

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Public Works

BOARD AGENDA # *C-2

Urgent Routine

AGENDA DATE March 24, 2009

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval of Amendment No. 1 to the Traffic Signal Agreement with Associated Engineering Group, Inc., to Add Additional Engineering Service for the Las Palmas Avenue at Elm Avenue and Las Palmas Avenue at Sycamore Avenue Improvement Projects

STAFF RECOMMENDATIONS:

1. Approve Amendment No. 1 to the Traffic Signal Agreement with Associated Engineering Group, Inc. to add additional engineering service for the Las Palmas Avenue at Elm Avenue and Las Palmas Avenue at Sycamore Avenue Improvement Projects.
2. Authorize the Director of Public Works to execute the amendment for an amount not to exceed \$10,000.
3. Direct the Auditor-Controller to make the necessary budget adjustments, per the financial transaction sheet.

FISCAL IMPACT:

The estimated total cost of the projects is \$1,300,000. The Las Palmas Avenue at Elm Avenue and Las Palmas Avenue at Sycamore Avenue Improvement Projects will be funded 100% by Regional Transportation Impact Fee (RTIF) funds. At this time, the Department is requesting that the Board approve up to \$10,000 for additional minor design services that may be required due to right of way negotiations and subsequent design changes. These funds are in addition to the \$137,610 previously approved per the original agreement with Associated Engineering Group, Inc.

BOARD ACTION AS FOLLOWS:

No. 2009-175

On motion of Supervisor Chiesa, Seconded by Supervisor Grover

and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Grover, Monteith, and Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval of Amendment No. 1 to the Traffic Signal Agreement with Associated Engineering Group, Inc., to Add Additional Engineering Service for the Las Palmas Avenue at Elm Avenue and Las Palmas Avenue at Sycamore Avenue Improvement Projects

DISCUSSION:

In March 2007, the Board of Supervisors awarded a contract to Associated Engineering Group, Inc., for additional engineering services for the Las Palmas Avenue at Elm Avenue and Las Palmas Avenue at Sycamore Avenue Improvements Projects. During the right of way acquisition process, changes were made to the plans. These unanticipated revisions to the plans are additional work that was not part of the original agreement.

These projects consist of intersection improvements and signals at two intersections, very similar in nature, located at Las Palmas Avenue at Elm Avenue and Las Palmas Avenue at Sycamore Avenue in the Patterson area. Improvements are needed to accommodate additional traffic related to general growth in the region.

The proposed new traffic signals and additional through and turn lanes will improve traffic safety and enhance the flow of traffic through these intersections. Installation of safety lighting and shoulder widening will also be completed.

In July 2008, the Board of Supervisors approved the Mitigated Negative Declaration for the intersection improvements at Las Palmas Avenue at Elm Avenue and Las Palmas Avenue at Sycamore Avenue.

These projects are tentatively scheduled to begin construction in April 2009 and end construction by June 2009.

POLICY ISSUES:

The Board should consider if the recommended actions are consistent with its priorities of providing a safe community, a healthy community and a well-planned infrastructure system.

STAFFING IMPACT:

There is no staffing impact associated with this item.

PS:sr

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AUDITOR-CONTROLLER BUDGET JOURNAL



Balance Type
Category
Source
Currency
Budget Name
Batch Name
Journal Name
Journal description
Period
Organization

| | |
|---|-----|
| Budget | |
| Budget - Upload | |
| USD | |
| LEGAL BUDGET | |
| | BO# |
| Transfer budget to Las Palmas @ Elm and Las Palmas @ Sycamore | |
| JUL-08 to JUN-09 | |
| Stanislaus Budget Org | |

