

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

808B



157381

FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
January 7, 2014

SUBJECT: Amendment No. 5 to Professional Services Agreement for
East Cathedral Channel Levee, Arenas Canyon Levee and Palm Canyon Wash Project
Nos. 6-0-00010 and 6-0-00040
District 4/District 4 [\$590,663]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Ratify and approve Amendment No. 5 between the District and Nolte Associates, Inc. (Consultant);
2. Authorize the Chairman to execute Amendment No. 5 on behalf of the District; and
3. Authorize the General Manager-Chief Engineer to extend the agreement for an additional year as necessary.

BACKGROUND:

Summary

This Amendment No. 5 is necessary to provide a time extension through June 30, 2014 to allow Consultant to complete the compliance documentation for Federal Emergency Management Agency's (FEMA) levee certification program.

WARREN D. WILLIAMS
General Manager-Chief Engineer

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 83,115	\$	\$ 590,663	\$	Consent <input type="checkbox"/> Policy <input type="checkbox"/>
NET DISTRICT COST	\$ 83,115	\$	\$ 590,663	\$	

SOURCE OF FUNDS: 525440 25160 947500 Zone 6 Professional Services	Budget Adjustment: No
	For Fiscal Year: 2013-2014

C.E.O. RECOMMENDATION:

APPROVE

BY:

Steven C. Horn, MPA

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Tavaglione, seconded by Supervisor Jeffries and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: January 7, 2014
xc: Flood 8:20

Kecia Harper-Ihem
Clerk of the Board
By:
Deputy

Prev. Agn. Ref.: 11.1 of 12/20/11 | District: 4th/4th | Agenda Number:

11-1

A-30 ☐ Positions Added ☐ Change Order ☐
4/5 Vote ☐

FISCAL PROCEDURES APPROVED
JEANINE J. REY, FINANCE DIRECTOR
BY:
JEANINE J. REY
Departmental Concurrence

BY:
JEANINE J. REY
DATE: 1/13/14

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

FORM 11: Amendment No. 5 to Professional Services Agreement for
East Cathedral Channel Levee, Arenas Canyon Levee and Palm Canyon Wash Project
Nos. 6-0-00010 and 6-0-00040
District 4/District 4 [\$590,663]

DATE: January 7, 2014

PAGE: Page 2 of 2

BACKGROUND:

Summary (continued)

As part of the levee certification process, certain necessary levee improvements were made in response to FEMA's review comments. Due to delays associated with these levee improvements, Consultant requires additional time to address FEMA's comments associated with levee accreditation requirements.

County Counsel has approved the amendment as to form and Consultant has executed the amendment.

SUPPLEMENTAL:

Additional Fiscal Information

Sufficient funds are included in District's budget for FY 2013-2014 and will be included in the proposed budget for FY 2014-2015, as necessary.

Contract History and Price Reasonableness

On September 4, 2007 (Agenda No. 11.9) the Board of Supervisors approved the Professional Services Agreement between the District and Consultant, which set forth the terms and conditions by which Consultant would perform engineering analysis to determine levee criteria for Cathedral Channel Levee, Arenas Canyon Levee and Palm Canyon Wash.

On November 18, 2008 (Agenda No. 11.5) the Board of Supervisors approved Amendment No. 1 to extend the time for performance to June 30, 2009.

On June 30, 2009 (Agenda No. 11.7) the Board of Supervisors approved Amendment No. 2 to extend the time for performance to June 30, 2010.

On September 14, 2010 (Agenda No. 11.2) the Board of Supervisors approved Amendment No. 3 to extend the time for performance to June 30, 2011.

On December 20, 2011 (Agenda No. 11.1) the Board of Supervisors ratified and approved Amendment No. 4 to i) extend the time for performance to June 30, 2013, and ii) increase the contract amount by one hundred thirty-eight thousand six hundred eighty-nine dollars (\$138,689) for additional scope of services.

