

JUG 25 2020

INSURANCE NOT REQUIRED
WORK MAY PROCEED
CLERK OF COUNCIL

DATE:

AMENDMENT NO. 1
TO
COOPERATIVE AGREEMENT BETWEEN THE CITY OF SANTA ANA AND THE CITY OF COSTA MESA FOR THE CONSTRUCTION OF THE SANTA ANA DELHI DIVERSION FORCED SEWER MAIN UNDER BRISTOL STREET FROM BAKER TO NEWPORT BEACH BOULEVARD

This AMENDMENT NO. 1 ("Amendment No. 1") to the Cooperative Agreement between the City of Santa Ana and the City of Costa Mesa for the Construction of the Santa Ana Delhi Diversion Forced Sewer Main Under Bristol Street ("Agreement") is made and entered into this 21st day of February, 2017, by and between the CITY OF COSTA MESA, a municipal corporation ("COSTA MESA"), and the CITY OF SANTA ANA, a municipal corporation ("SANTA ANA").

RECITALS:

- A. WHEREAS, pursuant to the Agreement, SANTA ANA, agreed to advance funds to COSTA MESA in an amount not exceeding \$1,100,000.00, which amount then represented the entire estimated cost to pay COSTA MESA's contractor on the Bristol Street Median Project to perform that portion of the Diversion Channel Project which calls for forced sewer main pipelines to be installed within Bristol Street between Baker Street to Newport Boulevard; and
- B. WHEREAS, pursuant to the Agreement, although SANTA ANA agreed to advance funds sufficient to pay the entire estimated cost to pay COSTA MESA's contractor, it was further agreed by the parties to the Agreement that COSTA MESA would reimburse SANTA ANA up to \$600,000.00, which amount represented COSTA MESA's lump sum obligation on the Diversion Channel Project; and
- C. WHEREAS, in the time since the Agreement, SANTA ANA and COSTA MESA have learned and acknowledged that the entire estimated cost to perform the aforementioned Diversion Channel Project work within Bristol Street is actually an estimated \$1,700,000.00; and
- D. WHEREAS, both SANTA ANA and COSTA MESA now desire that, rather than COSTA MESA reimbursing SANTA ANA the \$600,000.00, COSTA MESA will contribute that amount to the total actual estimated cost to perform the aforementioned Diversion Channel Project work within Bristol Street; and
- E. WHEREAS, to effectuate and memorialize this new arrangement, the Parties desire to amend the Agreement.


NOW, THEREFORE, the Parties agree to amend the Agreement as follows:

1. Recital Letter "H" shall be removed in its entirety.
2. Paragraph 2 under the heading "COSTA MESA Rights and Duties" shall be removed in its entirety.
3. Except as expressly amended or modified by the terms of this Amendment No. 1, all terms of the Agreement shall remain in full force and effect. In the event of a conflict between the terms of this Amendment No. 1 and the Agreement, the terms of this Amendment No. 1 shall prevail and control.
4. The provisions of the Agreement, as amended, including the recitals, comprise all of the terms, conditions, agreements, and representations of the parties with respect to the subject matter hereof.
5. This Amendment No. 1 may be executed in one or more counterparts, each of which shall constitute an original, but all of which taken together shall constitute one and the same instrument.
6. The responsibilities pursuant to Section 2 (Responsibilities of Santa Ana) of the Santa Ana Delhi Channel Diversion Project Agreement D15-013 shall apply to Costa Mesa for the segment of the Santa Ana Delhi forced main it is constructing under a separate contract. Once complete Costa Mesa shall provide a complete accounting of the construction costs and shall return to the City of Santa Ana all funds not expended.
7. Each party represents and warrants that the representative signing this Amendment No. 1 on its behalf has all right and authority to bind and commit that party to the terms and conditions of this Amendment No. 1.