| Line | Coding Structure | | | | | | Debit | | Credit | | Description |
|---------------|------------------|----------|--------------|---------------|----------|-----------|---|---|-----------|--|-------------|
| | Fund 4 | Org 7 | Account 5 | G/L Proj 7 | Loc 6 | Misc 6 | incr appropriations decr est revenue | decr appropriations incr est revenue | | | |
| 1 | 1102 | 40310 | 63280 | 9725 | 0 | 0.0 | 5,000.00 | | | | |
| 2 | 1102 | 40310 | 63280 | 9726 | 0 | 0.0 | 5,000.00 | | | | |
| 3 | 1102 | 40310 | 63280 | 0 | 0 | 0.0 | | | 10,000.00 | | |
| 4 | 1102 | 40310 | 46615 | 0 | 0 | 0.0 | 10,000.00 | | | | |
| 5 | 1102 | 40310 | 46615 | 9725 | 0 | 0.0 | | | 5,000.00 | | |
| 6 | 1102 | 40310 | 46615 | 9726 | 0 | 0.0 | | | 5,000.00 | | |
| 7 | | | | | | .0 | | | | | |
| 8 | | | | | | .0 | | | | | |
| 9 | | | | | | .0 | | | | | |
| 10 | | | | | | .0 | | | | | |
| 11 | | | | | | .0 | | | | | |
| 12 | | | | | | .0 | | | | | |
| 13 | | | | | | .0 | | | | | |
| 14 | | | | | | .0 | | | | | |
| 15 | | | | | | .0 | | | | | |
| 16 | | | | | | .0 | | | | | |
| 17 | | | | | | .0 | | | | | |
| 18 | | | | | | .0 | | | | | |
| 19 | | | | | | .0 | | | | | |
| 20 | | | | | | .0 | | | | | |
| 21 | | | | | | .0 | | | | | |
| 22 | | | | | | .0 | | | | | |
| 23 | | | | | | .0 | | | | | |
| 24 | | | | | | .0 | | | | | |
| 25 | | | | | | .0 | | | | | |
| Totals | | | | | | | | 20,000.00 | 20,000.00 | | |

Transfer budget to Las Palmas @ Elm and Las Palmas @ Sycamore

| | | | | | |
|------------------------------|--|------------|--|-----------------------------|--|
| Requesting Department | | CEO | | Auditors Office Only | |
| Sharon Andrews | | | | Admin Approval (\$75K+) | |
| Signature | | Signature | | | |
| Date | | Date | | | |
| 2/24/09 | | 3/11/09 | | Prepared By | |
| Date | | Date | | Date | |
| | | | | 2/26/09 | |
| | | | | Date | |

Contact Person & Phone Number

**AUDITOR-CONTROLLER
STANDARD JOURNAL VOUCHER**



BATCH SCREEN

Batch
 Period
 Description

JOURNAL SCREEN

Journal
 Category
 Balance Type A = Actual or E = Encumbrance
 Description
 Control Total

| Line | Coding Structure | | | | | | | Debit | Credit | Description |
|---------------|------------------|----------|--------------|---------------|----------|-----------|-----|------------------|------------------|-------------|
| | Fund 4 | Org 7 | Account 5 | G/L Proj 7 | Loc 6 | Misc 6 | | | | |
| 1 | 2400 | 61270 | 85850 | 0 | 0 | 0 | 0.0 | 10,000.00 | | |
| 2 | 1102 | 40310 | 46615 | 9725 | 0 | 0 | 0.0 | | 5,000.00 | |
| 3 | 1102 | 40310 | 46615 | 9726 | 0 | 0 | 0.0 | | 5,000.00 | |
| 4 | | | | | | | 0.0 | | | |
| 5 | | | | | | | 0.0 | | | |
| 6 | | | | | | | 0.0 | | | |
| 7 | | | | | | | 0.0 | | | |
| 8 | | | | | | | 0.0 | | | |
| 9 | | | | | | | 0.0 | | | |
| 10 | | | | | | | 0.0 | | | |
| 11 | | | | | | | 0.0 | | | |
| 12 | | | | | | | 0.0 | | | |
| 13 | | | | | | | 0.0 | | | |
| 14 | | | | | | | 0.0 | | | |
| 15 | | | | | | | 0.0 | | | |
| 16 | | | | | | | 0.0 | | | |
| 17 | | | | | | | 0.0 | | | |
| 18 | | | | | | | 0.0 | | | |
| 19 | | | | | | | 0.0 | | | |
| 20 | | | | | | | 0.0 | | | |
| 21 | | | | | | | 0.0 | | | |
| 22 | | | | | | | 0.0 | | | |
| 23 | | | | | | | 0.0 | | | |
| 24 | | | | | | | 0.0 | | | |
| 25 | | | | | | | 0.0 | | | |
| 26 | | | | | | | 0.0 | | | |
| 27 | | | | | | | 0.0 | | | |
| Totals | | | | | | | | 10,000.00 | 10,000.00 | |

