

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



1128

FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
July 29, 2014

SUBJECT: Approval of Amendment No. 1 to Multi-Year Consulting Services Agreement for On-call Civil Engineering and Ancillary Services; 1 year; [\$750,000]; District Funds 100%

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve Amendment No. 1 to Multi-Year Consulting Services Agreement ("Agreement") between the District and Atkins North America, Inc., extending the term of the Agreement to June 30, 2015, increasing the contract amount for Fiscal Year 2014-15 and changing the name and title of the individual with signature authority on Attachment "B" – Task Order Approval Form; and
2. Authorize the Chairman to execute Amendment No. 1 on behalf of the District.

BACKGROUND:

Summary

Continued on Page 2

Steve Thomas
 For **WARREN D. WILLIAMS**
 General Manager-Chief Engineer

FISCAL PROCEDURES APPROVED
 JEANINE J. REY, FINANCE DIRECTOR
 BY: *Jeanine J. Rey 7/15/14*
 JEANINE J. REY
 Departmental Concurrence
 FORM APPROVED COUNTY COUNSEL
 BY: *[Signature]*
 DATE:

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 750,000	\$ N/A	\$ 750,000	\$ N/A	Consent <input type="checkbox"/> Policy <input type="checkbox"/>
NET DISTRICT COST	\$ 750,000	\$ N/A	\$ 750,000	\$ N/A	

SOURCE OF FUNDS: 25110-25170 947400-947520 525440 Zone 1 through Zone 7 Professional Services
 Budget Adjustment: No
 For Fiscal Year: 14/15

C.E.O. RECOMMENDATION:

APPROVE
[Signature]
 BY: **Steven C. Horn**

County Executive Office Signature

MINUTES OF THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT

On motion of Supervisor Benoit, 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: July 29, 2014
 xc: Flood

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

Prev. Agn. Ref.: 8/16/2011 (11.15) | District: All | Agenda Number:

11-3

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

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

162231

**FORM 11: Approval of Amendment No. 1 to Multi-Year Consulting Services Agreement for On-call
Civil Engineering and Ancillary Services; 1 year; [\$750,000]; District Funds 100%**

DATE: July 29, 2014

PAGE: Page 2 of 2

BACKGROUND:

Summary (continued)

On August 16, 2011, the Board of Supervisors approved a multi-year Consulting Services Agreement (Agreement) between the District and Atkins North America, Inc. (Consultant) (Board Agenda Item No. 11.15). The Agreement, with contract limits of \$250,000 per fiscal year and a further cap of \$750,000 over the term of the Agreement (FY 2011-12 through FY 2013-14), allows the District to retain Consultant to provide on-call civil engineering and ancillary services in support of the District's capital improvement programs.

Pursuant to this Agreement, Consultant was retained to provide construction management services for the District's Little Lake Master Drainage Plan Line B, Stage 1 and Hemet Master Drainage Plan Line D, Stage 7 projects. Due to the complexity of these projects, additional time is needed to complete the work required. In addition, the costs for construction management services are expected to exceed the fiscal year contract limits as specified in the Agreement. In order to allow District to complete project construction in a timely manner, District staff is recommending that the Board approve Amendment No. 1 to the Agreement to: i) extend the term of the Agreement to June 30, 2015; ii) increase the per year contract amount from a not to exceed two hundred fifty thousand dollars (\$250,000) to a not to exceed seven hundred fifty thousand dollars (\$750,000) for Fiscal Year 2014-15; and iii) change the name and title of the individual with signature authority on Attachment "B" – Task Order Approval Form.

Approval of Amendment No. 1 will not modify the total aggregate contract amount previously authorized by the Board, which remains capped at seven hundred fifty thousand dollars (\$750,000) for the entire term of the Agreement.

County Counsel has approved this Amendment as to legal form.

Impact on Residents and Businesses

Costs incurred under this Amendment will be funded by ad-valorem property tax revenue and entail no new fees, taxes or bonded indebtedness to residents and businesses.

SUPPLEMENTAL:

Additional Fiscal Information

Sufficient amounts are included in the current budget for FY 2014-15.

Contract History and Price Reasonableness

The authorized and expended amount, as applicable, of the Agreement and the cost of this Amendment No. 1 are summarized below:

Agreement:

<u>Fiscal Year</u>	<u>Authorized amount</u>	<u>Expended Amount</u>
2011-12	Not to exceed \$250,000	\$0
2012-13	Not to exceed \$250,000	\$0
2013-14	Not to exceed \$250,000	\$0

Total contract amount: Not to exceed \$750,000

Amendment No. 1:

