

July 11, 2018

Matt Freeman
Assistant General Manager
Santa Clara County Open Space Authority
33 Las Colinas Lane
San Jose, CA 95119

Subject: Amendment No. 1 to Agreement A3861R between the Santa Clara Valley Water District and Santa Clara County Open Space Authority

Dear Mr. Freeman,

Enclosed is an enacted copy of **Amendment No. 1 to Agreement A3861R** which was executed by the Santa Clara Valley Water District on June 29, 2018. Please retain the enclosed copy for your records and reference any future correspondence related to this contract with Agreement A3861R.

If you have any questions regarding this Amendment, please contact Project Manager Sherilyn Tran at (408) 630-2772 or stran@valleywater.org

Sincerely,



Tom Esch
Unit Manager
Purchasing, Consultant Contracts & Warehouse Services

Enc.: Amendment A3861Ra

CC: CCS Contract File, G. Canha, S. Tran

NON-CONSULTANT AGREEMENT REVIEW AND APPROVAL

(PLEASE DO NOT USE FOR CONSULTANT AGREEMENTS)

FC 1413 (07-19-17)

Page 1 of 1

1. Contract Title: Amendment No. 1 to Agreement A3861R 2015 Safe, Clean Water Priority D3 Grant Program Between the Santa Clara Valley Water District and the Santa Clara County Open Space Authority				2. Project: Outdoor Learning Center and Creekside Valley Loop Trail			
3. Cost: \$0.00		4. <input type="checkbox"/> Cost Share <input type="checkbox"/> Utility Relocation <input checked="" type="checkbox"/> Other: <u>Grant Agreement</u>		<input type="checkbox"/> Grant/Revenue <input type="checkbox"/> MOU <input type="checkbox"/> Water Transfer		5. Project Budgeted: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Agreement Budgeted: <input type="checkbox"/> Yes <input type="checkbox"/> No	
6. Contract Term Date: June 30, 2018 <u>6/30/2019</u> <i>med</i>						7. <input type="checkbox"/> COO or Equivalent <input type="checkbox"/> CEO Authorized <input checked="" type="checkbox"/> Board Authorized	
8. Second Party/Payee: Santa Clara County Open Space Authority				9. Attention: Matt Freeman, Assistant General Manager			
10. Address: 6980 Santa Teresa Blvd, Ste 100 San Jose, CA 95119				11. Phone: (408) 224-7476			
12. Originator/Project Manager: Sherilyn Tran			13. Extension: 2772		14. <input checked="" type="checkbox"/> Agreement Approval Request (FC 1699) <input type="checkbox"/> Two Original Signed Copies of Agreement Required <input type="checkbox"/> Other: _____		

15. CHARGE NUMBER							DISTRIBUTION PERCENT (5)	AMOUNT
LINE	BUDGET YEAR (4)	FUND (2)	ORG. (3)	ACCOUNT (4)	JOB NO. (8)	TASK (4)		
1								
2								
3								
4								
5								
TOTAL								

16. ROUTE	INITIAL	DATE	
1) Unit Manager: Meda Okelo	M.O	6/8/18	
2) Deputy Officer:			
3) General Accounting Unit: Gloria Rosario	GR	6/8/18	Adequate Funds: <input type="checkbox"/> Yes <input type="checkbox"/> No Revenue Budgeted: <input type="checkbox"/> Yes <input type="checkbox"/> No <i>u/A</i>
4) Risk Management Administrator: David Cahen <i>dw</i>	DC	6/8/18	
5) General Counsel: Anthony Fulcher	AF	6/11/18	
6) Chief Operating Officer: Rick Callender	RC	6/29/18	
7) Chief Executive Officer: Norma Camacho	NC	6/29/18	17. <input type="checkbox"/> Board Authorized <input type="checkbox"/> Agenda Item Attached
8) Consultant Contract Services: <i>Thomas Esch</i>	TE	7/12/18	18. (A) Assign Agreement No.: <u>A3861Ra</u> (B) Original to Second Party (C) Original to Consultant Contract Services (D) Copies to Originator (E) Copies to Accounting

AGREEMENT APPROVAL REQUEST

CAS FILE NO.: N/A

CONTRACT NAME:

Amendment No. 1 to Agreement A3861R 2015 Safe, Clean Water Priority D3 Grant Program Between the Santa Clara Valley Water District and the Santa Clara County Open Space Authority for the Outdoor Learning Center and Creekside Valley Loop Trail Project.

