

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



ITEM
12.1
(ID # 9894)

MEETING DATE:

Tuesday, June 11, 2019

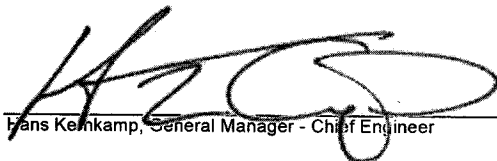
FROM : DEPARTMENT OF WASTE RESOURCES:

SUBJECT: DEPARTMENT OF WASTE RESOURCES: Ratify and Approve Amendment No.1 to the Professional Service Agreement with Contera Construction Corporation for Earthen Material Imports to Three Closed Sanitary Landfill Sites within the Western Portion of Riverside County (Menifee, Pinyon Flats, & Mead Valley Landfills). Districts 1, 3, and 5. [Total cost \$593,910, up to \$59,391 in additional compensation - Department of Waste Resources Enterprise Fund]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Ratify and approve Amendment No. 1 to the Professional Services Agreement with Contera Construction Corporation for Earthen Material Imports to Three Closed Sanitary Landfill Sites within the Western Portion of Riverside County (Menifee, Pinyon Flats, & Mead Valley Landfills) to increase the total contract aggregate amount by \$146,300 from \$447,610 to \$593,910 and, authorize the Chairman of the Board to sign the Amendment on behalf of the County; and
2. Authorize Purchasing Agent, in accordance with Ordinance No. 459, based on the availability of fiscal funding and as approved by County Counsel to: (a) sign amendments that exercise the options of the agreement including modifications of the statement of work that stay within the intent of the Agreement; and (b) sign amendments to the compensation provisions that do not exceed the sum total of ten percent (10%) of the total annual cost of the contract.

ACTION:Policy



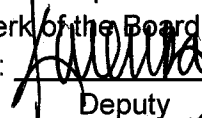
Hans Kemkamp, General Manager - Chief Engineer

5/22/2019

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: June 11, 2019
xc: Waste, Purchasing

Kecia Harper
Clerk of the Board
By: 
Deputy

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

Financial Data	Current Fiscal Year	Next Fiscal Year	Total Cost	Ongoing Cost
Cost	\$146,300	\$0	\$146,300	\$0
Net County Cost	\$0	\$0	\$0	\$0
Source Of Funds: Department of Waste Resources Enterprise Funds			Budget Adjustment: No	
			For Fiscal Year: 18/19	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

On November 6, 2018, the Board of Supervisors, in Minute Order 12.4, approved the Agreement between the Department of Waste Resources (Department) and Contera Construction Corporation (Contera). The parties now desires to increase the quantity of imported soil by an additional 16,952 cubic yards.

Under the approved agreement, the Department had the contractor furnish, haul and stockpile approximately 40,000 cubic yards of loaded earthen material amongst three closed landfill sites within the western portion of Riverside County. The Scope of work includes the import and stockpiling of approximately: (1) 35,000 cubic yards to the closed Menifee Landfill; (2) 3,500 cubic yards to the closed Pinyon Flats Landfill; and (3) 1,500 cubic yards of earthen material to the closed Mead Valley Landfill. The Department may agree to receiving portions of these quantities based on available sources, delivery timing, and unit cost as further defined in the Scope of work.

The Department's engineering staff is responsible for coordinating all project tasks including approval and acceptance of non-hazardous earthen materials, scheduling of delivery of earthen materials and execution of stockpiling earthen materials.

The attached Amendment No. 1 to the Agreement reflects the change in the compensation provisions and the increase of 16,952 cubic yards of imported soil. County Counsel has approved Amendment No. 1 as to form. Staff recommend that the Board approve and execute Amendment No.1.

