

FORM APPROVED COUNTY COUNSEL
DATE 3/17/16
BY: GREGORY P. PRIAMOS

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

705 B



FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
March 1, 2016

SUBJECT: Ratification and Approval of Amendment No. 2 to Multi-Year Consulting Services Agreement for On-Call, Civil Engineering and Ancillary Services; 1 year; [\$336,617]; District Funds 100%. All Districts.

RECOMMENDED MOTION: That the Board of Supervisors:

1. Ratify and approve Amendment No. 2 to Multi-Year Consulting Services Agreement ("Agreement") between the District and Atkins North America, Inc., extending the term of the Agreement to June 30, 2016; and
2. Authorize the Chairman to execute Amendment No. 2 on behalf of the District.

BACKGROUND:

Summary

See Page 2.

LMD:blm:mcv
P8\202217

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	\$ 336,617	\$ 0	\$ 336,617	\$ 0	Consent <input type="checkbox"/> Policy <input type="checkbox"/>
NET DISTRICT COST	\$ 336,617	\$ 0	\$ 336,617	\$ 0	

SOURCE OF FUNDS: 25110-25170 947400-947520 525440
Zone 1 through Zone 7 Professional Services

Budget Adjustment: No
For Fiscal Year: 15/16

C.E.O. RECOMMENDATION:

APPROVE

BY:
Steven C. Horn

County Executive Office Signature

MINUTES OF THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT

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

Ayes: Jeffries, Tavaglione, Washington, Benoit and Ashley
Nays: None
Absent: None
Date: March 1, 2016
xc: Flood

Kecia Harper-Ihem
Clerk of the Board
By:
Deputy

Prev. Agn. Ref.: 11-3 of 07/29/14

District: All

Agenda Number:

11-1

FISCAL PROCEDURES APPROVED
JEANINE J. REY, FINANCE DIRECTOR
DATE 3/18/16
BY: REGINAL L. NEAL

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

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

FORM 11: Ratification and Approval of Amendment No. 2 to Multi-Year Consulting Services Agreement
for On-Call, Civil Engineering and Ancillary Services; 1 year; [\$336,617]; District Funds 100%

DATE: March 1, 2016

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 was needed to complete the work required. In addition, the costs for construction management services were expected to exceed the fiscal year contract limits as specified in the Agreement. On July 29, 2014, the Board of Supervisors approved Amendment No. 1 (Board Agenda Item No. 11-3) extending the contract to June 30, 2015. Due to the complexity of these projects, a second extension is needed to complete the work required. District staff is recommending that the Board approve Amendment No. 2 to the Agreement to i) extend the term of the Agreement to June 30, 2016; and ii) change the name and title of the individual with signature authority on Attachment "B" – Task Order Approval Form.

Approval of Amendment No. 2 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 2015-16.

Contract History and Price Reasonableness

The authorized and expended amount, as applicable, of the Agreement and the cost of this Amendment No. 2 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	\$109,306.70
2013-14	Not to exceed \$250,000	\$0

Total contract amount: Not to exceed \$750,000, remaining authorized amount \$640,693.30

Amendment No. 1:

<u>Fiscal Year</u>	<u>Authorized Amount</u>	<u>Expended Amount</u>
2014-15	Not to exceed \$640,693.30	\$304,076.29

Total contract amount: Not to exceed \$750,000, remaining authorized amount \$336,617.01

Amendment No. 2:

<u>Fiscal Year</u>	<u>Authorized Amount</u>
2015-16	Not to exceed \$336,617.01

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

AMENDMENT NO. 2 TO
CONSULTING SERVICES AGREEMENT

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

DISTRICT and CONSULTANT previously entered into Amendment No. 1 (AMENDMENT NO. 1) on July 29, 2014; and

CONSULTANT has provided certain engineering and ancillary services for certain DISTRICT'S capital improvement projects. Due to the length and complexity of these projects, DISTRICT desires to extend the term of AGREEMENT to June 30, 2016; and

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

NOW, THEREFORE, DISTRICT and CONSULTANT mutually agree to amend AGREEMENT as follows, effective July 1, 2015:

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

2. Section 4 is amended to read:

4. TERM

"The term of this AGREEMENT became effective on the date the AGREEMENT was executed by DISTRICT'S Board of Supervisors, and ends on June 30, 2016."

- 1 3. Except to the extent specifically added to, modified or amended herein, all of the
2 terms, covenants and conditions of said AGREEMENT dated August 16, 2011, and
3 AMENDMENT NO. 1 dated July 29, 2014 shall remain in full force and effect
4 between the parties hereto.

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

MAR 01 2016

(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:

GREGORY P. PRIAMOS
County Counsel

KECIA HARPER-IHEM
Clerk of the Board

By: 

NEAL KIPNIS
Deputy County Counsel

By: 

Deputy

(SEAL)

Amendment No. 2 to Consulting Services Agreement FY 2015-16
w/Atkins North America, Inc.
2-4-16
LMD:blm:mcv

ATKINS NORTH AMERICA, INC.

By: Matth S Baird
~~GLENN A. MCPHERSON~~ *MSB*
~~Associate Vice President~~
Matthew S. Baird
Vice President, Sector Manager

Amendment No. 2 to Consulting Services Agreement FY 2015-16
w/Atkins North America, Inc.
2-4-16
LMD:blm:mev

ATTACHMENT "B"**TASK ORDER APPROVAL**

CONSULTANT: _____

PROJECT NAME: _____

The Scope of Services for this Task Order, 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" for a fee amount of \$_____ unless otherwise modified by DISTRICT'S Project Manager in a subsequent Task Order Approval. All charges shall be consistent with the Compensation/Fee Rate Schedule which is attached as Exhibit "B" and incorporated herein by this reference.

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

Dated _____
(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: _____
MATTHEW S. BAIRD
Vice President, Sector Manager