RECOMMENDATION:

Approve and execute Amendment No. 1 (Amendment) to grant Agreement A3861R (Agreement) between the Santa Clara Valley Water District (District) and the Santa Clara County Open Space Authority (Grantee) to:

- Extend the term of the Agreement by one year from June 30, 2018 to June 30, 2019.

EL-5 COMPLIANCE:

EL 5.1.3 states that a Board Appointed Officer shall not make a single financial commitment in an amount greater than the amount specified in the Board-approved budget unless authorized by the District Board of Directors.

The Amendment does not change the not-to-exceed limit of the Agreement.

CEQA COMPLIANCE:

The recommended action does not constitute a project under CEQA.

SUMMARY:

On February 24, 2015, the Board approved a grant award to the Grantee in an amount not-to-exceed \$200,000 to support the Grantee's development of its Coyote Valley Open Space Preserve Outdoor Learning Center and Creekside Valley Loop Trail (Project). The Board also authorized the CEO to execute no-cost extensions and amendments for the Agreement.

The purpose of the Project is to construct a 3.2 mile, multi-use foothills loop trail in conjunction with an outdoor learning center that will serve as an event venue, outdoor classroom, and a central meeting location for educational and interpretive programs highlighting the riparian and watershed features.

The Grantee began the design process for the outdoor learning center and developed the conceptual design for the adjacent accessible trail. In 2017, the Grantee learned through consultations with local biological experts and the Santa Clara Valley Habitat (VHA) that the site for the outdoor learning center is prime habitat for the western burrowing owl. To preserve this habitat, the Grantee decided not to construct the outdoor learning center, instead, they will submit proposed changes to the scope of the

Contract Name: Amendment No. 1 to Agreement A3861R 2015 Safe, Clean Water Priority D3 Grant Program Between the Santa Clara Valley Water District and the Santa Clara County Open Space Authority for the Outdoor Learning Center and Creekside Valley Loop Trail Project.

project. The Grantee will keep the original multi-use trail in the Agreement since the trail does not interfere with the habitat.

The Agreement is scheduled to expire on June 30, 2018 and the Grantee would like to request additional time to submit a revised project scope and schedule for the District's approval. The Grantee is currently working on the revision and expects to provide the proposed changes soon. The Grantee seeks to amend this contract with a 12-month no-cost extension.

The proposed changes to the scope and any additional time beyond the 12-month extension will be reviewed by grants and technical staff and will require Board approval. Grants staff will submit this as a second, separate amendment.

In addition to the no-cost extension request, the Amendment includes updated contact information from the District and the Grantee.

FINANCIAL IMPACT:

This is a no-cost extension; therefore, the Amendment has no financial impact.

ATTACHMENTS:

1. Amendment No. 1 to Grant Agreement A3861R between the Santa Clara Valley Water District and the Santa Clara County Open Space Authority
2. 2015 Safe Clean, Water Priority D3 Grant Agreement No. A3861R between the Santa Clara Valley Water District and the Santa Clara County Open Space Authority

APPROVALS:



Sherilyn Tran, Program
Administrator
Civic Engagement

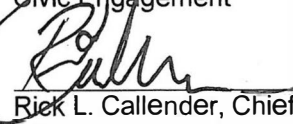
6/27/18

Date

N/A

DAO/DOO


Date



Rick L. Callender, Chief of External
Affairs

6/29/18

Date



Norma J. Camacho, Chief
Executive Officer

6/29/18

Date

Amendment No. 1
to Grant Agreement A3861R
Between
the Santa Clara Valley Water District
and
the County of Santa Clara
(Attachment No. 1)

**AMENDMENT NO. 1 TO AGREEMENT A3861R
2015 SAFE, CLEAN WATER PRIORITY D3 GRANT PROGRAM
BETWEEN THE SANTA CLARA VALLEY WATER DISTRICT
AND THE SANTA CLARA COUNTY OPEN SPACE AUTHORITY**

This Amendment No. 1 (Amendment), effective as of the date it is fully executed by the Parties, amends the terms and conditions of the 2015 Safe, Clean Water Priority D Grant Program Agreement A3861R (Agreement) dated June 12, 2015, between SANTA CLARA VALLEY WATER DISTRICT (District) and the Santa Clara County Open Space Authority, a public entity (Grantee), collectively, the Parties.

