



CONSENT CALENDAR

City of San Bernardino Request for Council Action

Date: July 17, 2024

To: Honorable Mayor and City Council Members

From: Rochelle Clayton, Acting City Manager;
Lynn Merrill Director of Public Works, Operations and
Maintenance

Department: Public Works

Subject: **Approving Amendment No. 3 to Cooperative Agreement No. 19-1002205 with the San Bernardino County Transportation Authority (SBCTA) for the Interstate 215/University Parkway Interchange Project (SS04-019) (Wards 5,6)**

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Resolution 2024-154:

1. Authorizing the City Manager to execute Amendment No. 3 to Cooperative Agreement No. 19-1002205 with the San Bernardino County Transportation Authority (SBCTA) for the Interstate 215/University Parkway Interchange Project (SS04-019); and
2. Authorizing the Agency Director of Finance and Management Services to amend the Interstate 215/University Parkway Interchange Project budget in the amount of \$403,743 through the Measure I (129) Fund Balance remaining

Executive Summary

The primary objective of the Diamond Divergent Interchange project focuses on optimizing traffic flow, enhancing safety coupled with improved operational efficiency, and reducing congestion within the interchange for all users of the interchange. The City has an existing Cooperative Agreement with SBCTA for the completion of the project. Amendment No. 3 to the agreement is necessary to continue the progress of the project and allow the award of the construction contract. The total cost increase included in Amendment No. 3 to be paid by the City is \$403,743.

Background

The Interstate 215/University Parkway Interchange Project will improve freeway access and relieve traffic congestion on University Parkway due to high traffic volumes and heavy left turn movements onto the southbound I-215 Freeway. In October 2016, the City completed a Project Study Report - Project Development Support (PSR-PDS) recommending a Diverging Diamond Interchange (DDI) configuration as one alternative to address the traffic needs at the interchange.

On October 26, 2015, the Mayor and City Council approved Resolution No. 2015-233 and Cooperative Agreement No. 16-1001335, which provides that upon completion of the PSR-PDS and acceptance by Caltrans, the project will be turned over to San Bernardino County Transportation Authority (SBCTA) for Project Management and delivery.

On June 19, 2019, the Mayor and City Council approved Resolution No. 2019-161 and Cooperative Agreement No. 19-1002205, which assumed the terms and conditions of Cooperative Agreement No. 16-1001335. During discussions with SBCTA, it was discovered that Cooperative Agreement No. 16-1001335 had inadvertently terminated on June 29, 2018. Therefore, SBCTA recommended a new cooperative agreement to replace and continue after the termination date of Cooperative Agreement No. 16-1001335. Cooperative Agreement No. 19-1002205 also reflected an increase in the estimated cost for the Project Approval and Environmental Document (PAED) and Plans, Specifications, and Estimates (PS&E) phases which included estimated costs for the Construction phase.

On May 5, 2022, the City approved Amendment No.1 to Cooperative Agreement No. 19-1002205 to reflect cost increases in design costs and for the Right-of-Way phase of the project in the amount of \$396,437 addressing estimated settlement costs for acquisition of rights needed to construct and operate the project. At the time, since project design was only at 65% level, City staff and SBCTA agreed to defer any estimated forecasted final construction cost increases to such a time when 100% final plans have been completed.

On October 18, 2023, the Mayor and City Council approved Resolution No. 2023-159 and Amendment No. 2 to Cooperative Agreement No. 19-1002205 to increase the Interstate 215/University Parkway Interchange Project budget in the amount of \$864,908 through the General Fund Balance. This amendment was to cover the estimate costs of several Project design updates and refinements as part of the progression of project design as reflected in the draft plans and to also cover escalated costs of materials and labor then. At this time, the engineer's estimate for construction was \$15.5 million.

Measure I Fund, approved in 1989, authorized SBCTA to impose a one-half of one percent retail transaction and use tax, applicable throughout the County from April 1, 1990, to March 31, 2010. Known as the 1/2-Cent Sales and Road Tax (Measure I), this

tax was extended in November 2004 for an additional 30 years, from April 1, 2010, through March 31, 2040.

Measure I fund, known as Local Pass-Through funds, must be used exclusively for transportation improvements, including local streets, major highways, state highways, transit, and other projects that optimize transportation facilities. The expenditure of these funds is based on a Five-Year Measure I Capital Improvement Plan (MICIP), adopted annually by each jurisdiction's governing body after public review and comment. This project was included in the list of projects adopted on October 4, 2023.

Discussion

SBCTA is requesting that the City approve Amendment No. 3 to Cooperative Agreement No.19-1002205 for the Interstate 215 University Parkway Interchange Project. The revised total amount of SBCTA's project contribution is \$16,387,882 and the City's contribution is \$3,645,161. The total amount of buy-down funds, comprising of various federal funds is \$5,735,000.

In February 2024, the project received its Right of Way certification, and in March 2024, the project received its design approval. On May 15, 2024, the project was advertised and on June 12, 2024, the bids were opened. SBCTA received three bids ranging from a low bid of \$16.9 million to a high bid of \$17.9 million. SEMA Construction Inc. has been chosen as the apparent low bidder.

The higher than anticipated bid has caused the total Project cost to increase over the currently authorized amount in the cooperative agreement with SBCTA. Along with some cost increases in the final design phase and taking into account savings from the Right of Way phase, the total Project cost increase is \$2,555,333 which will be funded with an increase of Measure I funds of \$2,151,590 and City Measure I (Pass Through) funds of \$403,743.

