

AMENDMENT NO. 1 TO PROJECT FUNDING AGREEMENT NO. 19-1002202

FOR

ROCK SPRINGS BRIDGE OVER MOJAVE RIVER PROJECT

(COUNTY OF SAN BERNARDINO)

THIS Amendment No. 1 to Project Funding Agreement 19-1002202 (“Agreement”) is made and entered into by and between the San Bernardino County (“COUNTY”) and the San Bernardino County Transportation Authority (“SBCTA”). SBCTA and COUNTY are each a “Party” and collectively “Parties.”

RECITALS

- A. The Measure I 2010-2040 Expenditure Plan and the Victor Valley Subarea transportation planning partners have identified projects eligible for funding from Measure I 2010-2040 Victor Valley Subarea Major Local Highway Projects Program (“MLHP”) funds; and
- B. The Rock Springs Bridge over Mojave River Project (“PROJECT”) is one of the projects identified as eligible for such funding and is described more fully in Attachment A; and
- C. The Parties entered into Project Funding Agreement No. 19-1002202 on or about August 12, 2019, to allocate \$1,456,938 in Measure I MLHP funds to fund the Public Share of the Plans, Specifications, and Estimate (“PS&E”), Right-of-Way (“ROW”), and Construction Phases of the PROJECT; and
- D. COUNTY has requested an increase in funding, by an additional \$2,522,805, for the Public Share of PROJECT costs, for a total of \$3,979,743 inclusive of prior allocations; and
- E. COUNTY has requested updates to Attachment A: Description of Project and Milestones and Attachment B: Summary of Estimated Costs; and
- F. COUNTY has requested an extension of the Agreement termination date to December 31, 2028.

NOW, THEREFORE, the Parties agree to the following:

- 1. Paragraph 1 of Section I is deleted in its entirety and replaced with the following:
 - “1. To allocate up to a maximum of \$3,979,743 in Public Share funds for the actual cost of the PROJECT, which includes the 42.8% public share of the revised design phase and up to 42.8% of the required 11.47% local match to the Federal Highway Bridge Program funds and other right-of-way and construction costs that are not eligible for federal reimbursement, whichever is less. An estimate of costs for the PROJECT and Public Share fund sources is provided in Attachment B. SBCTA shall have no further responsibilities to provide any funding for the PROJECT exceeding this amount unless a written amendment to this Agreement is signed by both Parties.”

2. Paragraph 2 of Section II is deleted in its entirety and replaced with the following:
 - “2. To be responsible for expending that portion of allocated Public Share funds on eligible PROJECT expenses in an amount not to exceed \$3,979,743, which includes the 42.8% public share of the revised design phase and up to 42.8% of the required 11.47% local match to the Federal Highway Bridge Program funds and other right-of-way and construction costs that are not eligible for federal reimbursement, whichever is less, unless this Agreement is amended and approved increasing PROJECT costs. Reimbursement by SBCTA shall be in accordance with Section I, Paragraph 2. Additionally, expenses relative to time spent on the PROJECT by COUNTY staff are considered eligible PROJECT expenses and may be charged to the PROJECT, subject to SBCTA, State, and Federal guidelines.
3. Paragraph 5 of Section II is deleted in its entirety and replaced with the following:
 - “5. In the case that Measure I funds are allocated to the PROJECT, to prepare and submit to SBCTA an electronic copy of signed invoices for reimbursement of eligible PROJECT expenses. Invoices may be submitted to SBCTA as frequently as monthly.”
4. Paragraph 8 of Section III is deleted in its entirety and replaced with the following:
 - “8. This Agreement will be considered terminated upon reimbursement of eligible costs by SBCTA or December 31, 2028, whichever is sooner, provided that the provisions of Paragraphs 7, 8, 9, 10, and 11 of Section II, and Paragraphs 5, and 6 of Section III, shall survive the termination of this Agreement. The Agreement may also be terminated by SBCTA, in its sole discretion, in the event the PROJECT described in Attachment A has not been initiated by COUNTY within twelve (12) months of the Effective Date of this Agreement.”
5. Attachment A to the Agreement is replaced with the Revised Description of Project and Milestones attached to this Amendment.
6. Attachment B to the Agreement is replaced with the Revised Summary of Estimated Costs attached to this Amendment.
7. Except as amended by this Amendment No. 1, all other terms and conditions of the Agreement shall remain in full force and effect and are incorporated herein by this reference.
8. The Recitals set forth above are incorporated herein by this reference.
9. This Amendment No. 1 may be signed in counterparts, each of which shall constitute an original, and may be signed and transmitted with electronic signatures which shall be binding on the Party.
10. This Amendment No. 1 shall be effective on the date executed by SBCTA.

