

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



ITEM: 3.91
(ID # 25256)

MEETING DATE:
Tuesday, June 25, 2024

FROM : TLMA-TRANSPORTATION

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/TRANSPORTATION:
Approval of Amendment No. 5 to the On-Call Services Agreement for Roadway/Highway
Engineering with NCM Engineering Corp, All Districts. [\$0 Total Amendment Cost - Local Funds
100%]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve Amendment No. 5 to the On-Call Services Agreement for Roadway/Highway
Engineering between the County of Riverside and NCM Engineering Corp to extend the
performance period by two (2) years from June 30, 2024 to June 30, 2026; and
2. Authorize the Chair of the Board to execute the same.

ACTION:Policy


Dennis Acuna, Director of Transportation 6/6/2024

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Spiegel, Washington, Perez and Gutierrez
Nays: None
Absent: None
Date: June 25, 2024
xc: Trans.

Kimberly A. Rector
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	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: Transportation Funds (100%). There are no General Funds used for this project.			Budget Adjustment: No	
			For Fiscal Year: 24/25 – 25/26	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The Transportation Department requires outside engineering and support services to deliver many of the road improvement projects identified and funded in the Transportation Improvement Program (TIP) and to meet the needs of the community.

By Minute Order dated August 27, 2019 (Agenda Item 3.41), the Board of Supervisors authorized an On-Call Services Agreement with NCM Engineering Corp for Roadway/Highway Engineering Services. The Contract provided for a three (3) year term with two one (1) year extensions. The first one-year extension was executed on June 30, 2022, via Amendment No. 2, and the second one-year extension was executed on June 29, 2023, via Amendment No. 4. The approval authorization for Amendment No. 2 and Amendment No. 4 was delegated to the Director of Transportation when the original contract was executed. The Board approved Amendment No. 1 on March 10, 2020 (Agenda Item 3.35) to increase the annual budget allocation by \$250,000 for all fiscal years, from \$250,000 per fiscal year to \$500,000 per fiscal year, and the Board approved Amendment No. 3 on March 7, 2023 (Agenda Item 3.15) to increase the annual budget allocation by \$250,000 for FY22/23 and FY 23/24, from \$500,000 per fiscal year to \$750,000 per fiscal year.

The On-Call Services Agreement indicates that all task orders are to be completed within two (2) years of the final authorized date for approving task orders.

Amendment No. 5 includes extending the period of performance for two (2) years from June 30, 2024, to June 30, 2026, in order to complete outstanding task orders issued before June 30, 2024.

NCM Engineering Corp. is currently working on the Ontario Widening Project which is still under design and the Gilman Springs Shoulder Widening and Pauba Road Reconstruction Projects which will require construction support which will result in work beyond June 30, 2024.

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Impact on Residents and Businesses

TIP projects enhance safety and improve overall driving conditions to the public by improving and updating County roadways.

Additional Fiscal Information

The amendment to the On-Call Engineering Services Agreement will not have any fiscal impacts as it only extends the period of performance and does not increase the capacity of the contract.

There are no County General Funds used for this contract.

Contract History and Price Reasonableness

The NCM staff billing rates have been carefully re-examined, and staff found their rates are within the range of acceptable industry practice for engineering services. The rates already agreed upon at the time of execution of the original agreement remains unchanged.

ATTACHMENTS:

Amendment No. 5 to the On-Call Services Agreement for Roadway/Highway Engineering with NCM Engineering Corp.



Jason Farin, Principal Management Analyst 6/20/2024



Aaron Gettis, Chief of Deputy County Counsel 6/20/2024

AMENDMENT NO. 5 TO THE ON-CALL SERVICES AGREEMENT

FOR ROADWAY/HIGHWAY ENGINEERING

BETWEEN

COUNTY OF RIVERSIDE • TRANSPORTATION DEPARTMENT

AND

NCM ENGINEERING CORP

This Amendment No. 5 to the On-Call Services Agreement for Roadway/Highway Engineering (hereinafter referred to as "Amendment No. 5") is made and entered into this 25 day of JUNE, 2024, by and between the County of Riverside, a political subdivision of the State of California, (hereinafter referred to as "COUNTY") and NCM Engineering Corp, a California corporation, (hereinafter referred to as "CONSULTANT").

RECITALS

- A. COUNTY and CONSULTANT have entered into an agreement entitled "On-Call Services Agreement for Roadway/Highway Engineering between County of Riverside • Transportation Department and NCM Engineering Corp" that is dated August 27, 2019, Agenda Item 3.41, (hereinafter referred to as "Agreement").
- B. The Agreement provides the terms and conditions, scope of services, schedule and budget for the performance of professional and technical services necessary to provide on-call roadway/highway engineering services.
- C. The Agreement was first amended on March 10, 2020 (Agenda Item 3.35) via Amendment No. 1 to increase the annual budget allocation by \$250,000 for all fiscal years, from \$250,000 per fiscal year to \$500,000 per fiscal year.
- D. The Agreement was again amended on June 30, 2022 via Amendment No. 2 to extend the period of performance for one (1) year from June 30, 2022 to June 30, 2023.
- E. The Agreement was again amended on March 7, 2023 (Agenda Item 3.15) via Amendment No. 3 to increase the annual budget allocation by \$250,000 for FY22/23 and FY 23/24, from \$500,000 per fiscal year to \$750,000 per fiscal year.
- F. The Agreement was further amended on June 29, 2023 via Amendment No. 4 to extend the period of performance for one (1) year from June 30, 2023 to June 30, 2024.

