



**Contract Number**

19-0171 A-2

**SAP Number**

**Public Works**

<b>Department Contract Representative</b>	Arlene B. Chun, M.S., P.E., Engineering Manager
<b>Telephone Number</b>	(909) 387-8165
<b>Consultant</b>	BKF Engineers
<b>Consultant Representative</b>	Chris Rideout, President/Vice President
<b>Telephone Number</b>	(949) 526-8462
<b>Contract Term</b>	March 19, 2019 – December 31, 2027
<b>Original Contract Amount</b>	\$1,500,000
<b>Amendment Amount</b>	\$1,000,000
<b>Total Contract Amount</b>	\$2,500,000
<b>Cost Center</b>	6650002000

**IT IS HEREBY AGREED AS FOLLOWS:**

**Amendment No. 2**

WHEREAS, San Bernardino County (County) and BKF Engineers (Consultant), entered into County Contract No. 19-0171 (hereinafter referred to as "Agreement") on March 19, 2019 for on-call professional Civil and Structural Engineering services relative to transportation projects; and,

WHEREAS, County and Consultant agreed to amend the Agreement increasing County Contract No. 19-0171 by \$500,000 (from \$1,000,000 to \$1,500,000) on October 5, 2021 and updated the designated County's Representative.

WHEREAS, it has been determined that the County's workload requires more work than anticipated, requiring an amendment to the contract amount; and,

WHEREAS, County and Consultant desire to further amend the Agreement increasing County Contract No. 19-0171 A-1 by \$1,000,000 (from \$1,500,000 to \$2,500,000) and again update the designated County's Representative.

WHEREAS, County received an allocation of American Rescue Plan Act (ARPA) funds, which may be used to fund Consultant services and the use of ARPA funds requires Consultant to agree to comply with any and all ARPA requirements in addition to any and all applicable County, State, and Federal laws, regulations, policies, and procedures pertaining to the funding of this Contract (See Attachment C; attached hereto and incorporated herein by this reference); and

WHEREAS, County and Consultant agree to extend the contract term from March 18, 2024, to December 31, 2027.

NOW, THEREFORE, in consideration of the mutual terms and conditions provided herein, the County and Consultant hereto agree the Agreement, County Contract No. 19-0171 A-1, is amended as follows:

1. UPDATE the existing "COUNTY RESPONSIBILITIES" Section E, Paragraph E.1 County Representative to read as follows:

County Representative:

Arlene B. Chun, M.S., P.E., Engineering Manager  
Transportation Planning Division  
825 E. 3<sup>rd</sup> Street, Room 143  
San Bernardino, CA 92415-0835  
Email: [arlene.chun@dpw.sbcounty.gov](mailto:arlene.chun@dpw.sbcounty.gov)

2. DELETE the existing "TERM OF CONTRACT" Section D, and REPLACE it with a revised Section D, which shall read as follows:

D This Contract shall commence on March 19, 2019 and will terminate on December 31, 2027 or 15 months after completion of the last awarded project/assignment during this term, whichever occurs last. But the Agreement can be terminated earlier in accordance with provisions of this Contract.

3. DELETE the existing "FISCAL PROVISIONS" Section F, Paragraph F.1 and REPLACE it with a revised Paragraph F.1, which shall read as follows:

F.1 The maximum amount of payment under this Contract shall not exceed \$2,500,000 and shall be subject to availability of funds to the County. This maximum amount applies to the overall contract and there is not an internal limitation on each of Consultant's approved disciplines. The consideration to be paid to Consultant, as provided herein, shall be in full payment for all Consultant's services and expenses incurred in the performance hereof, including travel and per diem.

Consultant bears the risk that it may not be able to generate its anticipated (or any) profit in completing its performance of all required items of work for the specified level of compensation. In no event shall Consultant be entitled to receive compensation for any item of work required of Consultant under the terms of the Contract, which item of work is not performed by Consultant (including Consultant's agents and approved subcontractors).

4. ADD Attachment C, attached hereto, entitled "COMPLIANCE WITH AMERICAN RESCUE PLAN ACT (ARPA) CORONAVIRUS LOCAL FISCAL RECOVERY FUND (CLFRF) FEDERAL GUIDELINES USE OF ARPA CLFRF AND REQUIREMENTS".

5. The recitals of this Amendment No. 2 are incorporated into the Agreement by reference.

6. Except as amended by this Amendment No. 2, all other terms and conditions of County Contract No. 19-0171 A-1 shall remain the same.
7. This Amendment No. 2 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.
8. This Amendment No. 2 to the Agreement, County Contract No. 19-0171, is effective on the date it is approved and signed by both parties, and shall conclude upon satisfaction of the terms as stated in Section D. "TERM OF CONTRACT" of the Agreement or on December 31, 2027 or 15 months after completion of the last awarded project/assignment during this term, whichever occurs last.

SAN BERNARDINO COUNTY

BKF ENGINEERS

▶  
 \_\_\_\_\_  
 Curt Hagman, Chairman, Board of Supervisors

By ▶ \_\_\_\_\_  
 (Authorized signature - sign in blue ink)

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

Name \_\_\_\_\_  
 (Print or type name of person signing contract)

Lynna Monell  
 Clerk of the Board of Supervisors  
 San Bernardino County

Title \_\_\_\_\_  
 (Print or Type)

By \_\_\_\_\_  
 Deputy

Dated: \_\_\_\_\_

Address \_\_\_\_\_

**FOR COUNTY USE ONLY**

Approved as to Legal Form  
 ▶  
 Aaron Gest, Deputy County Counsel  
 Date \_\_\_\_\_

Reviewed for Contract Compliance  
 ▶  
 Andy Silao, P.E., Engineering Manager  
 Date \_\_\_\_\_

Reviewed/Approved by Department  
 ▶  
 Brendon Biggs, Director  
 Date \_\_\_\_\_