---SIGNATURES ON FOLLOWING PAGE---

IN WITNESS WHEREOF, the Parties have executed this Amendment No. 1 by their authorized signatories below.

**SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY**

COUNTY OF SAN BERNARDINO

By: _____
Dawn M. Rowe, President
Board of Directors

By: _____
Dawn M. Rowe
Chair

Date: _____

Date: _____

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By: _____
Julianna K. Tillquist
SBCTA General Counsel

By: _____
Aaron Gest
Deputy County Counsel

Date: _____

Date: _____

ATTEST:

By: _____
Lynna Monell
Clerk of the Board

Date: _____

ATTACHMENT A

ROCK SPRINGS BRIDGE OVER MOJAVE RIVER PROJECT

Revised Description of Project and Milestones

Project Title	
Rock Springs Road Bridge over Mojave River Project	
Location, Project Limits, Description, Scope of Work, Legislative Description	
The project proposes to replace the existing Rock Springs Road low-water crossing across the Mojave River with a new bridge and realign the road from approximately 0.2 miles east of Glendale Ave to 0.15 miles west of Deep Creek Road. The proposed bridge would be approximately 950 feet long, 45 feet wide to include two 12-foot lanes, two 4-foot shoulders, one 4-foot median and a 6-foot sidewalk on the south side.	
Project Milestone	Proposed
Project Study Report Approved	7/13/2012
Begin Environmental (PA&ED) Phase	1/14/2013
Circulate Draft Environmental Document	12/1/2014
Draft Project Report	11/27/2012
End Environmental Phase (PA&ED Milestone)	4/14/2015
Begin Design (PS&E) Phase	4/14/2015
End Design Phase (Ready to List for Advertisement Milestone)	12/10/2024
Begin Right of Way Phase	9/19/2019
End Right of Way Phase (Right of Way Certification Milestone)	10/14/2024
Begin Construction Phase (Contract Award Milestone)	3/3/2025
End Construction Phase (Construction Contract Acceptance Milestone)	11/23/2026
Begin Closeout Phase	11/24/2026
End Closeout Phase (Closeout Report)	6/24/2027

ATTACHMENT B

ROCK SPRINGS BRIDGE OVER MOJAVE RIVER PROJECT

Revised Summary of Estimated Costs

Phase	Total Cost	Federal Highway Bridge Program (HBP) Funds	SBCTA Funds (1)	COUNTY Funds
PA/ED	\$1,654,404	\$0	\$0	\$1,654,404
PS&E	\$950,000	\$0	\$406,600	\$543,400
ROW	\$1,600,000	\$690,534	\$389,251	\$520,215
Construction	\$23,059,000	\$15,620,000	\$3,183,892	\$4,255,108
TOTAL	\$27,263,404	\$16,310,534	\$3,979,743	\$6,973,127

Additional Notes:

1. SBCTA's Share can be from sources under control of SBCTA including but not limited to Measure I Major Local Highways Program (MLHP), State Transportation Improvement Program (STIP), Surface Transportation Program (STP), or other funds without necessitating an amendment of this Agreement. SBCTA shall provide COUNTY written notice of any change in source of funds.
2. SBCTA and COUNTY contributions include PROJECT costs not eligible for federal reimbursement under the HBP program. Non-participating costs include construction of a median strip and road approaches to the bridge beyond 200 feet.