

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

415A



FROM: TLMA - Transportation Department

SUBMITTAL DATE:
December 19, 2011

SUBJECT: Amendment No. 2 to the Construction Cooperative Agreement between the County of Riverside and the State of California Department of Transportation (Caltrans) for Phase 2, SR 79 - Thompson Road to Scott Road

RECOMMENDED MOTION: That the Board approve and execute the attached Amendment 2 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. 08-1485 A/2).

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
for Juan C. Perez
Director of Transportation

Patricia Romo
Patricia Romo
Deputy 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"/>
There are no General Funds used on this project	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

BY: *Michael R. Shetler*
Michael R. Shetler

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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: January 10, 2012
xc: Transp., Caltrans

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

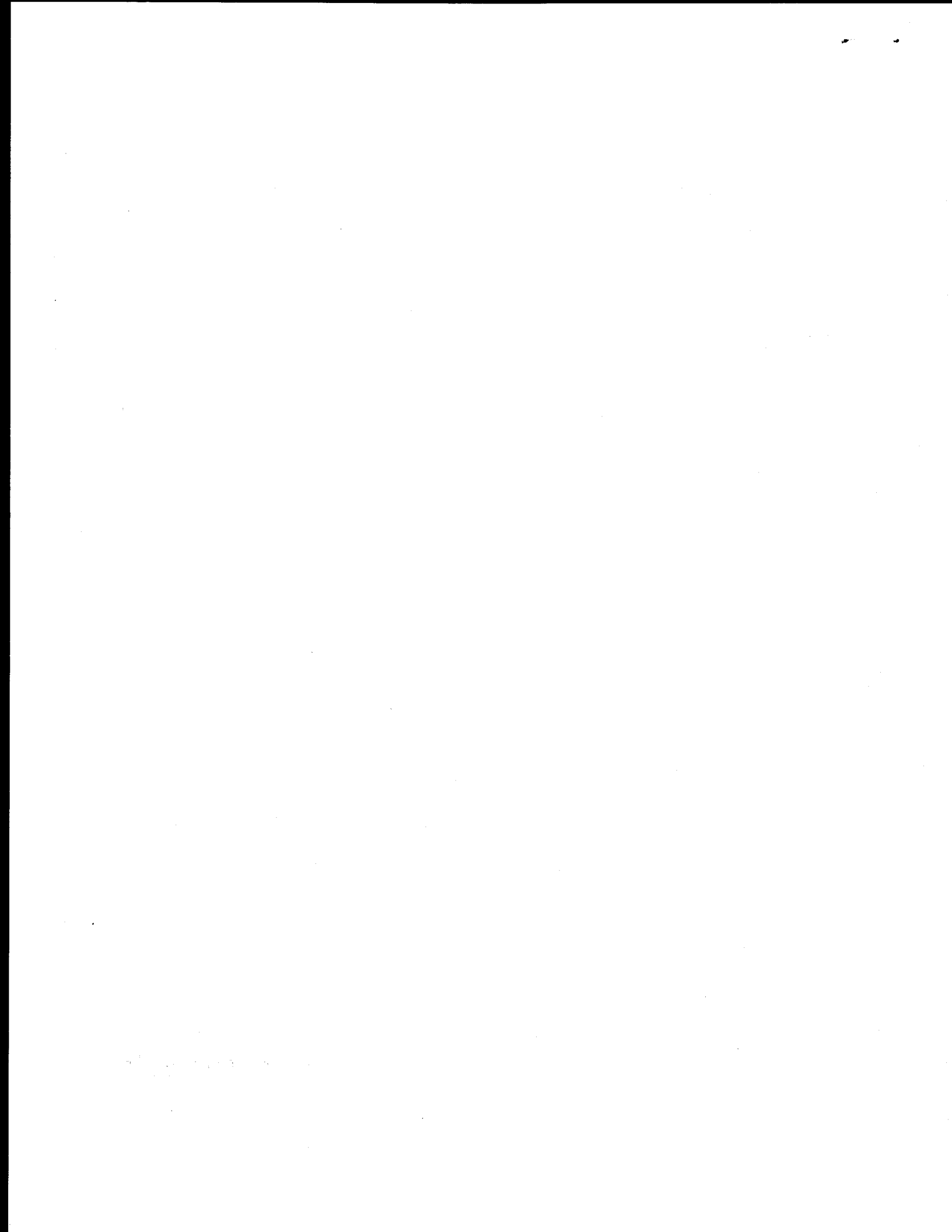
Prev. Agn. Ref. 05/03/11 (3.55) | District: 3 | Agenda Number:
02/08/11 (3.31)

3.59

FORM APPROVED COUNTY COUNSEL
BY: *M. R. Klock*
MARSHAL VICTOR
DATE: 12/19/11

Departmental Concurrence

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



The Honorable Board of Supervisors

RE: Amendment No. 2 to the Construction Cooperative Agreement between the County of Riverside and the State of California Department of Transportation (Caltrans) for Phase 2, SR 79 - Thompson Road to Scott Road

December 19, 2011

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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. The project is being phased, with construction of Phase 1 commencing early in 2012.