An amendment to Cooperative Agreement No.19-1002205 will be necessary to maintain the project schedule and allow award of the contract later this month. Construction is expected to begin in October 2024 and will continue through fall of 2025 before a one-year landscape plant establishment period can begin.

The project bidders and the amount of their bids as follows:

Vendor	Bid Amount
SEMA Construction Inc.	\$16,876,360.62
Riverside Construction Company Inc.	\$17,349,713.39
SULLY-MILLER	\$17,911,377.05

The construction phase of the project is funded with approximately \$3.1M of federal funds, which buys down the cost for the City and SBCTA. Cost increases in this amendment will be funded with City' share at 15.8% and SBCTA Measure I fund at 84.2%.

The table below shows Project Funding Details:

Original Coop Agreement	\$1,995,621.00	Measure I	
Amendment No. 1	\$396,437.00	Measure I	ROW
Amendment No. 2	\$864,908.00	General Fund	Engineers Estimate
Current Adopted Budget	\$3,241,418.00		
Amendment No. 3	\$403,743.00	Total Shortfall	
Total City's Share for Project	\$3,645,161.00		

The budget for the proposed work was initially established using Measure I funds from FY 2022/23, amounting to \$1,995,621. Amendment No. 1 addressed the Right-of-Way phase, adding an additional \$396,437 from Measure I funds. Subsequently, Amendment No. 2, approved through FY 2023/24 and Resolution 2023-159, authorized \$864,908 from the general fund. This brought the project's total balance to \$3,241,418.

Amendment No. 3 to Cooperative Agreement No. 19-1002205 increases the total project cost from \$3,241,418 to \$3,645,161, resulting in an additional cost increase of \$403,743.

2021-2025 Strategic Targets and Goals

This project is consistent with Key Target No 4: Economic Growth & Development. This project will contribute to ensure that the City is clean and attractive and provides an infrastructure designed for long term economic growth.

Fiscal Impact

There is no General Fund Impact associated with this action.

Conclusion

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Resolution 2024-154:

1. Authorizing the City Manager to execute Amendment No. 3 to Cooperative Agreement No. 19-1002205 with the San Bernardino County Transportation Authority (SBCTA) for the Interstate 215/University Parkway Interchange Project (SS04-019); and
2. Authorizing the Agency Director of Finance and Management Services to amend the Interstate 215/University Parkway Interchange Project budget in the amount of \$403,743 through the Measure I (129) Fund Balance.

Attachments

Attachment 1	Resolution 2024-154
Attachment 2	Amendment No. 3 to Cooperative Agreement No.19-1002205
Attachment 3	Amendment No. 2 to Cooperative Agreement No.19-1002205
Attachment 4	Amendment No. 1 to Cooperative Agreement No.19-1002205
Attachment 5	Cooperative Agreement No.19-1002205

Ward: 5, 6

Synopsis of Previous Council Actions:

December 6, 2004	Mayor and City Council adopted Resolution No. 2004-383 approving Agreement with TY Lin International to provide a PSR/PR document for the University Parkway/ Interstate 215 Interchange Southbound Loop Entrance Ramp project (SS04-19)
July 16, 2007	Mayor and City Council adopted Resolution No. 2007-257 approving Amendment No. 1 with TY Lin International to provide PSR/PR documents for the University Parkway/Interstate 215 Interchange Southbound Loop Entrance Ramp project (SS04-19).
February 19, 2008	Mayor and City Council dropped Resolution No. 2008-60 approving Amendment No. 2 with TY Lin International to provide PSR/ PR documents for the University Parkway/Interstate 215 Interchange Southbound Loop Entrance Ramp project (SS04-19).
May 19, 2008	Mayor and City Council adopted Resolution No. 2008-152 approving Amendment No. 3 with TY Lin International to provide PSR/ PR documents for the University Parkway/Interstate 215 Interchange Southbound Loop Entrance Ramp project (SS04-19).
July 6, 2009	Mayor and City Council adopted Resolution No. 2009-199 approving Amendment No. 4 with TY Lin International to provide PSR/PR documents for the University Parkway/Interstate 215 Interchange Southbound Loop Entrance Ramp project (SS04-19).
October 19, 2015	Mayor and City Council adopted Resolution No. 2015-233 approving a Memorandum of Understanding (MOU) No.15-1001217 and Cooperative Agreement No. 16-1001335 with SANBAG for Project Management of the University Parkway/Interstate 215 Interchange Southbound Loop Entrance Ramp project (SS04-19).

September 6, 2016	Mayor and City Council adopted Resolution No. 2016-191 approving Amendment No.1 to Cooperative Agreement No. 16-1001335 with San Bernardino County Transportation Commission (Authority) for the Interstate 215/University Parkway Interchange Project (SS04-19).
June 19, 2019	Mayor and City Council adopted Resolution No. 2019-161 approving Cooperative Agreement No. 19-1002205 with San Bernardino County Transportation Commission (Authority) for the Interstate 215/University Parkway Interchange Project (SS04-19).
May 4, 2022	Mayor and City Council approving Amendment No.1 to Cooperative Agreement No. 19-1002205 with San Bernardino County Transportation Commission (Authority) for the Interstate 215/University Parkway Interchange Project (SS04-19).
October 18, 2023	Mayor and City Council adopted Resolution 2023-159 approving Amendment No.2 to Cooperative Agreement No. 19-1002205 with San Bernardino County Transportation Commission (Authority) for the Interstate 215/University Parkway Interchange Project (SS04-19).