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1 G. The parties desire to amend the Agreement to extend the period of performance so that the CONSULTANT
2 can complete Task Orders issued prior to June 30, 2024 as provided in the Agreement and correct the date
3 all Task Order services authorized in the Agreement shall be completed by.
4

AGREEMENT

5 NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained, the parties agree as follows:

- 6
- 7 1. Article IV • Performance Period, Paragraph A, of the Agreement is hereby amended to extend the
8 performance period for two (2) years, from June 30, 2024 to June 30, 2026, so that the CONSULTANT can
9 complete Task Orders issued prior to June 30, 2024 as provided in the Agreement, as follows: "This contract
10 shall go into effect contingent upon approval by COUNTY, and CONSULTANT shall commence work after
11 notification to proceed by COUNTY's Contract Administrator. The contract shall end on June 30, 2026,
12 unless extended by contract amendment."
- 13 2. The last sentence of the first paragraph of Attachment B • Schedule of Services, Article BI • Introduction of
14 the Agreement is hereby amended to correct the date all Task Order services authorized in the Agreement
15 shall be completed by, as follows: "All Task Order services authorized in this Contract shall therefore be
16 completed no later than June 30, 2026."
- 17 3. Except to the extent specifically modified or amended hereunder, all of the terms, covenants and conditions of
18 the Agreement shall remain in full force and effect between the parties hereto.
- 19 4. This Amendment No. 5 shall become effective upon signature of this Amendment No. 5 by both parties or
20 July 1, 2024, whichever should come first.
- 21 5. This Amendment No. 5 may be executed in any number of counterparts, each of which shall be an original,
22 but all of which together shall constitute one and the same instrument. Each party to this Amendment No.
23 5 agrees to the use of electronic signatures, such as digital signatures that meet the requirements of
24 the California Uniform Electronic Transactions Act ("CUETA") Cal. Civ. Code §§ 1633.1 to 1633.17),
25 for executing this Amendment No. 5. The parties further agree that the electronic signatures of the
26 parties included in this Amendment No. 5 are intended to authenticate this writing and to have the same force
27 and effect as manual signatures. Electronic signature means an electronic sound, symbol, or process
28 attached to or logically associated with an electronic record and executed or adopted by a person with the
29 intent to sign the electronic record pursuant to the CUETA as amended from time to time. The CUETA

1 authorizes use of an electronic signature for transactions and contracts among parties in California, including
2 a government agency. Digital signature means an electronic identifier, created by computer, intended by the
3 party using it to have the same force and effect as the use of a manual signature, and shall be reasonably
4 relied upon by the parties. For purposes of this section, a digital signature is a type of "electronic signature" as
5 defined in subdivision (i) of Section 1633.2 of the Civil Code

6 IN WITNESS HEREOF, the parties hereto have caused this Amendment No. 5 to the Agreement to be duly
7 executed this day and year first written above.

8 **APPROVALS**

9 **COUNTY** Approvals:

10
11  Dated: 6/25/2024

12 Dennis Acuna
13 Director of Transportation

14
15 APPROVED AS TO FORM:
16 MINH C. TRAN, COUNTY COUNSEL

17 _____
18 By Deputy

19
20 APPROVAL BY THE BOARD OF SUPERVISORS
21 _____
22 _____
23 PRINTED NAME
24 Chairman, Riverside County Board of Supervisors

25 ATTEST:
26 _____
27 KIMBERLY A. RECTOR
28 Clerk of the Board (SEAL)
29

CONSULTANT Approvals

CONSULTANT:

 Dated: 06/19/24

Mohan Char
PRINTED NAME
Senior Vice President
TITLE

CONSULTANT:

Dated: _____

PRINTED NAME

TITLE

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9 **COUNTY Approvals:**

10 _____ Dated: _____

11
12 Dennis Acuna
13 Director of Transportation

14 **APPROVED AS TO FORM:**

15 **MINH C. TRAN, COUNTY COUNSEL**

16 _____
17 *[Handwritten Signature]*

18 By Deputy

19 **APPROVAL BY THE BOARD OF SUPERVISORS**

20 *[Handwritten Signature]*
21 _____

22 **CHUCK WASHINGTON**

23 PRINTED NAME

24 Chairman, Riverside County Board of Supervisors

25 **ATTEST:**

26 *[Handwritten Signature]*, Deputy
27 _____

28 **KIMBERLY A. RECTOR**

29 Clerk of the Board (SEAL)

CONSULTANT Approvals

CONSULTANT:

[Handwritten Signature] Dated: 06/19/24

Mohan Char

PRINTED NAME

Senior Vice President

TITLE

CONSULTANT:

_____ Dated: _____

PRINTED NAME

TITLE



TranSystems

2400 Pershing Road, Suite 400
Kansas City, MO 64108
Tel 816 329 8600

www.transystems.com

May 31, 2024

County of Riverside

RE: Confirmation of Authority

TO WHOM IT MAY CONCERN:

I am the General Counsel of TranSystems Corporation, ("TranSystems"), a corporation duly organized and existing under and by virtue of the laws of Missouri. On March 29, 2024, TranSystems acquired all of the outstanding stock of NCM Engineering Corp, a California Corporation (NCM). NCM operates as a wholly owned subsidiary of TranSystems.

This is to confirm that Mohan Char holds the title of Senior Vice President, is an approved officer under TranSystems' corporate Authority Matrix, has authority to execute and deliver contract documents on behalf of NCM, and any related procurement documents in connection with the County of Riverside.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael J. Cavanaugh".

Michael J. Cavanaugh
SVP and General Counsel
mjcavanaugh@transystems.com