IN WITNESS WHEREOF, COSTA MESA has caused this Amendment No. 1 to be executed by its City Manager and attested by its Clerk, and SANTA ANA has caused this Agreement to be executed by its City Manager and attested by its Clerk, all thereunto duly authorized by the COSTA MESA City Council and the SANTA ANA City Council, respectively.

CITY OF COSTA MESA, a
Municipal corporation of the
State of California

ATTEST:




Lori Ann Farrell Harrison
City Manager




Brenda Green
City Clerk

APPROVED AS TO FORM:

RECOMMENDED FOR APPROVAL:




Kimberly Hall Barlow
City Attorney



Raja Sethuraman
Public Services Director

CITY OF SANTA ANA, a
Municipal corporation of the
State of California



Kristine Ridge
City Manager


ATTEST:



Daisy Gomez
Clerk of the Council

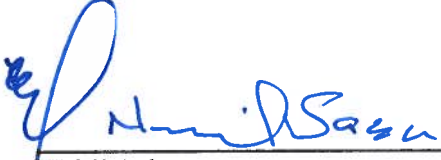


APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney



John M. Funk
Assistant City Attorney

RECOMMENDED FOR APPROVAL:



Nabil Saba
Executive Director
Public Works Agency

SANTA ANA DELHI DIVERSION PROJECT

PROJECT NO: 2968013 SANTA ANA DELHI CHANNEL DIVERSION PROJECT - DRAFT 90% PLAN SET - NOT FOR CONSTRUCTION

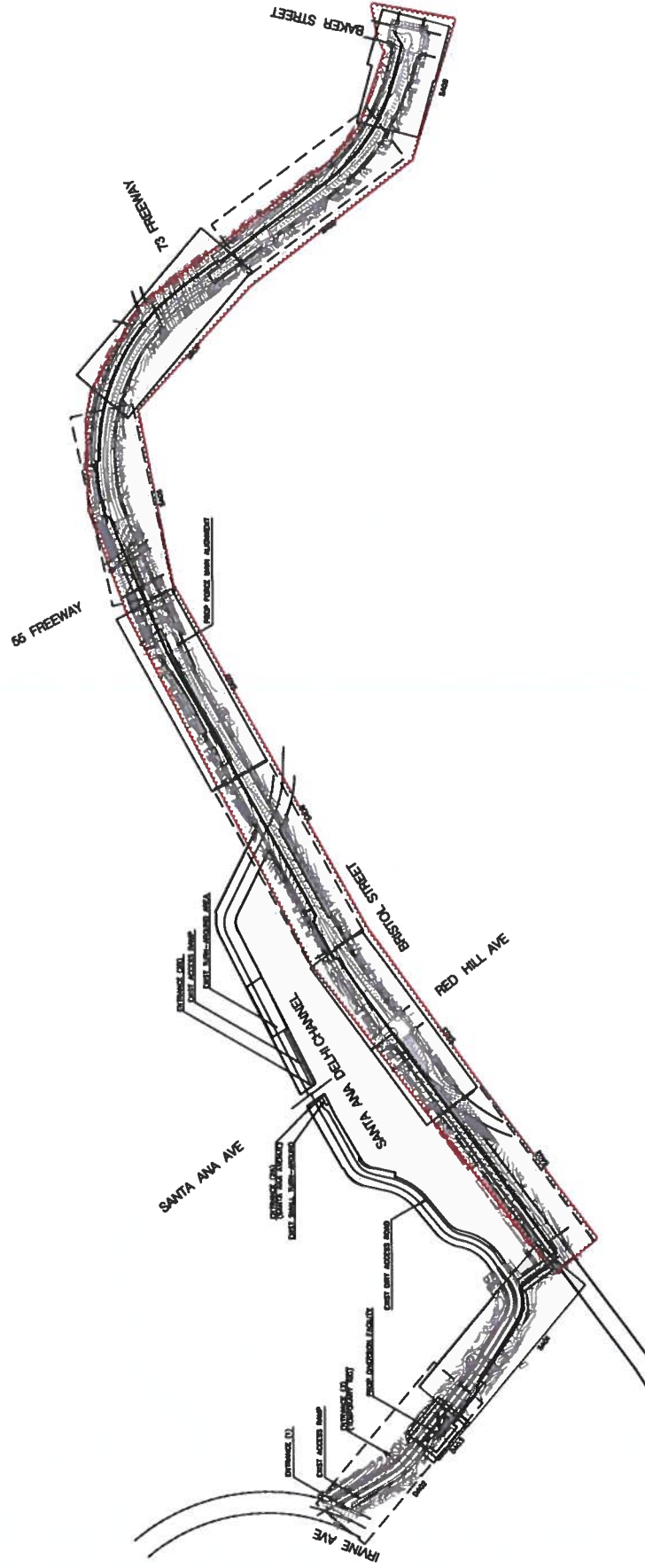


EXHIBIT "A"

CIVIL SITE PLAN
SCALE: 1" = 200'

DATE		BY		CHECKED		APPROVED	
REVISIONS REVISIONS NO. DATE DESCRIPTION 1 11/15/11 100% COMPLETE				REFERENCES 1. SANTA ANA DELHI CHANNEL DIVERSION PROJECT, CIVIL SITE PLAN, 11/15/11 2. SANTA ANA DELHI CHANNEL DIVERSION PROJECT, 90% PLAN SET, 11/15/11 3. SANTA ANA DELHI CHANNEL DIVERSION PROJECT, 70% PLAN SET, 11/15/11 4. SANTA ANA DELHI CHANNEL DIVERSION PROJECT, 50% PLAN SET, 11/15/11 5. SANTA ANA DELHI CHANNEL DIVERSION PROJECT, 30% PLAN SET, 11/15/11			
