

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



ITEM: 3.93
(ID # 25259)

MEETING DATE:
Tuesday, June 25, 2024

FROM : TLMA-TRANSPORTATION

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/TRANSPORTATION:
Approval of Amendment No. 3 to the On-Call Services Agreement for Roadway/Highway Design with TKE Engineering, Inc., All Districts. [\$0 Total Amendment Cost - Local Funds 100%]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve Amendment No. 3 to the On-Call Services Agreement for Roadway/Highway Design between the County of Riverside and TKE Engineering, Inc. 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 meet the needs of the community.

By Minute Order dated November 19, 2019 (Agenda Item 3.30), the Board of Supervisors authorized an On-Call Services Agreement with TKE Engineering, Inc. for Roadway/Highway Design 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. 1, and the second one-year extension was executed on June 29, 2023, via Amendment No. 2. The approval authorization for Amendment No. 1 and Amendment No. 2 was delegated to the Director of Transportation when the original contract was executed.

The On-Call Services Agreement also indicated that all task orders are to be completed within two (2) years of the final authorized date (June 30, 2024) for approving task orders.

Amendment No. 3 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.

TKE Engineering, Inc is currently working on the Bennett Road Resurfacing Project, and are initiating Gibson Ave and Contour Ave Resurfacing Projects. Work is expected to go beyond June 30, 2024.

Impact on Residents and Businesses

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

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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 TKE 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. 3 to the On-Call Services Agreement for Roadway/Highway Design with TKE Engineering, Inc.



Jason Farin, Principal Management Analyst 6/20/2024



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

1 **AMENDMENT NO. 3 TO THE ON-CALL SERVICES AGREEMENT**

2 **FOR ROADWAY/HIGHWAY DESIGN**

3 **BETWEEN**

4 **COUNTY OF RIVERSIDE • TRANSPORTATION DEPARTMENT**

5 **AND**

6 **TKE ENGINEERING, INC.**

7 This Amendment No. 3 to the On-Call Services Agreement for Roadway/Highway Design (hereinafter referred to
8 as "Amendment No. 3") is made and entered into this 25 day of JUNE, 2024, by and
9 between the County of Riverside, a political subdivision of the State of California, (hereinafter referred to as
10 "COUNTY") and TKE Engineering, Inc., a California corporation, (hereinafter referred to as "CONSULTANT").

11 **RECITALS**

- 12 A. COUNTY and CONSULTANT have entered into an agreement entitled "On-Call Services Agreement for
13 Roadway/Highway Design between County of Riverside • Transportation Department and TKE Engineering,
14 Inc." that is dated November 19, 2019, Agenda Item 3.30, (hereinafter referred to as "Agreement").
- 15 B. The Agreement provides the terms and conditions, scope of services, schedule and budget for the
16 performance of professional and technical services necessary to provide on-call roadway/highway design
17 services.
- 18 C. The Agreement was first amended on June 30, 2022 via Amendment No. 1 to extend the period of
19 performance for one (1) year from June 30, 2022 to June 30, 2023.
- 20 D. The Agreement was again amended on June 29, 2023 via Amendment No. 2 to extend the period of
21 performance for one (1) year from June 30, 2023 to June 30, 2024.
- 22 E. The parties desire to amend the Agreement to extend the period of performance so that the CONSULTANT
23 can complete Task Orders issued prior to June 30, 2024 as provided in the Agreement and correct the date
24 all Task Order services authorized in the Agreement shall be completed by.

25 **AGREEMENT**

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

- 27 1. Article IV • Performance Period, Paragraph A, of the Agreement is hereby amended to extend the
28 performance period for two (2) years, from June 30, 2024 to June 30, 2026, so that the CONSULTANT can
29


1 complete Task Orders issued prior to June 30, 2024 as provided in the Agreement, as follows: "This contract
2 shall go into effect contingent upon approval by COUNTY, and CONSULTANT shall commence work after
3 notification to proceed by COUNTY's Contract Administrator. The contract shall end on June 30, 2026,
4 unless extended by contract amendment."