<u>Fiscal Year</u>	<u>Authorized amount</u>
2014-15	Not to exceed \$750,000

Total contract amount: Not to exceed \$750,000

AMENDMENT NO. 1 TO
CONSULTING SERVICES AGREEMENT

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2
3 The Riverside County Flood Control and Water Conservation District,
4 hereinafter called "DISTRICT", and WS ATKINS PLC, doing business in California as
5 Atkins North America, Inc., hereinafter called "CONSULTANT", previously entered
6 into that certain Consulting Services Agreement, hereinafter called "AGREEMENT",
7 dated August 16, 2011 to provide on-call civil engineering and ancillary services in
8 accordance with applicable federal, state, and local laws and regulations as requested by
9 DISTRICT; and

10
11 Recently, DISTRICT selected CONSULTANT to provide certain
12 engineering and ancillary services for certain DISTRICT'S capital improvement
13 projects. Due to the length and complexity of these projects, DISTRICT desires to
14 extend the term of AGREEMENT to June 30, 2015 and to increase the per year amount
15 of compensation under said AGREEMENT by five hundred thousand dollars
16 (\$500,000); and

17
18 CONSULTANT also desires to change the name and title of the individual
19 with signature authority on Attachment "B" - Task Order Approval Form in the
20 AGREEMENT; and

21 DISTRICT and CONSULTANT mutually agree that, upon approval of this
22 Amendment No. 1 by DISTRICT'S Board of Supervisors, Attachment "B" - Task Order
23 Approval Form in AGREEMENT shall be replaced by a new Attachment "B" - Task
24 Order Approval Form, and the amount of compensation under said AGREEMENT for
25 FY 2014-15 shall be increased from a not to exceed amount of two hundred fifty
26 thousand dollars (\$250,000) to a not to exceed amount of seven hundred fifty thousand
27 dollars (\$750,000).
28

1 NOW, THEREFORE, DISTRICT and CONSULTANT mutually agree to
2 amend AGREEMENT as follows, effective August 16, 2014:

3 1. Attachment "B" – Task Order Approval Form in AGREEMENT is
4 replaced in its entirety by the new Attachment "B" – Task Order
5 Approval Form, attached hereto and made a part hereof.
6

7 2. Section 4 is amended to read:

8 4. TERM

9 "The term of this AGREEMENT became effective on the date the
10 AGREEMENT was executed by DISTRICT'S Board of
11 Supervisors, and ends on June 30, 2015."
12

13 3. Section 5, second sentence is amended to read:

14 "The total amount to be paid to CONSULTANT for the performance
15 of all Task Orders approved pursuant to this Agreement shall not
16 exceed seven hundred fifty thousand dollars (\$750,000) for the entire
17 term of this Agreement and any amendments thereafter."
18

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

23 //

24 //

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

2 JUL 29 2014

3 (to be filled in by Clerk of the Board)

4
5 RECOMMENDED FOR APPROVAL:

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

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7
8 By: Steve Thomas
9 WARREN D. WILLIAMS
General Manager-Chief Engineer

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

10
11
12 APPROVED AS TO FORM:

ATTEST:

13 PAMELA J. WALLS
14 County Counsel

KECIA HARPER-IHEM
Clerk of the Board

15
16 By: Neal Kipnis
17 NEAL KIPNIS
Deputy County Counsel

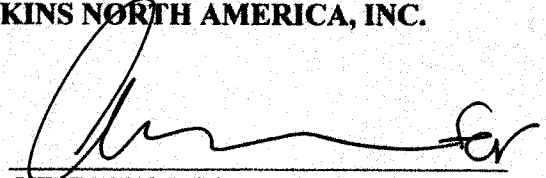
By: Karla Dutton
Deputy

(SEAL)

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26 Amendment No. 1 to Consulting Services Agreement FY 2014-15
27 w/Atkins North America, Inc.
06/26/14
28 LMD:bjj

ATKINS NORTH AMERICA, INC.

By:



KENNETH J. BURNS, JR.
Senior Vice President

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Amendment No. 1 to Consulting Services Agreement FY 2014-15
w/Atkins North America, Inc.
06/26/14
LMD:bjj

ATTACHMENT "B"

TASK ORDER APPROVAL FORM

CONSULTANT: _____

PROJECT NAME: _____

The Scope of Services for _____, a copy of which is attached hereto as Exhibit "A" and incorporated herein by this reference, shall constitute an approved Task Order pursuant to the Agreement between DISTRICT and CONSULTANT dated _____ ("AGREEMENT"). CONSULTANT agrees to perform the services described in Exhibit "A" within the time set forth in the Project Schedule as described in Exhibit "B" attached hereto and incorporated herein, for a fee amount of \$ _____, unless otherwise modified by DISTRICT'S Project Manager in a subsequent Task Order Approval Form. All charges shall be consistent with the Compensation/Fee Rate Schedule which is attached as Exhibit "C" and incorporated herein by this reference.

Performance of the services shall be subject to the terms and conditions contained in the AGREEMENT.

Dated this _____ day of _____
(To be filled in by General Manager-Chief Engineer)

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

By: _____
WARREN D. WILLIAMS
General Manager-Chief Engineer

ATKINS NORTH AMERICA, INC.

By: _____
KENNETH J. BURNS, JR.
Senior Vice President