

**AMENDMENT NO. 1 TO
PROGRESSIVE DESIGN-BUILD CONTRACT BETWEEN THE CITY OF SAN
BERNARDINO AND TILDEN-COIL CONSTRUCTORS, INC. FOR THE CALIFORNIA
THEATER IMPROVMENTS PROJECT**

This Amendment No. 1 to the Progressive Design-Build Contract (“Contract”) for the turnkey design and construction is made and entered into as of June 4, 2025, by and between the City of San Bernardino, a charter city and municipal corporation (“City”) and Tilden-Coil Constructors, Inc. (hereinafter collectively referred to as “Design Build Entity” or “DBE”). City and DBE are sometimes referred to herein individually as a “Party” and collectively as “Parties.”

A. WHEREAS, the City and DBE have entered into a Contract dated April 6, 2022, for the purpose of providing turnkey design and construction services for the California Theater Improvements Project (“Project”);

B. WHEREAS, on December 7, 2022, the Mayor and City Council approved an award of \$4,561,400 to the DBE for the Project in accordance with the Contract.

C. WHEREAS the Parties now desire to amend the in order to increase the award amount due to the costs being higher than anticipated.

NOW, THEREFORE, in consideration of the above recitals and the mutual covenants, conditions, and promises contained in this Amendment No. 1 and the Contract, the Parties mutually agree as follows:

AGREEMENT

1. Incorporation of Recitals. The recitals listed above are true and correct and are hereby incorporated herein by this reference.

2. Increase to Contract Award Amount. The award amount is hereby increased by One Million Seven Hundred Forty-Seven Thousand Four Hundred Four Dollars (\$1,747,404). More detail on the background of these costs is provided in Exhibit “A-1”, attached hereto and incorporated herein by this reference.

3. Full Force. Except as amended by this Amendment No. 1, all provisions of the Contract, as previously amended, including without limitation the indemnity and insurance provisions, shall remain in full force and effect and shall govern the actions of the Parties under this Amendment No. 1.

4. Electronic Transmission. A manually signed copy of this Amendment No. 1 which is transmitted by facsimile, email or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original executed copy of this Amendment No. 1 for all purposes. This Amendment No. 1 may be signed using an electronic signature.

5. Counterparts. This Amendment No. 1 may be signed in counterparts, each of which shall constitute an original.

[SIGNATURES ON FOLLOWING PAGE]

**SIGNATURE PAGE FOR
PROGRESSIVE DESIGN-BUILD CONTRACT BETWEEN THE CITY OF SAN
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IN WITNESS WHEREOF, the Parties hereto have executed this Amendment No. 1 on the Effective Date first herein above written.

CITY OF SAN BERNARDINO

CONSULTANT

APPROVED BY:

TILDEN-COIL CONSTRUCTORS, INC.

Bill Gallardo
Interim City Manager

Signature

ATTESTED BY:

Name

Telicia Lopez
Acting City Clerk

Title

APPROVED AS TO FORM:

Best Best & Krieger LLP
City Attorney

EXHIBIT A-1

COST BREAKDOWN