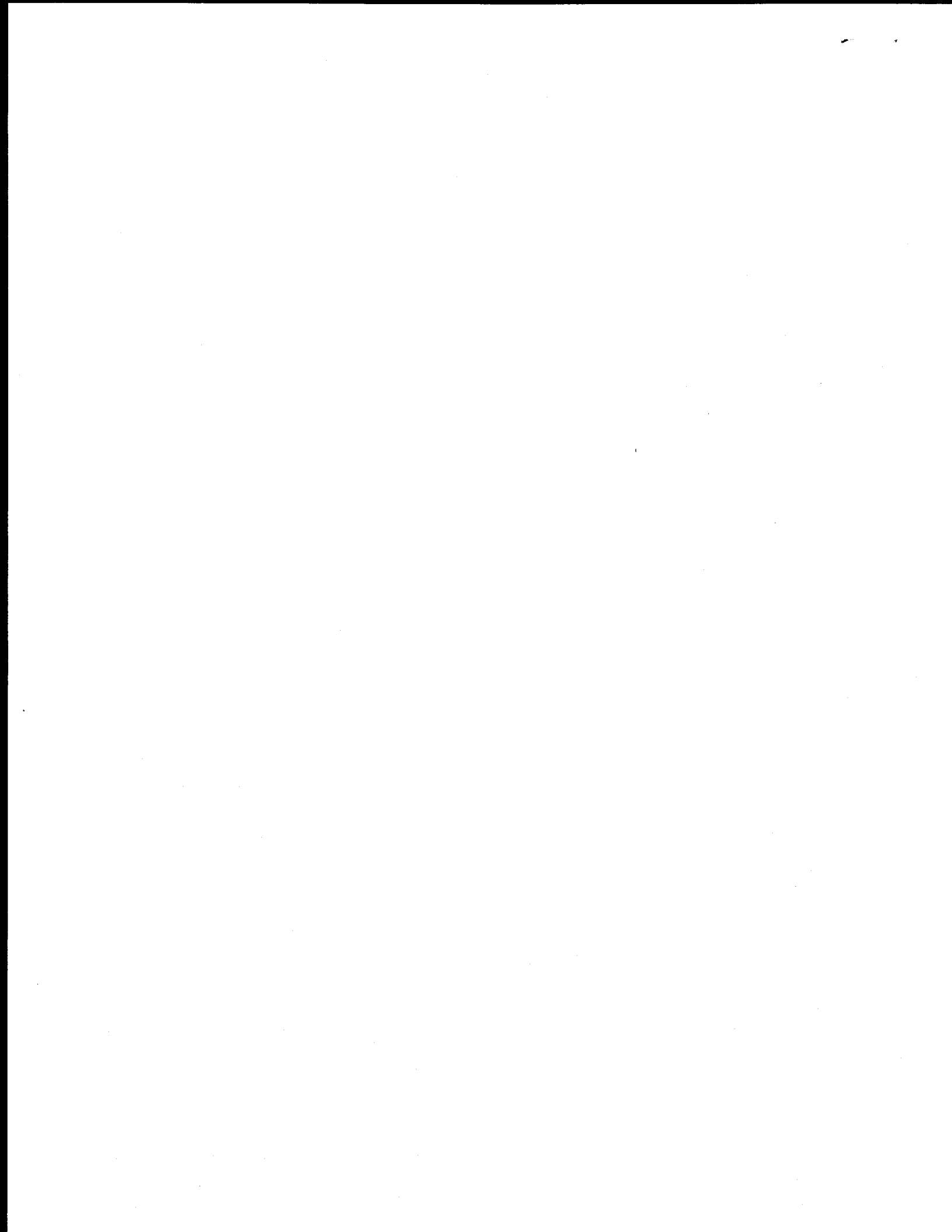
On February 8, 2011 the Board of Supervisors approved the Caltrans Construction Cooperative agreement, No. 08-1485 which outlined each agency's responsibility for the construction of the improvements on Phase 2, SR 79 from Thompson Road to Scott Road. On May 3, 2011 the Board of Supervisors approved Amendment 1 to the agreement (08-1482 A/2) which designated the County as the Legally Responsible Person and Approved Signatory Authority for construction.

Amendment 2 to the Construction Cooperative Agreement for Phase 2 is required in order to include excess Federal funds from Phase 1. Federal STP Discretionary funds were originally approved in the amount of \$20,407,000 for Phase 1 construction. Due to favorable bid prices on Phase 1 it is desired to reduce the Federal STP funds on Phase 1 to \$15,096,645 and shift the remaining balance of \$5,310,355 to Phase 2 construction. RCTC has made available an additional \$2,000,000 in Federal STP Discretionary funds for Phase 2 construction for a total of \$7,310,355 in Federal funds. Exhibit A to the Agreement Amendment 2 illustrates the funding adjustment. The Phase 1 construction cooperative agreement amendment reflecting this funding shift also appears on this agenda.