PROJECT INFORMATION PROJECT NO: 2968013 PROJECT NAME: SANTA ANA DELHI CHANNEL DIVERSION PROJECT CLIENT: PUBLIC WORKS AGENCY, CITY OF SANTA ANA DRAWING NO: 11/15/11				DESIGNER INFORMATION DESIGNER: [Firm Name] PROJECT MANAGER: [Name] DESIGNER: [Name] CHECKER: [Name] APPROVER: [Name]			

SANTA ANA DELHI DIVERSION PROJECT

Item	Description	Unit	Quantity	Unit Price	Amount
0	Project Administration (COSA)	%	4%	n/a	\$200K
1	Design Engineering	LS	1.00	\$300,000	\$300k
2	Permits/ROW/Easements	LS	1.00	\$40,000	\$40k
3	Environmental Report	LS	1.00	\$50,000	\$50k
4	Survey	LS	1.00	\$60,000	\$60k
5	Pothole	LS	1.00	\$20,000	\$20k
6	Site Work	LS	1.00	\$950,000	\$950k
7	Channel Work	LS	1.00	\$1,101,000	\$1,010k
8	Equipment/Discharge	each	7.00	\$140000	\$980k
9	14" PVC Sewer Force Main	LF	8,475.00	\$240	\$2,034k
10	Project Contingency	%	20%	n/a	\$1,000k
11	Construction Management (COSA)	%	8%	n/a	\$400k
12	Inspection & Testing (COSA)	%	7%	n/a	\$350k
13	Inspection (County)	%	1.5%	n/a	\$75k
14	Survey/Construction Staking	%	3%	n/a	\$130k
15	Attorney Fees	LS	1	\$100,000	\$100k

SANTA ANA DELHI DIVERSION PROJECT

16	O&M (20yr) & Administration	LS	1	\$1,000,000	\$1,000k
17	Golf Course Lost Revenue	LS	1	\$400,000	\$400k
TOTAL					\$9,100,000

Santa Ana Delhi Diversion Estimate Project Costs Breakdown

EXHIBIT "B"