Contract History and Price Reasonableness

County Purchasing Department (Purchasing) released a Request for Quote (RFQ) WMARC-349B, soliciting quotes for Earthen Material Imports to three closed sanitary landfill sites within the Western Portion of Riverside County (Menifee, Pinyon Flats, & Mead Valley Landfills) on behalf of the Department. The RFQ was sent to fifteen (15) potential bidders and was advertised on the Public Purchase web site. Two (2) bid responses were submitted in response to the RFQ. Each bid response was evaluated by the Department of Waste Resources based on the most responsive/responsible bidder. The cost proposal range submitted was from \$447,610.00 to \$757,075.00.

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Based on the overall summation of the proposals submitted, it was the recommendation of Department to select Contera Construction Corporation as the most responsive/responsible bidder for these services.

Amendment 1 increase is being requested because once dirt hauling and stockpiling of soil commenced, it was determined that the Menifee landfill required increased quantities of cubic yards of soil, resulting from increases in trash excavation. This in turn increased the cost for this the total contract aggregate amount by \$146,300 from \$447,610 to \$593,910. Based on the increased cubic yards of soil required for backfilling and engineered fill the Department is requesting that the total funding be increased and a 10% contingency be added.

ATTACHMENTS:

Amendment No. 1 to Professional Service Agreement


Teresa Summers, Director of Purchasing 5/29/2019


Jason Farin, Senior Management Analyst 5/31/2019


Gregory L. Priamos, Director County Counsel 5/30/2019

AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICE AGREEMENT
FOR EARTHEN MATERIAL IMPORTS TO THREE CLOSED SANITARY
LANDFILL SITES WITHIN THE WESTERN PORTION OF RIVERSIDE COUNTY
(MENIFEE, PINYON FLATS, & MEAD VALLEY LANDFILLS)

BETWEEN
COUNTY OF RIVERSIDE

AND
CONTERA CONSTRUCTION CORPORATION

Original Contract Term:	October 26, 2018 through December 15, 2019
Contract Term Extended To:	Not Applicable
Effective Date of Amendment:	April 16, 2019
Original Annual Maximum Contract Amount:	\$447,610.00
Amended Annual Maximum Contract Amount:	\$593,910.00
Contract ID:	

This First Amendment to the Professional Services Agreement (Contract ID No. WMARC-92639-001-12/19) effective April 16, 2019 ("First Amendment") by and between the County of Riverside, a political subdivision of the State of California, on behalf of its Department of Waste Resources, ("COUNTY") and CONTERA CONSTRUCTION CORPORATION, a California corporation, ("CONTRACTOR"), (collectively referred to as the "Parties"), amends the Agreement as follows:

RECITALS

WHEREAS, COUNTY and CONTRACTOR entered into that certain Professional Service Agreement for Earthen Material Imports to Three Closed Sanitary Landfills within the Western Portion of Riverside County (Menifee, Pinyon Flats, & Mead Valley Landfills) for a contract term of October 16, 2018 through December 15, 2019 (the "Agreement"); and

WHEREAS, the Board of Supervisors ("Board") approved the Agreement on November 6, 2018, in Minute Order 12.4; and

WHEREAS, the Agreement authorizes alterations or changes to the Agreement with the approval of the Board and the COUNTY Purchasing Agent, or designee; and

WHEREAS, the Parties desire to increase the compensation and modify Exhibit B to increase the quantity of stockpiled soil to an additional 16,952 cubic yards;

NOW THEREFORE, for good valuable consideration, the receipt and adequacy of which is hereby acknowledged, the Parties agree as follows:

1. **Recitals.** The above recitals are true and correct and are incorporated herein by reference.
2. **Section 3.1 - Compensation.** The Agreement is hereby amended to delete in its entirety the second sentence in Section 3.1 (Compensation) and replace it in its entirety with the following:

AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICE AGREEMENT
FOR EARTHEN MATERIAL IMPORTS TO THREE CLOSED SANITARY
LANDFILL SITES WITHIN THE WESTERN PORTION OF RIVERSIDE COUNTY
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Maximum payments by COUNTY to CONTRACTOR under this Agreement shall not exceed \$593,910 including all expenses.