LMD:blj

AMENDMENT NO. 5 to
PROFESSIONAL SERVICES AGREEMENT
East Cathedral Channel Levee,
Arenas Canyon Levee and Palm Canyon Wash
Project Nos. 6-0-00010 and 6-0-00040

The RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT ("DISTRICT") and NOLTE ASSOCIATES, INC., a California Corporation ("CONSULTANT"), previously entered into that certain Agreement, dated September 4, 2007, for the Project described as the East Cathedral Canyon Levee, Arenas Canyon Levee and Palm Canyon Wash, hereinafter called "AGREEMENT"; and

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

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

On September 14, 2010 DISTRICT and CONSULTANT entered into Amendment No. 3 to extend the time for performance for AGREEMENT to June 30, 2011; and

On December 20, 2011 DISTRICT and CONSULTANT entered into Amendment No. 4 to provide for i) an extension of time for performance to June 30, 2013, and ii) an increase in the amount of one hundred thirty-eight thousand six hundred eighty-nine dollars (\$138,689) to perform additional scope of services for AGREEMENT; and

As part of the levee certification process, certain necessary levee improvements were made in response to the Federal Emergency Management Agency's (FEMA) review comments. Due to delays associated with these levee improvements, CONSULTANT requires additional time to complete the compliance documentation for FEMA'S levee certification program.

NOW, THEREFORE, the parties hereto mutually agree to amend AGREEMENT as follows, effective June 30, 2013:

1 1. Provision 3, Paragraph 2 is revised to read:

2 "The term of this Agreement shall start on the date the Agreement is executed by
3 DISTRICT'S Board of Supervisors, and end on June 30, 2014 with an option for one (1)
4 additional one-year extension."

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

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

JAN 07 2014

(to be filled in by Clerk of the Board)

RECOMMENDED FOR APPROVAL: RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

By Warren D. Williams
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

KECIA HARPER-IHEM
Clerk of the Board


By Neal Kipnis
NEAL KIPNIS
Deputy County Counsel

By Kalleungton
Deputy

(SEAL)

AMENDMENT NO. 5 to
PROFESSIONAL SERVICES AGREEMENT
East Cathedral Channel Levee,
Arenas Canyon Levee and Palm Canyon Wash
Project Nos. 6-0-00010 and 6-0-00040
12/04/2013
TT/LMD/blj

1 **NOLTE ASSOCIATES, INC.**
2 a California corporation

3 By: 
4 JOSEPH MINNER
5 Senior Vice President

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7 (ATTACH NOTARY WITH CAPACITY STATEMENT)
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23 AMENDMENT NO. 5 to
24 PROFESSIONAL SERVICES AGREEMENT
25 East Cathedral Channel Levee,
26 Arenas Canyon Levee and Palm Canyon Wash
27 Project Nos. 6-0-00010 and 6-0-00040
28 12/04/2013
TT/LMD/blj

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California

County of

San Diego

On

12/26/13

Date

before me,

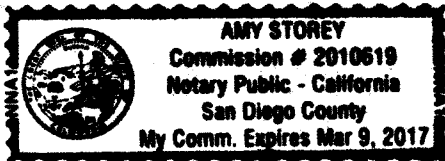
Amy Storey, Notary Public

Here Insert Name and Title of the Officer

personally appeared

Joe Minner

Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature:

Amy Storey

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document:

AMENDMENT NO 5 - Proj No 6-0-00010 & 6-0-00040

Document Date:

Number of Pages:

Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name:

☐ Corporate Officer — Title(s):☐ Individual☐ Partner — ☐ Limited ☐ General☐ Attorney in Fact☐ Trustee☐ Guardian or Conservator☐ Other:

Signer Is Representing:

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here

Signer's Name:

☐ Corporate Officer — Title(s):☐ Individual☐ Partner — ☐ Limited ☐ General☐ Attorney in Fact☐ Trustee☐ Guardian or Conservator☐ Other:

Signer Is Representing:

RIGHT THUMBPRINT
OF SIGNER

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