RECITALS

WHEREAS, the Agreement provides for the Grantee to receive a grant amount of \$200,000.00 from the 2015 Safe, Clean Water Priority D Grant Program to construct a 3.2 mile, multi-use foothills loop trail in conjunction with an outdoor learning center that will serve as an event venue, outdoor classroom and a central meeting location for educational and interpretive programs highlighting the riparian and watershed features, as well as the natural and cultural resources of the Coyote Valley Open Space Preserve; and

WHEREAS, the Grantee has not yet invoiced or received any of the Project Grant Amount; and

WHEREAS, the initial term of Agreement expires on June 30, 2018, at which time the Project will not be completed; and

WHEREAS, the Grantee began the design process for the outdoor learning center and developed the conceptual designs for the facility and adjacent accessible trail. In 2017, the Grantee learned through consultations with local biological experts and the Santa Clara Valley Habitat Agency ("VHA") that the area for the proposed outdoor learning center in the Agreement is a prime habitat for western burrowing owl; and

WHEREAS, to preserve the habitat, the Grantee will not construct the outdoor learning center as planned and would like to submit a revised project scope and schedule to the District for review. Due to the need for a revision and to allow time for District staff to review the proposed changes, the Grantee seeks to extend the term of the Agreement by 12 months; and

WHEREAS, the Grantee has the dedicated human and financial resources to advance the Project; and

WHEREAS, the District and Grantee seek to update the contact information in the Agreement.

NOW, THEREFORE, in consideration of the mutual promises and agreements stated herein and notwithstanding anything to the contrary in the Agreement, Grantee and the District hereby agree to amend the Agreement as follows:

1. Section 2. General Provisions. H. Agreement Term., Paragraph 1, is amended by replacing the current expiration date of "June 30, 2018", with "June 30, 2019".

AMENDMENT NO. 1 TO AGREEMENT A3861R

2. Section 4. Miscellaneous Provisions. B. Notices, is deleted in its entirety and replaced with the following:

B. Notices

All notices and other communication required or permitted to be given under this Agreement shall be in writing and shall be personally serviced or mailed, postage prepaid and return receipt requested, addressed to the respective parties as follows:

To SCVWD:	Rick Callender Chief of External Affairs Santa Clara Valley Water District 5750 Almaden Expressway San Jose, CA 95118-3686	To Grantee:	Matt Freeman, Assistant General Manager Santa Clara County Open Space Authority 33 Las Colinas Lane San Jose, CA 95119 Phone: (408) 224-7476 E-mail: mfreeman@openspaceauthority.org
Contact:	Sherilyn Tran Program Administrator Santa Clara Valley Water District 5750 Almaden Expressway San Jose, CA 95118 Phone: (408) 630-2772 E-mail: Grants@valleywater.org	Grantee Contact:	Donna Plunkett, Planning Manager Santa Clara County Open Space Authority 33 Las Colinas Lane San Jose, CA 95119 Phone: (408) 224-7476 E-mail: dplunkett@openspaceauthority.org

3. All other terms and conditions of Agreement No. A3861R, not amended as stated herein, remain in full force and effect.

(SIGNATURES FOLLOW ON NEXT PAGE)

AMENDMENT NO. 1 TO AGREEMENT A3861R

IN WITNESS WHEREOF, THE PARTIES HAVE SET FORTH BELOW THEIR CONSENT TO THE TERMS AND CONDITIONS OF THIS AMENDMENT NO. 1 TO AGREEMENT NO. A3861R THROUGH THE SIGNATURES OF THEIR DULY AUTHORIZED REPRESENTATIVES.

**SANTA CLARA COUNTY OPEN SPACE
AUTHORITY**
"Grantee"

For 
Matt Freeman
Assistant General Manager

6/27/18
Date

APPROVED AS TO FORM:

Legal Counsel

Date

SANTA CLARA VALLEY WATER DISTRICT
"District"


Norma J. Camacho
Chief Executive Officer

6/29/18
Date

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