

Contract Number
18-546, A-1

SAP Number



San Bernardino County Flood Control District

Department Contract Representative	<u>David Drake, Engineering Manager</u>
Telephone Number	<u>(909) 387-7962</u>
Contractor	<u>Burlington Northern Santa Fe Railway (BNSF)</u>
Contractor Representative	<u>Kate Kalinosky</u>
Telephone Number	<u>(909) 386-4491</u>
Contract Term	<u>7/24/18 – 01/31/21</u>
Original Contract Amount	<u>\$638,206.80</u>
Amendment Amount	<u>\$484,105.00</u>
Total Contract Amount	<u>\$1,122,311.80</u>
Cost Center	<u>1910002518 / 52002445</u>

IT IS HEREBY AGREED AS FOLLOWS:

(Use space below and additional bond sheets. Set forth service to be rendered, amount to be paid, manner of payment, time for performance or completion, determination of satisfactory performance and cause for termination, other terms and conditions, and attach plans, specifications, and addenda, if any.)

AMENDMENT NO. 1 TO CONTRACT 18-546

WHEREAS, the San Bernardino County Flood Control District (District) and BNSF Railway Company (BNSF) (collectively, "Parties") entered into Contract Agreement No. 18-546 (also referenced as Agreement No. BF-10012758) on July 24, 2018, (Contract) for the delivery of structural engineering services for the West Fontana Channel Flood Control Improvement Project (Project).

WHEREAS, Exhibit C of the Contract sets forth the roles and responsibilities of each agency as related to Project construction.

WHEREAS, pursuant to the Contract, BNSF shall serve as lead agency in the construction of the railroad work; procurement of materials, equipment, supplies, preliminary engineering, design, and contract preparation for the removal and replacement of 240 feet of the Muskat Lead, Track No. 3; relocation of five (5) Kaiser Yard Light Poles; and provide a flagman, as well as provide inspection as required in connection with the construction of

the Project; and provide a contract project coordinator, at the District's expense to serve as a project manager for the railroad related work.

WHEREAS, the Contract requires the District to pay BNSF the sum of \$2,000 for an Administrative Fee and the sum of \$4,072 for a "Temporary Construction License Fee" as well as the estimated project cost of \$525,767 for furnished labor, materials, tools, and equipment for railroad work needed for the construction on the Project. The Contract also included a 20% contingency for unforeseen errors, omissions, and changes during the construction of the Project.

WHEREAS, since the execution of the Contract, the Parties desire to amend the Contract in order for BNSF to provide additional construction support services, as required by both the BNSF Railroad Company and the Federal Railroad Administration (FRA) Safety Guidelines & Regulations during the construction phase of the Project; and

WHEREAS, pursuant to Section 2, Article II and Section 8 of **Article IV-Joint Obligations** of the Contract, the Parties desire to further expand the scope of services for the Project construction phase and, correspondingly, increase the contract amount for such additional work.

NOW THEREFORE, in consideration of mutual covenants and conditions, the Parties agree as follows:

1. Exhibit "D" to the Contract is hereby deleted as replaced with the following:

EXHIBIT D

RECAPITULATION

BNSF COST ESTIMATE, "WEST FONTANA FLOOD CONTROL CHANNEL"
CONSTRUCTION AGREEMENT

PLAN ITEM	DESCRIPTION OF WORK	BUDGET YEAR(s)	AMOUNT
231855000	Track Work & Light Pole Relocation	2018	\$306,357
231855001	Flagging & Inspect /or Coordinator On-Site Concrete Culvert Inspector	2018-21	\$703,515
Total:			\$1,009,872

2. All other terms and conditions of Contract shall remain unchanged.

IN WITNESS WHEREOF, the San Bernardino County Flood Control District and BNSF Railway Company have each caused this Amendment No. 1 to be subscribed by its respective duly authorized officers, on its behalf.

**SAN BERNARDINO COUNTY
FLOOD CONTROL DISTRICT**

►

Curt Hagman, Board Chairman

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

By _____
Deputy

BNSF RAILWAY COMPANY

(Print or type name of corporation, company, contractor, etc.)

By ►

(Authorized signature - sign in blue ink)

Name Kate Kalinosky – Manager Public Projects

(Print or type name of person signing contract)

Title Principal

(Print or Type)

Dated: _____

Address 740 East Carnegie Drive

San Bernardino, CA 92408

FOR COUNTY USE ONLY

Approved as to Legal Form

►

Sophie A. Akins, Deputy County Counsel

Date _____

Reviewed for Contract Compliance

►

Mohammad Ali, P.E.

Date _____

Reviewed/Approved by District

►

Brendon Biggs, Interim Chief Flood Control
Engineer

Date _____