Explanation: Transfer funds from RTIF to Las Palmas @ Elm and Las Palmas @ Sycamore

| Departments Outside Auditors' Office | | Auditors Office Only | |
|--------------------------------------|-----------------------|----------------------|-------------------------|
| SHARON ANDREWS | | | |
| Prepared by | Supervisor's Approval | Prepared By | Admin Approval (\$75K+) |
| 2/24/09 | 2/24/09 | 2/26/09 | |
| Date | Date | Date | Date |

ASSOCIATED ENGINEERING GROUP, INC.
AMENDMENT NO. 1 TO PROJECT AGREEMENT
For
Las Palmas Avenue at Elm Avenue and
Las Palmas Avenue at Sycamore Avenue Traffic Signal Project

This Amendment is made and entered into on February 27, 2009, in the City of Modesto, State of California, by and between the County of Stanislaus ("COUNTY") and Associated Engineering Group, Inc., ("CONSULTANT"), for and in consideration of the promises, and the mutual promises, covenants, terms, and conditions, hereinafter contained.

1. The original Project Agreement is amended to revise Scope of Work per letter proposal dated November 3, 2008.

COMPENSATION

The parties hereto acknowledge the maximum amount to be paid by the County for services provided shall not exceed the original contract amount; plus the contract amount of \$4,887.50 including, without limitation, the cost of any subcontractors, consultants, experts or investigators retained pursuant to Paragraph 1.5 of the Master Agreement dated January 7, 2003.

2. Part 7 of the Master Agreement for Professional Services is deleted in its entirety and the following is inserted:

7.1 Indemnification: To the fullest extent allowed by law, Consultant shall defend, indemnify, and hold harmless the County and its officers, agents, employees and representatives from and against any and all claims, suits, actions, losses, injuries, damages or expenses of every name, kind, and description, including litigation costs and reasonable attorney's fees incurred, which are founded upon, arise out of, pertain to, or relate to, directly or indirectly, in whole or in part, the alleged negligence, recklessness, or willful misconduct of Consultant, its officers, agents, employees, volunteers, representatives, contractors and subcontractors, excluding, however, such liabilities caused in part by the sole negligence, active negligence or willful misconduct of the County, its agents, employees, and representatives.

7.2 Duty to Defend: The duty of Consultant to indemnify and save harmless as set forth herein, shall include both the duty to indemnify and at Consultant's own cost and expense the duty to defend as set forth in Section 2778 of the California Civil Code. This duty to defend arises when such claim is made and shall be independent of any finding of the County's negligence. Consultant shall provide legal counsel reasonably acceptable to the County.

7.3 Duty to Cooperate: Each party shall notify the other party immediately in writing of any claim or damage related to activities performed under this Agreement. The parties shall cooperate with each other in the investigation and disposition of any claim arising out of the activities under this Agreement. Specifically, Consultant shall take all steps necessary to assist the County in the defense of any claim brought by a contractor hired to construct the Project

ASSOCIATED ENGINEERING GROUP, INC.
AMENDMENT NO. 1 TO PROJECT AGREEMENT

For

Las Palmas Avenue at Elm Avenue and
Las Palmas Avenue at Sycamore Avenue Traffic Signal Project

regarding any errors, flaws, and/or omissions in the plans or specifications of the Project.

7.4 Patent Rights: Consultant represents that professional services provided by Consultant pursuant to this Agreement does not infringe on any other copyrighted work. Consultant shall defend, indemnify and hold harmless the County from all loss, cost, damage, expense, liability or claims, including attorneys' fees, court costs, litigation expenses and expert consultant or witness fees, that may at any time arise for any infringement of the patent rights, copyright, trade secret, trade name, trademark, service mark or any other proprietary right of any person or persons in consequence of the use by the County of any articles or services supplied under this agreement.

