

AMENDMENT NO. 3 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. 3 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. 16-1001335 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. 16-1001335 terminated on June 29, 2018; and
- C. The Parties entered into this AGREEMENT in July 2019, which assumed the terms and conditions of Cooperative Agreement No. 16-1001335 and was effective June 30, 2018; and
- D. In June 2022, the Parties entered Amendment No. 1 to AGREEMENT to reflect estimated cost increases in the ROW phase for PROJECT; and
- E. In November 2023 the Parties entered Amendment No. 2 to AGREEMENT to reflect estimated cost increases in the Construction phase for PROJECT based on the draft 100% plans and specifications; and
- F. In May 2024, the construction contract for PROJECT was advertised for bids; and
- G. On June 12, 2024, bids were opened on PlanetBids, SBCTA's online procurement program; and
- H. The apparent lowest bid was greater than the estimate used for Amendment No. 2 for AGREEMENT, which necessitates an amendment to AGREEMENT to reflect the

increased cost; and

- I. Completion of the design of the project resulted in an increase in the PA/ED and PS&E phase over the estimate provided in Amendment No. 2 to AGREEMENT; and
- J. Completion of the acquisition of property needed for PROJECT resulted in savings in the ROW phase as compared to the estimate provided in Amendment No. 2 to AGREEMENT; and
- K. The increase in the PA/ED, PS&E, and construction phase, and the savings in the ROW phase, together resulted in a total PROJECT cost increase of \$2,555,333, comprised of an increase of \$403,743 of Development/Local Share and an increase of \$2,151,590 of Public Share; and
- L. Parties desire to amend AGREEMENT to define funding responsibilities for the total PROJECT cost increase.

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

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

-----Signatures on Following Page-----

IN WITNESS WHEREOF, Parties have duly executed Amendment No. 3 to Agreement 19-1002205 below:

**SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY**

CITY OF SAN BERNARDINO

By: _____
Ray Marquez
President, Board of Directors

By: _____
Rochelle Clayton
Acting City Manager

Date: _____

Date: _____

APPROVED AS TO FORM:

APPROVED AS TO FORM AND
PROCEDURE:

By: _____
Julianna K. Tillquist
General Counsel

By: _____
Sonia R. Carvalho
City Attorney

Amendment No. 3 to Agreement 19-1002205

Attachment A.3

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)	\$1,175,279	\$939,716	\$198,344	\$37,219
Design (PS&E)	\$1,248,129	\$1,103,855	\$121,479	\$22,795
Right of Way (ROW)	\$2,246,047	\$612,000	\$1,375,868	\$258,179
Construction	\$20,528,587	\$3,079,429	\$14,692,191	\$2,756,967
SBCTA Oversight	\$570,000	\$0	\$0	\$570,000
TOTAL	\$25,768,043	\$5,735,000	\$16,387,882	\$3,645,161