

AMENDMENT NO. 2 TO COOPERATIVE AGREEMENT NO 19-1002205
BETWEEN
SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY
AND
CITY OF SAN BERNARDINO
FOR
PROJECT REPORT AND ENVIRONMENTAL DOCUMENT (PA/ED),
PLANS, SPECIFICATIONS AND ESTIMATES (PS&E), RIGHT-OF-WAY (ROW),
AND CONSTRUCTION PHASES FOR THE INTERCHANGE AT UNIVERSITY
PARKWAY AND INTERSTATE 215 (I-215) IN THE CITY OF SAN BERNARDINO

I. PARTIES

- A. This Amendment No. 2 to Agreement 19-1002205 (AGREEMENT) is made by and between the San Bernardino County Transportation Authority (SBCTA) and the City of San Bernardino (CITY). SBCTA and CITY are each a "Party" and collectively the "Parties" herein.

II. RECITALS

- A. In November 2015, Parties entered into Cooperative Agreement No. 16-101335 to to define the roles and responsibilities and funding for improvements for the PA/ED, PS&E, and ROW phases for the interchange at University Parkway and I-215 in the limits of the City of San Bernardino (PROJECT); and
- B. Cooperative Agreement No. 16-101335 terminated on June 29, 2018; and
- C. The Parties entered into AGREEMENT in July 2019 which assumed the terms and conditions of Cooperative Agreement No. 16-101335 and had an effective date of June 30, 2018; and
- D. In June 2022, Parties amended AGREEMENT to reflect estimated cost increases in the ROW phase for PROJECT; and
- E. PARTIES agreed to defer estimated cost adjustments for the Construction phase until completion of the 100% plans and specifications; and
- F. PARTIES completed the draft 100% plans and specifications in November 2022; and
- G. The estimated total cost of PROJECT has increased by \$5,375,694 from estimated total of \$17,837,016 to \$23,212,710; and
- H. Parties desire to amend AGREEMENT to define funding responsibilities for the estimated cost increase of PROJECT.

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

1. Replace Attachment A.1 in its entirety with Attachment A.2 attached to this Amendment No. 2.
2. Except as amended by this Amendment No. 2, all other provisions of the AGREEMENT and amendments thereto shall remain in full force and effect and are incorporated herein by this reference.
3. Amendment No. 2 is deemed to be included and made part of the AGREEMENT.
4. The Recitals set forth above are incorporated herein by this reference.
5. Amendment No. 2 is effective upon execution by SBCTA.

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

IN WITNESS WHEREOF, Parties have duly executed Amendment No. 2 to Agreement 19-1002205 below:

**SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY**

By: *Dawn Rowe*
Dawn Rowe (Jul 17, 2023 15:12 PDT)
Dawn M. Rowe
President, Board of Directors

Date: Jul 17, 2023

CITY OF SAN BERNARDINO

By: *Charles E. McNeely*
Charles E. McNeely
Interim City Manager

Date: 10/27/2023

APPROVED AS TO FORM:

By: *Juanda Daniel*
Juanda Daniel (Jul 17, 2023 14:32 PDT)
Juanda L. Daniel
Assistant General Counsel

APPROVED AS TO FORM AND
PROCEDURE:

By: *Thomas Rice*
Best Best & Krieger LLP
City Attorney

Amendment No. 2 to Agreement 19-1002205

Attachment A.2**Project Scope:**

Improve traffic operations at the I-215 University Parkway Interchange by improving freeway access to I-215 and improving local traffic flow on University Parkway by reconstructing existing interchange configuration into a Diverging Diamond Interchange (DDI).

Project Cost Estimate and Funding Shares

After application of buy-down funds, Project costs will be split according to the SBCTA Nexus Study with the Public Share at 84.2% and the Development/Local Share at 15.8%

	Estimated Costs	Buy-Down	Public Share	Development/Local Share
Project Approval and Environmental Document (PA/ED)	\$1,062,176	\$939,716	\$103,111	\$19,349
Design (PS&E)	\$1,203,856	\$1,103,855	\$84,201	\$15,800
Right of Way (ROW)	\$2,821,400	\$612,000	\$1,860,315	\$349,085
Construction	\$17,555,278	\$3,079,429	\$12,188,665	\$2,287,184
SBCTA Oversight	\$570,000	\$0	\$0	\$570,000
TOTAL	\$23,212,710	\$5,735,000	\$14,236,292	\$3,241,418