



# TOWN OF APPLE VALLEY

## TOWN COUNCIL STAFF REPORT

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**To:** Honorable Mayor and Town Council    **Date:** November 10, 2015

**From:** Brad Miller, Town Engineer                      **Item No:** 10  
Engineering Department

**Subject:**    **AMENDMENT NO. 1 TO COOPERATIVE AGREEMENT 14-144 FOR SERVICES NECESSARY TO MANAGE AND CONSTRUCT THE EXISTING SEWER TESTING STATION AND APPURTENANCES TO BE RELOCATED AS PART OF THE YATES ROAD IMPROVEMENT PROJECT**

**T.M. Approval:**

**Budgeted Item:**  Yes     No     N/A

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### RECOMMENDED ACTION:

That the Town Council approves Amendment No. 1 to Cooperative Agreement 14-144.

### SUMMARY:

Cooperative Agreement 14-144 will expire on December 31, 2015. Amendment No. 1 to said agreement will extend the expiration date to June 30, 2016. This will provide sufficient time to finalize all work and billing.

### BACKGROUND:

San Bernardino County, Victor Valley Wastewater Reclamation Authority (VWRA) and the Town of Apple Valley previously entered into a Cooperative Agreement No.14-144 wherein all parties agreed to jointly participate in the design, construction and construction support services necessary to manage and construct the existing sewer testing station and appurtenances to be relocated approximately 220 feet north westerly of its current location as part of the Yates Road Improvement Project.

Additionally, the County and the Town previously entered into Cooperative Agreement No. 11-238 to design roadway improvements of Yates Road, from Fortuna Lane to Park Road.

Construction costs for the sewer testing station relocation are anticipated not-to-exceed current approved contract amount (estimated to be \$198,000.00); however, the relocation construction work is expected not to be fully completed by the Agreement's termination date of December 31, 2015. Therefore, Town, County and VVWRA wish to amend the Agreement to extend the termination date of the Agreement to June 30, 2016.

**FISCAL IMPACT:**

There is no fiscal impact applicable to this item.

**ATTACHMENT:**

Cooperative Agreement No. 14-144-A1



F A S  
STANDARD CONTRACT

FOR COUNTY USE ONLY

<input type="checkbox"/> New	FAS Vendor Code	<b>SC</b>	Dept.	<b>A</b>	Contract Number	
<input checked="" type="checkbox"/> Change	TOWNOFA303 A		TRA		14-144 A-1	
<input type="checkbox"/> Cancel	ePro Vendor Number			ePro Contract Number		
	00004655			149581		
County Department			Dept.	Orgn.	Contractor's License No.	
Public Works - Transportation			TRA	TRA		
County Department Contract Representative				Telephone	Total Contract Amount	
Mazin Kasey, P.E., Deputy Director				(909)387-8166	\$113,436	
Contract Type						
<input type="checkbox"/> Revenue <input checked="" type="checkbox"/> Encumbered <input type="checkbox"/> Unencumbered <input type="checkbox"/> Other:						
If not encumbered or revenue contract type, provide reason:						
Commodity Code		Contract Start Date	Contract End Date	Original Amount	Amendment Amount	
91200			6/30/2016	\$113,436	\$0	
Fund	Dept.	Organization	Appr.	Obj/Rev Source	GRC/PROJ/JOB No	Amount
SAA	TRA	TRA	200	2445	14H14218	\$
Fund	Dept.	Organization	Appr.	Obj/Rev Source	GRC/PROJ/JOB No.	Amount
						\$
Fund	Dept.	Organization	Appr.	Obj/Rev Source	GRC/PROJ/JOB No.	Amount
						\$
Project Name			Estimated Payment Total by Fiscal Year			
Yates Road			FY	Amount	I/D	FY
Relocation Work			13/14	113,436		

THIS CONTRACT is entered into in the State of California by and between the County of San Bernardino, hereinafter called the COUNTY, and

Name  
Victor Valley Wastewater Reclamation Authority hereinafter called AUTHORITY  
Address  
20111 Shay Road

Victorville, CA 92394  
Telephone (760) 246 - 8638 Federal ID No. or Social Security No. 95-3200665

Name  
Town of Apple Valley hereinafter called APPLE VALLEY  
Address  
14955 Dale Evans Parkway

Apple Valley, CA 92307  
Telephone (760) 240 - 7000 Federal ID No. or Social Security No.

