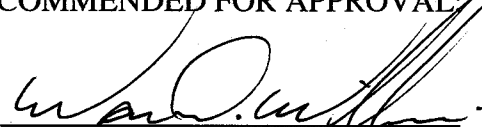
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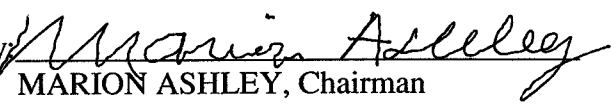
NOV 20 2012

(to be filled in by Clerk of the Board)

RECOMMENDED FOR APPROVAL:

**RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT**

By: 
WARREN D. WILLIAMS
General Manager-Chief Engineer

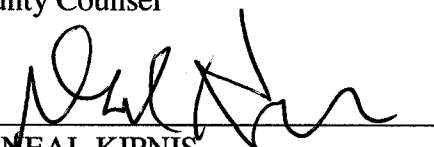
By: 
MARION ASHLEY, Chairman
Riverside County Flood Control and Water
Conservation District Board of Supervisors

APPROVED AS TO FORM:

ATTEST:

PAMELA J. WALLS
County Counsel

KECIA HARPER-IHEM
Clerk of the Board

By: 
NEAL KIPNIS
Deputy County Counsel

By: 
Deputy

(SEAL)

Amendment No. 1 to
Consulting Services Agreement
10/23/12
AMR:blj

CDM SMITH, INC.

Robert L. Matthews
Signature of Responsible Officer

Robert L. Matthews
Printed Name

Senior Vice President
Title

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Amendment No. 1 to
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10/23/12
AMR:blj