



**Contract Number**  
18-32 A-2

**SAP Number**

## Public Works

<b>Department Contract Representative</b>	Sundaramoorthy (Sri) Srirajan, P.E., Engineering Manager
<b>Telephone Number</b>	387-8166
<b>Project</b>	Cedar Avenue at Interstate 10 Interchange
<b>Contractor</b>	San Bernardino County Transportation Authority (SBCTA)
<b>Contractor Representative</b>	Heng Chow, P.E., Project Manager
<b>Telephone Number</b>	884-8276
<b>Contract Term</b>	2/28/2018 – 12/31/2022
<b>Original Contract Amount</b>	\$5,623,800
<b>Amendment Amount</b>	(\$5,323,800)
<b>Total Contract Amount</b>	\$300,000
<b>Cost Center</b>	6650002000 52002445 14/H14777

**Briefly describe the general nature of the contract:** *This Amendment No. 2 to County Contract No. 18-32 (Cooperative Agreement No. 17-1001710) with the San Bernardino County Transportation Authority (SBCTA) updates the design cost for the Cedar Avenue at Interstate 10 Interchange project (Project) by \$1,252,000, from \$7,475,000 to \$8,727,000; and extends the contract termination date from December 30, 2020 to December 31, 2022. The \$1,252,000 design cost increase will be provided to Caltrans by SBCTA. Amendment No. 1 to the Agreement made SBCTA the lead agency and specified that the County would reimburse SBCTA \$300,000 for Project Management services.*

*While the Project design cost increases under this Amendment No. 2, the total contract amount with SBCTA remains unchanged. A reconciliation of the Project cost will be conducted during Project right-of-way for the parties' share of the Project cost. See Attachment A to Amendment No. 2 of Agreement No. 18-32 for the parties' contributions relative to the Project.*

**FOR COUNTY USE ONLY**

Approved as to Legal Form

▶ *see attached*  
Suzanne Bryant, Deputy County Counsel

Date \_\_\_\_\_

Reviewed for Contract Compliance

▶ *Andy Silao*  
Andy Silao, P.E.

Date *9-3-2020*

Reviewed/Approved by Department

▶ *Brendon Biggs* for  
Brendon Biggs, Assistant Director

Date *9/8/2020*



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▶ *Suzanne Bryant*  
Suzanne Bryant, Deputy County Counsel

Date 9-3-2020

Reviewed for Contract Compliance

▶ \_\_\_\_\_  
Andy Silao, P.E.

Date \_\_\_\_\_

Reviewed/Approved by Department

▶ \_\_\_\_\_  
Brendon Biggs, Assistant Director

Date \_\_\_\_\_

**AMENDMENT NO. 2**  
**TO COOPERATIVE AGREEMENT NO. 17-1001710**  
**BETWEEN**  
**SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY**  
**AND**  
**COUNTY OF SAN BERNARDINO**  
**FOR**  
**PROJECT APPROVAL AND ENVIRONMENTAL DOCUMENT (PA/ED), AND PLANS,**  
**SPECIFICATIONS AND ESTIMATE (PS&E) FOR THE INTERCHANGE AT CEDAR**  
**AVENUE AND INTERSTATE 10 (I-10) IN THE UNINCORPORATED COMMUNITY**  
**OF BLOOMINGTON**

THIS AMENDMENT No. 2 (AMENDMENT) is made and entered into by and between the COUNTY OF SAN BERNARDINO (“COUNTY”) and the SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY (“SBCTA”). SBCTA and COUNTY may be referred to herein as a “PARTY” and collectively “PARTIES”.

**RECITALS**

- A. SBCTA and COUNTY entered into Cooperative Agreement 17-1001710 (AGREEMENT) on February 28, 2018, to delineate roles, responsibilities, and funding commitments relative to the Project Approval and Environmental Document (PA/ED), and Plans, Specifications and Estimate (PS&E) for the Interstate 10 Cedar Avenue Interchange in the unincorporated community of Bloomington (“PROJECT”); and
- B. SBCTA and COUNTY entered into Amendment No. 1 on January 9, 2019, to change the PARTIES’ roles in Potholing and Utility Coordination and update the funding plan; and
- C. PARTIES now desire to amend the AGREEMENT for the following reasons:
  - a) To adjust the PARTIES’s respective funding responsibilities based on the revised PROJECT costs; and
  - b) To extend the AGREEMENT termination date currently set to expire on December 31, 2020; and
  - c) To waive any costs pertaining to permits, inspections, reviews or oversight provided by COUNTY.

- D. SBCTA will contribute \$1,252,000 in federal funds to the COUNTY for the increased PS&E cost estimate.
- E. As a result of increased design cost estimates, COUNTY only (not cities) is due a credit of up to \$1,948,200 based on actual costs for the Public Share of PA/ED and PS&E costs incurred after April 5, 2006, and which were and/or will be advanced by COUNTY, and will be reimbursed by SBCTA to COUNTY in future ROW and Construction phases as noted in Attachment A, and

**IT IS THEREFORE MUTUALLY AGREED TO AMEND THE AGREEMENT AS FOLLOWS:**

- 1. Section I, Paragraph B is amended in its entirety to read as follows:

“B. Unless this AGREEMENT is terminated early as provided in Section V, Paragraph H, this AGREEMENT shall terminate upon completion of the PARTIES obligations associated with the PA/ED and PS&E phases described herein or December 31, 2022, whichever is earlier in time. The indemnification provisions identified in Section V, Paragraphs E through G shall survive the termination of this AGREEMENT. Should any claims arising out of this AGREEMENT be asserted against one of the PARTIES prior to the termination of this AGREEMENT, the AGREEMENT shall be extended until such time as the claims are settled, dismissed or paid.”
- 2. Section IV of the AGREEMENT is amended to add Paragraph K which shall read as follows:

“K. To provide permits, inspections, reviews, and oversight at no cost to SBCTA or to consultants and contractors contracted by SBCTA to work on the PROJECT.”
- 3. Attachment A to the AGREEMENT is amended in its entirety as reflected by Attachment A to this AMENDMENT No. 2.
- 4. The Recitals set forth above are incorporated herein by this reference.
- 5. Except as amended by this AMENDMENT No 2, all other provisions of the AGREEMENT, including all previous amendments, shall remain in full force and effect.
- 6. This AMENDMENT is deemed to be included and made part of the AGREEMENT.
- 7. This AMENDMENT is effective upon execution by SBCTA.