IT IS HEREBY AGREED AS FOLLOWS:

**Amendment No. 1**

WHEREAS, COUNTY, AUTHORITY and APPLE VALLEY (collectively referred to as "the Parties") previously entered into an agreement, County Contract No. 14-144 (hereinafter referred to as "the Agreement") wherein

<i>Auditor-Controller/Treasurer/Tax Collector Use Only</i>	
<input type="checkbox"/> Contract Database	<input type="checkbox"/> FAS
Input Date	Keyed By

COUNTY, AUTHORITY and APPLE VALLEY agreed to jointly participate in the design, construction and construction support services necessary to manage and construct the existing sewer testing station and appurtenances (collectively referred to as "STATION"), which is partially inside COUNTY's road right-of-way and partially inside AUTHORITY'S easement to be relocated approximately 220 feet north westerly of its current location (hereinafter referred to as "RELOCATION") as part of the Yates Road Improvement Project; and

WHEREAS, COUNTY and APPLE VALLEY previously entered into County Contract No. 11-238 (May 3, 2011) to design roadway improvements of Yates Road, from Fortuna Lane to Park Road, located within the unincorporated area of the COUNTY in Apple Valley (hereinafter referred to as "the PROJECT"); and

WHEREAS, construction costs for the RELOCATION are anticipated not to exceed current approved contract amount (currently estimated to be \$198,000); however, the RELOCATION construction work is expected not to be fully completed by the Agreement's termination date of December 31, 2015; and

WHEREAS, COUNTY, AUTHORITY and APPLE VALLEY wish to amend the Agreement to extend the termination date of the Agreement to the date the items identified in paragraph 4.15 are satisfied or June 30, 2016 (whichever occurs first).

NOW, THEREFORE, in consideration of the mutual covenants and conditions provided herein, the Parties hereto agree the Agreement, County Contract No. 14-144, is amended as follows:

1. DELETE the existing paragraph 4.24 and REPLACE it with a revised paragraph 4.24, which shall read as follows:  
  
4.24 This Agreement shall become effective on the date it is approved by all parties to this Agreement and shall conclude upon satisfaction of the items identified in paragraph 4.15 or June 30, 2016 (whichever occurs first).
2. Except as amended by this Amendment No. 1, all other terms and conditions of County Contract No. 14-144 shall remain the same.
3. The recitals of this Amendment are incorporated into the Agreement by reference.
4. This Amendment No. 1 is effective on the date it is approved and signed by all of the Parties.
5. This Amendment No. 1 may be signed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute but one agreement.

COUNTY OF SAN BERNARDINO

► \_\_\_\_\_  
James Ramos, Chairman, Board of Supervisors

Dated: \_\_\_\_\_

SIGNED AND CERTIFIED THAT A COPY OF THIS DOCUMENT HAS BEEN DELIVERED TO THE CHAIRMAN OF THE BOARD

Laura H. Welch  
Clerk of the Board of Supervisors  
of the County of San Bernardino

By \_\_\_\_\_  
*Deputy*

VICTOR VALLEY WASTEWATER  
RECLAMATION AUTHORITY  
*(Print or type name of corporation, company, contractor, etc.)*

By ► \_\_\_\_\_  
*(Authorized signature - sign in blue ink)*

Name \_\_\_\_\_  
*(Print or type name of person signing contract)*

Title \_\_\_\_\_  
*(Print or Type)*

Dated: \_\_\_\_\_

Address \_\_\_\_\_

TOWN OF APPLE VALLEY  
*(Print or type name of corporation, company, contractor, etc.)*

By \_\_\_\_\_  
*(Authorized signature - sign in blue ink)*

Name \_\_\_\_\_  
*(Print or type name of person signing contract)*

Title \_\_\_\_\_  
*(Print or Type)*

Dated: \_\_\_\_\_

Address \_\_\_\_\_

APPROVED AS TO FORM AND PROCEDURE:

Name \_\_\_\_\_  
APPLE VALLEY Attorney

Dated: \_\_\_\_\_

APPROVED AS TO FORM AND PROCEDURE:

Name \_\_\_\_\_  
AUTHORITY Attorney

Dated: \_\_\_\_\_

Approved as to Legal Form  
► \_\_\_\_\_  
Scott M. Runyan, Deputy County Counsel  
Date \_\_\_\_\_

Reviewed by Contract Compliance  
► \_\_\_\_\_  
Grant C. Mann, P.E., Chief  
Date \_\_\_\_\_

Presented to BOS for Signature  
► \_\_\_\_\_  
Gerry Newcombe, Department Head  
Date \_\_\_\_\_