

AMENDMENT NO. 2 TO COOPERATIVE AGREEMENT NO 22-1002720

BETWEEN

SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY

AND

CITY OF SAN BERNARDINO

FOR

**PROJECT APPROVAL AND ENVIRONMENTAL DOCUMENT (PA/ED),
PLANS, SPECIFICATIONS AND ESTIMATE (PS&E), RIGHT OF WAY (ROW), AND
CONSTRUCTION PHASES**

**FOR THE WATERMAN AVENUE AT STATE ROUTE 210 (SR-210) INTERCHANGE
IN THE CITY OF SAN BERNARDINO**

I. PARTIES

- A. This Amendment No. 2 to Cooperative Agreement 22-1002720 (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 January 2022, PARTIES entered into AGREEMENT to define roles, responsibilities and funding for improvements for the PA/ED, PS&E, ROW, CONSTRUCTION phases for the first phase of improvements at State Route 210 (SR-210) and Waterman Avenue in the City of San Bernardino (PROJECT);
- B. PROJECT is identified as eligible for funding under the Valley Interchange Phasing program with a \$10 Million PROJECT cost limit and 81.8% public share;
- C. PARTIES completed the draft 100% plans and specifications in February 2024; and
- D. In April 2024, PARTIES entered Amendment No. 1 to AGREEMENT to reflect estimated cost increases in the Construction phase for PROJECT based on the draft 100% plans and specifications; and
- E. In May 2024, the construction contract for PROJECT was advertised for bids; and
- F. On June 12, 2024, bids were opened on PlanetBids, SBCTA's online procurement program; and
- G. The apparent lowest bid was greater than the estimate used for Amendment No. 1 for AGREEMENT, which necessitates an amendment to AGREEMENT to reflect the increased cost; and
- H. The increase in the construction phase resulted in a total PROJECT cost increase of

\$1,773,658, comprised of an increase of \$322,806 of Development/Local Share and an increase of \$1,450,852 of Public Share; and

- I. 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. Attachment A.1 to the AGREEMENT shall be deleted in its entirety and replaced with Attachment A.2, attached to this Amendment No. 2 and incorporated herein by reference.
2. Except as amended by this Amendment No. 2, all other provisions of the AGREEMENT 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 and CITY.
6. Unless otherwise defined herein, all capitalized terms used in this Amentment No. 1 shall have the same meaning as defined in the AGREEMENT.

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

IN WITNESS WHEREOF, PARTIES have duly executed Amendment No. 2 to Agreement 22-1002720 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:

By: _____
Juanda L. Daniel
Assistant General Counsel

By: _____
Sonia R. Carvalho
City Attorney

Amendment No. 2 to Cooperative Agreement 22-1002720

Attachment A.2

Project Scope:

At the Waterman Avenue State Route 210 (SR 210) interchange, convert southbound and northbound through lane into a left-turn lane and widen eastbound on-ramp to two lanes.

Project Cost Estimate and Funding Shares

SBCTA's Share: Public Share: 81.8%

City's Share: Development Share or Local Share: 18.2% (City of San Bernardino)

	Estimated Costs	Public Share	Development/ Local Share
PA/ED	\$207,285	\$169,559	\$37,726
PS&E	\$501,848	\$410,512	\$91,336
ROW	\$0	\$0	\$0
Construction	\$8,900,392	\$7,280,521	\$1,619,871
SBCTA Oversight	\$200,000	\$0	\$200,000
TOTAL	\$9,809,525	\$7,860,521	\$1,948,934