



Contract Number

25-105 A-1

SAP Number

Department of Public Works – Special Districts

Department Contract Representative	<u>Vladimir Reyes</u>
Telephone Number	<u>(909) 386-8846</u>
Project	<u>Arrow Route Sewer Main Project</u>
Contractor	<u>City of Fontana</u>
Contractor Representative	<u>Matthew C. Ballantyne, City Manager</u>
Telephone Number	<u>(909) 350-7600</u>
Contract Term	<u></u>
Original Contract Amount	<u></u>
Amendment Amount	<u></u>
Total Contract Amount	<u></u>
Cost Center	<u></u>
Grant Number (if applicable)	<u></u>

IT IS HEREBY AGREED AS FOLLOWS:

AMENDMENT NO.1 TO CONTRACT NO. 25-105

WHEREAS, San Bernardino County (“COUNTY”) and the City of Fontana (“CITY”) (collectively which may be referred to as the “Parties”) entered into agreement on February 11, 2025, Cooperative Agreement No. 25-105 (“AGREEMENT”) for the Arrow Route Sewer Main Project (“PROJECT”); and

WHEREAS, the Parties, upon entering into this AGREEMENT, acknowledged and agreed that the PROJECT would be structured in distinct phases to enable COUNTY to identify and secure the necessary funding for each respective phase; and

WHEREAS, at that time, COUNTY identified and secured the necessary funding for Phase 1 of the PROJECT, and the Parties thereafter proceeded with the implementation of said phase; and

WHEREAS, COUNTY has now identified and secured funding for the remainder of the entire PROJECT; and

WHEREAS, COUNTY and CITY now desire to amend the AGREEMENT to allow the award and construction of all project phases, including what were previously referred to as “Phase 1” and “Future Phase(s),” to proceed as a single, unified project along the following routes: (1) Arrow Route from Ilex Avenue to Beech Avenue; (2) Cherry Avenue from Arrow Route to Foothill Avenue; and (3) Beech Avenue from Arrow Route to Foothill Avenue; and

WHEREAS, COUNTY and CITY wish to revise the AGREEMENT to eliminate references to “Phase 1” and “Future Phase(s)” and instead refer uniformly to “the PROJECT”; and

WHEREAS, the Parties further desire to correct a clerical error in the original AGREEMENT by replacing the misidentified “Cherry Avenue” with “Ilex Avenue” in the first recital;

NOW, THEREFORE, in consideration of the terms, covenants, promises, representations, and conditions contained herein, and for other good and valuable consideration, the receipt, sufficiency, and adequacy of which are hereby acknowledged by each of the Parties, the Parties and each of them, hereby represent and agree that the AGREEMENT shall be hereby amended as follows:

1. The recitals set forth above are true and correct and incorporated herein by this reference.
2. DELETE the first ‘WHEREAS’ recital in its entirety and REPLACE it with the following new first WHEREAS’ recital, which shall read as follows:

“WHEREAS, San Bernardino County (“COUNTY”) intends to fund and cause the construction of a 17,945 lineal foot sewer main in the unincorporated Fontana area to run along Arrow Route from Ilex Avenue to Beech Avenue, Beech Avenue from Arrow Route to Foothill Avenue, and Cherry Avenue from Arrow Route to Foothill Avenue with all required manholes, appurtenances and tie-ins to an existing sewer main at Ilex Avenue (“PROJECT”) in collaboration with the City of Fontana (“CITY”) (COUNTY and CITY are also sometimes each referred to herein as “Party” and collectively referred to herein as “Parties”); and”

3. DELETE the second ‘WHEREAS’ recital in its entirety and REPLACE it with the following new second ‘WHEREAS’ recital, which shall read as follows:

“WHEREAS, the PROJECT will consist of the construction of a sewer main along Arrow Route beginning at Ilex Avenue to Beech Avenue with all required manholes, and appurtenances construction of a sewer main along Beech Avenue from Arrow Route to Foothill Avenue, and Cherry Avenue from Arrow Route to Foothill Avenue with all required manholes, and the tie-in at Ilex Avenue to existing sewer and appurtenances as more fully illustrated and attached hereto as Exhibit A; and”

4. All references in the AGREEMENT to “Phase 1” and/or “Future Phase(s)” are hereby DELETED and REPLACED with “the PROJECT.”
5. DELETE Exhibit A in its entirety and REPLACE it with a new Exhibit A-1, which is attached hereto and incorporated herein by this reference.
6. DELETE Exhibit B in its entirety.
7. DELETE the fifth ‘WHEREAS’ recital in its entirety.
8. DELETE the seventh through tenth “WHEREAS” recitals in their entirety.
9. All other terms and conditions of the amended contract shall remain unchanged.
10. This Amendment No. 1 shall take effect on the date it is last signed by both parties.

11. This Amendment may be executed in any number of counterparts, each of which so executed shall be deemed to be an original, and such counterparts shall together constitute one and the same Amendment. The parties shall be entitled to sign and transmit an electronic signature of this amendment (whether by facsimile, PDF or other email transmission), which signature shall be binding on the party whose name is contained therein. Each party providing an electronic signature agrees to promptly execute and deliver to the other party an original signed amendment upon request.

SAN BERNARDINO COUNTY

►

Dawn Rowe, Chair, Board of Supervisors

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

Lynna Monell
Clerk of the Board of Supervisors
San Bernardino County

By _____
Deputy

CITY OF FONTANA

By ► _____
(Authorized signature - sign in blue ink)

Name _____ Matthew C. Ballantyne
(Print or type name of person signing contract)

Title _____ City Manager
(Print or Type)

Dated: _____

Attest by:

Germaine Key, City Clerk

Approved as to Form:

Ruben Duran, City Attorney

FOR COUNTY USE ONLY

Approved as to Legal Form	Reviewed for Contract Compliance	Reviewed/Approved by Department
► _____ Aaron Gest, Deputy County Counsel	► _____ Noel Mondragon, Division Manager	► _____ David Doublet, Assistant Director
Date _____	Date _____	Date _____