The County is anticipating advertising Phase 2 of the project for construction in March 2012.

Received

Project No. B405273



Contract No. 11-01-018 A2
Riverside Co. Transportation

08-RIV-79-R8.4/R12.2

EA: 46462

District Agreement 08-1485 A/2

Project Number 0800001042

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. 2 TO AGREEMENT 08-1485

THIS AMENDMENT No. 2 (AMENDMENT), entered into and effective on _____, 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. 08-1485, (AGREEMENT) on March 3, 2011, defining the terms and conditions for improvements consisting of widening State Route 79 in Riverside County from Thompson Road to Scott Road from two to four lanes, for approximately 4 miles, referred to as PROJECT.
2. PARTNERS entered into Amendment No. 1 to AGREEMENT on May 17, 2011, to add language for the Legally Responsible Person and the Approved Signatory Authority as mandated by the Construction General Permit.
3. PARTNERS now seek to modify the FUNDING SUMMARY to shift excess Federal Surface Transportation Program Local (STPL) Funds from Phase 1 (AGREEMENT 08-1484) to Phase 2 (AGREEMENT 08-1485) due to low bids on Phase 1; reduce the COUNTY funds; and to add additional STPL Funds.

IT IS THEREFORE MUTUALLY AGREED:

1. New Articles are added to the AGREEMENT under SCOPE (Scope: General) to read as follows:

“PARTNERS will ensure that any party hired to participate in OBLIGATIONS will comply with the appropriate federal cost principles and administrative requirements outlined in the Applicable Cost Principles and Administrative Requirements table below.”

“PARTNERS will undergo an annual audit in accordance with the Single Audit Act of OMB Circular A-133.”

2. New Article is added to the AGREEMENT under SCOPE (Scope: Environmental Permits, Approvals and Agreements) to read as follows:

“IMPLEMENTING AGENCY will use a CALTRANS-approved construction contract claims process, will administer all claims through said process, and will be available to provide advice and technical input in any claims process.”
3. A new Article is added to the AGREEMENT under COST (Cost: General) to read as follows:

“CALTRANS will administer all federal subvention funds identified on the FUNDING SUMMARY.”
4. A revised FUNDING SUMMARY; dated November 14, 2011, 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, dated November 14, 2011, attached herein.
5. All other terms and conditions of the AGREEMENT shall remain in full force and effect.
6. This AMENDMENT is deemed to be included and made part of the AGREEMENT.

SIGNATURES

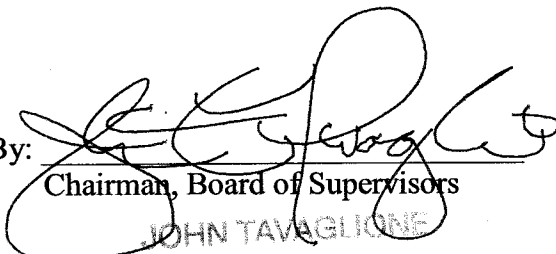
PARTNERS declare that:

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 CALIFORNIA DEPARTMENT
OF TRANSPORTATION

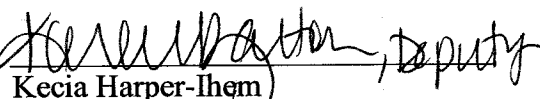
COUNTY OF RIVERSIDE

By: _____
 Raymond W. Wolfe, PhD
 District Director

By: 
 Chairman, Board of Supervisors
 JOHN TAVAGLIONE

APPROVED AS TO FORM AND
PROCEDURE:

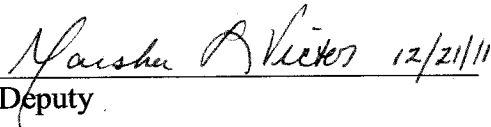
By: 
 Attorney
 Department of Transportation


By: 
 Kecia Harper-Ihem
 Clerk of the Board

CERTIFIED AS TO FUNDS:

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

By: _____
 Lisa Pacheco
 Budget Manager

By:  12/21/11
 Deputy

By: 
 Accounting Administrator

FUNDING SUMMARY

Dated: November 14, 2011

Funding Source	Funding Partner	Fund Type	CON Capital	CON Support	Subtotal Con Support	Subtotal Con Capital	Subtotal Funds Type
FEDERAL	COUNTY	STPL	\$7,309,355	\$1,000	\$1,000	\$7,309,355	\$7,310,355
LOCAL	COUNTY	COUNTY	\$4,722,645	\$1,750,000	\$1,750,000	\$4,722,645	\$6,472,645
		Subtotals by Component	\$12,032,000	\$1,751,000	\$1,751,000	\$12,032,000	\$13,783,000

*\$5,310,355 of STPL Funds was moved from AGREEMENT 08-1484 and \$2,000,000 of additional STPL Funds was programmed for this PROJECT.