- 5
- 6 2. The last sentence of the first paragraph of Attachment B • Schedule of Services, Article BI • Introduction of
7 the Agreement is hereby amended to correct the date all Task Order services authorized in the Agreement
8 shall be completed by, as follows: "All Task Order services authorized in this Contract shall therefore be
9 completed no later than June 30, 2026."
- 10 3. Except to the extent specifically modified or amended hereunder, all of the terms, covenants and conditions of
11 the Agreement shall remain in full force and effect between the parties hereto.
- 12 4. This Amendment No. 3 shall become effective upon signature of this Amendment No. 3 by both parties or
13 July 1, 2024, whichever should come first.
- 14 5. This Amendment No. 3 may be executed in any number of counterparts, each of which shall be an original,
15 but all of which together shall constitute one and the same instrument. Each party to this Amendment No.
16 3 agrees to the use of electronic signatures, such as digital signatures that meet the requirements of
17 the California Uniform Electronic Transactions Act ("CUETA") Cal. Civ. Code §§ 1633.1 to 1633.17),
18 for executing this Amendment No. 3. The parties further agree that the electronic signatures of the
19 parties included in this Amendment No. 3 are intended to authenticate this writing and to have the same force
20 and effect as manual signatures. Electronic signature means an electronic sound, symbol, or process
21 attached to or logically associated with an electronic record and executed or adopted by a person with the
22 intent to sign the electronic record pursuant to the CUETA as amended from time to time. The CUETA
23 authorizes use of an electronic signature for transactions and contracts among parties in California, including
24 a government agency. Digital signature means an electronic identifier, created by computer, intended by the
25 party using it to have the same force and effect as the use of a manual signature, and shall be reasonably
26 relied upon by the parties. For purposes of this section, a digital signature is a type of "electronic signature" as
27 defined in subdivision (i) of Section 1633.2 of the Civil Code
28
29

1 IN WITNESS HEREOF, the parties hereto have caused this Amendment No. 3 to the Agreement to be duly
2 executed this day and year first written above.
3

4 **APPROVALS**

5 **COUNTY** Approvals:

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7
8 
9 _____ Dated: 6/25/2024
10 Dennis Acuna
11 Director of Transportation

12 APPROVED AS TO FORM:
13 MINH C. TRAN, COUNTY COUNSEL
14
15 _____

16 By Deputy
17
18 _____

19 APPROVAL BY THE BOARD OF SUPERVISORS
20
21 _____

22 PRINTED NAME
23 Chairman, Riverside County Board of Supervisors
24

25 ATTEST:
26
27 _____

28 KIMBERLY A. RECTOR
29 Clerk of the Board (SEAL)

CONSULTANT Approvals

CONSULTANT:


_____ Dated: 06/18/24

Michael Thornton

PRINTED NAME

President

TITLE

CONSULTANT:


_____ Dated: 06/18/24

Terry Renner

PRINTED NAME

Senior Vice President

TITLE

1 IN WITNESS HEREOF, the parties hereto have caused this Amendment No. 3 to the Agreement to be duly
2 executed this day and year first written above.
3

4 **APPROVALS**

5 **COUNTY Approvals:**

6 _____ Dated: _____
7
8
9 Dennis Acuna
10 Director of Transportation
11

12 **APPROVED AS TO FORM:**

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

14 *Minh C. Tran*
15

16 By Deputy

17
18 **APPROVAL BY THE BOARD OF SUPERVISORS**

19 *Chuck Washington*
20
21 **CHUCK WASHINGTON**

22 PRINTED NAME

23 **Chairman, Riverside County Board of Supervisors**

24 **ATTEST:**

25 *Kimberly A. Rector*
26 **KIMBERLY A. RECTOR**

27 **Clerk of the Board (SEAL)**

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CONSULTANT Approvals

CONSULTANT:

Michael Thornton Dated: 06/18/24

Michael Thornton

PRINTED NAME

President

TITLE

CONSULTANT:

Terry Renner Dated: 06/18/24

Terry Renner

PRINTED NAME

Senior Vice President

TITLE

**TKE ENGINEERING, INC.
CORPORATE RESOLUTION**

I certify that the following is a true copy of a certain resolution of the Board of Directors of TKE Engineering, Inc., a corporation duly organized and existing under the laws of the state of California, having its principal place of business in, Riverside, California; duly adopted in accordance with the By-Laws and recorded in the minutes of a meeting of the said Board on June 25, 2021, and not subsequently rescinded or modified:

RESOLVED:

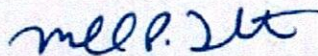
That Michael P. Thornton, as President, is hereby authorized for and on behalf of this Corporation to execute Agreements on its behalf.

That Terry M. Renner, as Senior Vice-President, is hereby authorized for and on behalf of this Corporation to execute Agreements on its behalf.

That Steven L. Ledbetter, as Vice-President, is hereby authorized for and on behalf of this Corporation to execute Agreements on its behalf.

I FURTHER CERTIFY that I, Michael P. Thornton, am the President of the said corporation, being duly qualified and now acting as such.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of the said Corporation this 4th day of June, 2024.



Michael P. Thornton, P.E., P.L.S., M.S.
President

CORPORATE SEAL