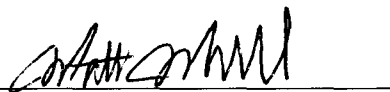
3. All other terms and conditions of said Agreement shall remain in full force and effect.

In witness whereof, the parties have executed this Amendment effective on the date written above.

COUNTY OF STANISLAUS

ASSOCIATED ENGINEERING
GROUP, INC.

By:



Matt Machado, Director
Department of Public Works

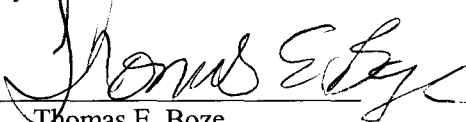


Ryan D. Carrel
Principal Civil Engineer

APPROVED AS TO FORM

John P. Doering,
County Counsel

By:



Thomas E. Boze
Deputy County Counsel



Request for Contract Change Order (#1)

TO: Stanislaus County
ATTN: Mr. Peter Song
1716 Morgan Road
Modesto, CA 95358
Ph: (209) 525-4198

DATE: November 3, 2008
CONTRACT DATE: March 27, 2007
JOB NUMBER: 564-07
PROJECT: Las Palmas Avenue Traffic Signals

WHEN COUNTERSIGNED BY THE CLIENT, THIS IS OUR AUTHORIZATION TO MAKE THE FOLLOWING DEVIATIONS FROM THE SUBJECT CONTRACT AND TO EXECUTE THE WORK IN THE AMOUNT SET FORTH BELOW IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF THE SIGNED CONTRACT.

THE CONSULTANT SHALL PROVIDE ADDITIONAL SERVICES UNDER THE ORIGINAL AGREEMENT FOR THE LAS PALMAS AVENUE TRAFFIC SIGNALS (AT ELM AVENUE AND SYCAMORE AVENUE) AS SET FORTH AS FOLLOWS:

Time Spent Since Receiving Third Plan Check Comments:

- CIVIL ENGINEER: Attended meeting at Stanislaus County to review and receive plan check comments (9/10/2008, 1.5 hrs)
- PROJECT MANAGER: Prepared for and attended meeting at Stanislaus County to review and receive plan check comments (9/10/2008, 2.0 hrs); Coordinated with KDAnderson regarding plan check comments; Addressed design related plan check comments (9/16/2008, 1.5 hrs); Updated project quantities and created summary sheet to add to the improvement plan set (9/24/2008, 3 hrs)
- CADD TECHNICIAN: Addressed County plan check comments (9/19/2008 - 9/24/2008, 29.5 hrs)

Civil Engineer - 1.5 hr @ \$130/hr = \$195.00
Project Manager - 6.5 hr @ \$115/hr = \$747.50
CADD Technician - 29.5 hrs @ \$80/hr = \$2,360.00
Total = \$3,302.50

SUMMARY

- Remaining Contract Amount: \$1,825.00 (per current invoice)
- Time Spent Since Receiving Third Plan Check Comments: \$3,302.50 (see above)
- Overage Amount: \$1,477.50 (\$3,302.50 - \$1,825.00)
- Estimated Effort to Finalize Project: 14 hrs @ \$115/hr = \$1,610.00 (per 10/20/2008 email)
- Additional Revisions (if needed): 16 hrs @ \$80/hr = \$1,280.00 (as requested by Client 10/27/2008)
- Additional Revisions (if needed): 4 hrs @ \$130/hr = \$520.00 (as requested by Client 10/27/2008)

CONTRACT CHANGE ORDER TOTAL (TIME AND MATERIALS, ESTIMATED) \$4,887.50

ORIGINAL CONTRACT AMOUNT WILL BE INCREASED BY AN AMOUNT OF \$4,887.50

ASSOCIATED ENGINEERING GROUP

BY: *[Signature]* DATE: 11/3/08

STANISLAUS COUNTY
DEPARTMENT OF PUBLIC WORKS

BY: _____ DATE: _____