

AMENDMENT NO. 1 TO PROJECT FUNDING AGREEMENT NO. 20-1002325

FOR

STATE ROUTE 38 AT STANFIELD CUTOFF PROJECT

(COUNTY OF SAN BERNARDINO)

THIS AMENDMENT NO. 1 to PROJECT FUNDING AGREEMENT 20-1002325 (“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 Mountains Subarea transportation planning partners have identified projects eligible for partial funding from Measure I 2010-2040 Mountains Subarea Major Local Highway Projects Program (“MLHP”) funds; and

B. The State Route (SR) 38 at Stanfield Cutoff 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 the AGREEMENT on or about March 3, 2020, to fund planning, environmental and design of the PROJECT (PROJECT WORK) in the amount of \$500,000; and

D. COUNTY is requesting to increase the total PROJECT allocation by \$3,727,204 to increase the funding for design and to add the right-of-way and construction phases to the PROJECT WORK; and

E. COUNTY anticipates participation from the California Department of Transportation (Caltrans) as a funding partner; and

F. COUNTY is requesting to update the project milestones and costs by updating Attachment A (Description of Project and Milestones) and Attachment B (Summary of Estimated Costs), and to extend the AGREEMENT termination date, consistent with the updated project schedule.

NOW, THEREFORE, the Parties agree to amend the AGREEMENT as follows:

1. Paragraphs 1 and 2 of Section I are deleted in their entirety and replaced with the following:

“1. To reimburse COUNTY for the actual cost of the PROJECT WORK up to a maximum of \$4,227,204 in MLHP funds. An estimate of costs for the PROJECT is provided in Attachment B. SBCTA shall have no further responsibilities to provide any funding for PROJECT WORK exceeding this amount unless an amendment to this AGREEMENT is approved by the Parties.”

- “2. To reimburse COUNTY within thirty (30) days after COUNTY submits an electronic copy of the signed invoices in the proper form covering those actual allowable PROJECT WORK expenditures that were incurred by COUNTY up to a maximum of \$4,227,204, consistent with the invoicing requirements of the Measure I 2010-2040 Strategic Plan, including backup information. Invoices may be submitted to SBCTA as frequently as monthly.”
2. Paragraphs 2 and 4 of Section II are deleted in its entirety and replaced with the following:
- “2. To be responsible for expending that portion of allocated MLHP funds on eligible PROJECT WORK expenses for an amount not to exceed \$4,227,204 in MLHP funds unless this AGREEMENT is amended and approved increasing PROJECT WORK costs. Reimbursement by SBCTA shall be in accordance with Section I, Paragraph 2. Additionally, expenses relative to time spent on the PROJECT WORK by COUNTY staff are considered eligible PROJECT expenses and may be charged to the PROJECT, subject to SBCTA’s guidelines.”
- “4. To prepare and submit to SBCTA an electronic copy of signed invoices for reimbursement of eligible PROJECT WORK expenses. Invoices may be submitted to SBCTA as frequently as monthly.”
3. 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 30, 2025, whichever is sooner, provided that the provisions of Paragraphs 5, 6, 7, 8, and 9 of Section II, and Paragraphs 5, 6 and 7 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 WORK described in Attachment A has not been initiated by COUNTY within eighteen (18) months of the Effective Date of this AGREEMENT.”
4. Attachment A is replaced in its entirety with a revised Description of Project and Milestones attached to this AMENDMENT NO. 1 as Attachment A.
5. Attachment B is replaced in its entirety with a revised Summary of Estimated Costs attached to this AMENDMENT NO. 1 as Attachment B.
6. Except as amended by this AMENDMENT NO. 1, all other provisions of the AGREEMENT shall remain in full force and effect and are incorporated herein by this reference.
7. The Recitals set forth above are incorporated herein by this reference.
8. This AMENDMENT NO. 1 is effective upon execution 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**

SAN BERNARDINO COUNTY

By: _____
Curt Hagman, President
Board of Directors

By: _____
Curt Hagman
Chairman

Date: _____

Date: _____

APPROVED AS TO FORM AND
PROCEDURE:

APPROVED AS TO FORM AND
PROCEDURE:

By: _____
Julianna K. Tillquist
SBCTA General Counsel

By: _____
Aaron Gest
County Counsel

Date: _____

Date: _____

ATTEST:

By: _____
Lynna Monell
Clerk of the Board

Attachment A

SR 38 AT STANFIELD CUTOFF PROJECT

Description of Project and Milestones

Project Title	
SR 38 at Stanfield Cutoff Project	
Location, Project Limits, Description, Scope of Work, Legislative Description	
The project is located at the intersection of Stanfield Cutoff and SR 38 (North Shore Drive) in the unincorporated area north of Big Bear Lake and will construct a roundabout at the current offset intersection near the North Shore Elementary School and the Big Bear Animal Shelter to optimize traffic circulation and improve safety. Other project work includes constructing Americans with Disabilities Act compliant ramps on both sides of the marked crosswalk.	
Project Milestone	Proposed
Begin Environmental (PA&ED) Phase	02/01/2020
Draft Project Report	03/01/2022
End Environmental Phase (PA&ED Milestone)	07/15/2022
Begin Design (PS&E) Phase	02/01/2022
End Design Phase (Ready to List for Advertisement Milestone)	08/01/2022
Begin Right of Way Phase	07/16/2022
End Right of Way Phase (Right of Way Certification Milestone)	02/28/2023
Begin Construction Phase (Contract Award Milestone)	03/01/2023
End Construction Phase (Construction Contract Acceptance Milestone)	08/30/2023
Begin Closeout Phase	09/01/2023
End Closeout Phase (Closeout Report)	08/30/2024

Attachment B

SR 38 AT STANFIELD CUTOFF PROJECT

Summary of Estimated Costs

Phase	Total Cost	SBCTA Funds*	COUNTY Funds	Caltrans SHOPP Funds
Planning Study, Project Approval and Environmental (PA/ED)	\$550,000	\$550,000	\$0	\$0
Design (PS&E)	\$357,880	\$357,880	\$0	\$0
Right-of-Way	\$377,560	\$327,560	\$0	\$50,000
Construction	\$3,241,764	\$2,991,764	\$0	\$250,000
TOTAL	\$4,527,204	\$4,227,204	\$0	\$300,000

*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.