3. **Exhibit "B" - Payment Provisions**. The Agreement is hereby amended in its entirety to delete the "Payment Provisions" attached as Exhibit "B" to the Agreement, and replace it with "Exhibit B-1, Amended Payment Provisions", attached here to as Attachment No. 1 and incorporated herein by this reference.
4. **Effective Date**. The "Effective Date" of this First Amendment shall be April 16, 2019.
5. **Entire Understanding**. The First Amendment and the Agreement contain the entire understanding and agreement of the Parties. There are no oral or written representations, understandings, or ancillary covenants, undertakings or agreements that are not contained or expressly referred to within this First Amendment and Agreement.
6. **Further Assurances**. The Parties agree to execute such other documents and to take such other actions as may be necessary to further the purpose of this First Amendment.
7. **Agreement in Full Force and Effect**. Except as otherwise expressly modified herein, all other terms and conditions of the Agreement remain unmodified and in full force and effect.

[Signature Page to Follow]

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(MENIFEE, PINYON FLATS, & MEAD VALLEY LANDFILLS)


BETWEEN
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AND

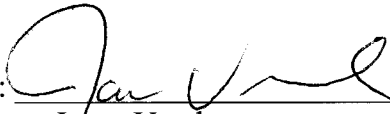
CONTERA CONSTRUCTION CORPORATION

IN WITNESS WHEREOF, the Parties hereto have caused their duly authorized representatives to execute this Amendment.

COUNTY OF RIVERSIDE, a political
subdivision of the state of California

CONTERA CONSTRUCTION
CORPORATION, a California corporation

By: 
Name: Kevin Jeffries
Title: Chairperson
Board of Supervisors

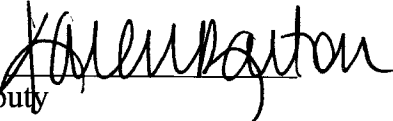
By: 
Name: Jason Varela
Title: Chief Financial Officer

Dated: JUN 11 2019

Dated: 5/15/19

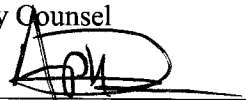
ATTEST:

Kecia Harper-~~Hern~~
Clerk of the Board

By: 
Deputy

APPROVED AS TO FORM:

Gregory P. Priamos
County Counsel

By: 
Name: Amit Dhillon
Title: Deputy County Counsel
Dated: 5/17/2019

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ATTACHMENT NO. 1

**AMENDED PAYMENT PROVISIONS
(BEHIND THIS PAGE)**

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EXHIBIT "B-1"
AMENDED PAYMENT PROVISIONS

Item Code	Item Name	Quantity	Unit	Unit Price	Total Price
1	Prepare and Implement Site Safety Plan	1	LS	\$4,500.00	\$4,500.00
2A	Conditional - Prepare & Implement Traffic Control Plan for Menifee	1	LS	\$3,800.00	\$3,800.00
	Notes for Item 2A		Includes Engineered Stamped Plan		
2B	Conditional - Install Applicable BMPs at Menifee	1	LS	\$7,700.00	\$7,700.00
2C	Conditional - Menifee Stockpile Management	1	LS	\$9,700.00	\$9,700.00
2	Furnish, Haul, and Stockpile Soil for Menifee	51,952.49131	CY	\$8.63	\$448,350.00
3A	Conditional - Install Applicable BMPs at Pinyon Flats	1	LS	\$3,500.00	\$3,500.00
3B	Furnish, Haul, and Stockpile Soil for Pinyon Flats	3500	CY	\$27.84	\$97,440.00
4A	Conditional - Install Applicable BMPs at Mead Valley	1	LS	\$3,500.00	\$3,500.00
	Notes for Item 4A		Excluded Cost of Water		
4B	Furnish, Haul, and Stockpile Soil for Mead Valley	1500	CY	\$10.28	\$15,420.00
	Applicable Taxes included in pricing: Total Amount				\$593,910.00