-----SIGNATURES ON FOLLOWING PAGE-----

**SIGNATURE PAGE TO  
AMENDMENT NO. 2 TO COOPERATIVE AGREEMENT NO. 17-1001710  
BETWEEN  
SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY  
AND COUNTY OF SAN BERNARDINO**

**SAN BERNARDINO COUNTY  
TRANSPORTATION AUTHORITY**

**COUNTY OF SAN BERNARDINO**

By: \_\_\_\_\_  
Frank Navarro  
President, Board of Directors

By:   
Curt Hagman  
Chairman, Board of Supervisors

Date: \_\_\_\_\_

Date: SEP 15 2020

**APPROVED AS TO FORM:**

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
Juanda L. Daniel  
Assistant General Counsel

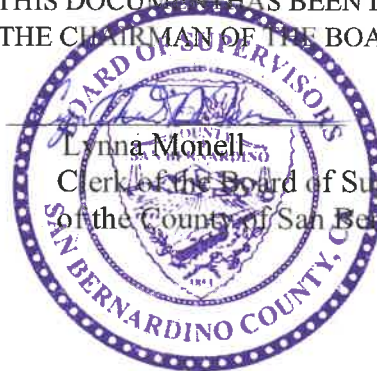
By: SEE ATTACHED  
Suzanne Bryant  
Deputy County Counsel

**CONCURRENCE:**

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

By: \_\_\_\_\_  
Jeffery Hill  
Procurement Manager

By: \_\_\_\_\_  
Lynna Monell  
Clerk of the Board of Supervisors  
of the County of San Bernardino



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Date: \_\_\_\_\_

APPROVED AS TO FORM:

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Suzanne Bryan  
Deputy County Counsel

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## Attachment A

### PROJECT DESCRIPTION

PARTIES propose the project to improve the I-10/Cedar Avenue interchange located in the unincorporated community of Bloomington. The project will improve Cedar Avenue from Bloomington Avenue to Slover Avenue, widen Cedar Avenue between Bloomington Avenue and Orange Street and add turn lanes; widen the Interstate Overcrossing and replace the UPRR/Cedar Avenue Overhead; and modify existing ramps.

### PROJECT COST ESTIMATE AND FUNDING SHARES

Phase	Total Cost	Cost Incurred after 4/5/2006 <sup>1</sup>	Local Share <sup>2</sup>	SBCTA Share <sup>3</sup>	Local Agency Contribution <sup>4,5</sup>	SBCTA Contribution <sup>5</sup>
PA/ED	\$1,366,000	\$559,000	\$167,700	\$391,300	\$559,000	\$0
PS&E <sup>6</sup>	\$8,727,000	\$8,727,000	\$2,618,100	\$6,108,900	\$4,175,000	\$4,552,000
Project Management <sup>7</sup>	\$300,000	\$300,000	\$300,000	\$0	\$300,000	\$0
<b>Total</b>	<b>\$10,393,000</b>	<b>\$9,586,000</b>	<b>\$3,085,800</b>	<b>\$6,500,200</b>	<b>\$5,034,000</b>	<b>\$4,552,000</b>

1. Only costs incurred after 4/5/2006 are eligible for reimbursement.

2. Local Share is 30% of Costs Incurred after 4/5/2006; Local Share is distributed as follows: County 20.58%, Rialto 5.85% and Fontana 3.57%. By separate agreement, the County is responsible for collection of the Cities of Fontana and Rialto share of project costs.

3. SBCTA Share is 70% of Costs Incurred after 4/5/2006 and can be from sources under control of SBCTA including but not limited to Valley Measure I Interchange funds, State Transportation Improvement Program (STIP), Surface Transportation Program (STP), or Highway Infrastructure Program (HIP) without necessitating an amendment of this agreement.

4. County will be receiving a credit in the Right of Way and Construction phases for the public share of eligible PA/ED and PS&E costs.

5. County has \$4.0 million of federal STP funds for PS&E that were previously allocated to them for use at their discretion to be regarded as an internal loan of development share funds for the Project as approved by the SBCTA Board on 1/9/2013. SBCTA Contribution of \$4.552 million in PS&E phase will be \$3.552 million from federal funds (for Design) and \$1.0 million from Valley Measure I Interchange funds (for Potholing & Utility Coordination).

6. Includes \$7.552 million design cost (increasing by \$1,252,000, from \$6,300,000 to \$7,552,000), \$125,000 Railroad Agreement, \$50,000 Environmental Permits and \$1,000,000 Potholing & Utility Coordination.

7. \$300,000 Project Management cost is for PS&E phase only.

### PROJECT MILESTONES

Milestone	Actual/(Forecast)
Start of Project	November 2001
Environmental Approval	July 2013
Plans, Specifications and Estimate Approval	(March 2021)
Right of Way Certification	(June 2021)
Begin Construction	(December 2021)
End Construction	(June 2024)
Project Closeout	(June 2029)