



TOWN OF APPLE VALLEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council **Date:** February 25, 2014

From: Brad Miller, Town Engineer **Item No:** 2
Engineering Department

Subject: APPROVE AND AUTHORIZE AMENDMENT NO. 1 TO FUNDING AGREEMENT WITH SAN BERNARDINO ASSOCIATION GOVERNMENTS (SANBAG), FOR CONSTRUCTION OF THE YUCCA LOMA BRIDGE OVER THE MOJAVE RIVER

T.M. Approval: _____ **Budgeted Item:** Yes No N/A

RECOMMENDED ACTION:

That the Town Council approve Amendment No. 1 to the existing Funding Agreement with San Bernardino Association Governments for Construction of the Yucca Loma Bridge over the Mojave River, subject to approval as to form by the Town Attorney and as to content by the Town Manager.

SUMMARY:

The proposed Amendment No. 1 to the existing Funding Agreement with SANBAG adjusts the dollar amounts contained within the Agreement to more accurately reflect the recent bid results and contract amounts for construction of the Yucca Loma Bridge and the Widening of Yates Road.

BACKGROUND:

In April of 2012, the Town of Apple Valley entered into a Construction Funding Agreement with the San Bernardino County Transportation Authority (Authority). Through this agreement, the Authority agreed to be responsible for 45% of the Yucca Loma Bridge over the Mojave River construction costs. The Town agreed to be responsible for the remaining 55% of the construction costs.

In May of 2013, the Town of Apple Valley entered into an Agreement with the San Bernardino County Transportation Authority (Authority) and the County of San Bernardino (County). Through this agreement, the Authority agreed to be responsible for 82.2% of the Yates Road Improvements construction costs and the County agreed to be responsible for the remaining 17.8% of the construction costs. The Town agreed to serve as the Lead Agency in the construction of the project, in conjunction with the Yucca Loma Bridge construction, and to be responsible for 0% of the construction costs.

As Lead Agency, the Town agreed to advertise, award, administer and initially fund the construction activities.

Plans and Specifications for the Yucca Loma Bridge over the Mojave River and Yates Road Improvements Project were finalized on August 13, of 2013. Soon after, on August 22, 2013, Engineering Department issued a Notice Inviting Sealed Bids. The Town Clerk's Office received 10 sealed bids in response to the notice.

The project's bid opening was held on October 10, 2013, at the Town Council chambers and the apparent lowest bidder was announced as Security Paving Company, Incorporated. Each one of the opened bids was later reviewed and analyzed by Engineering Department for compliance with the requirements outlined in the notice. Engineering Department staff concluded that all 10 submitted bids were complete and that Security Paving Company, Inc., is, in fact, the lowest responsible, responsive bidder with a total bid amount of \$37,265,833.50 (thirty seven million two hundred sixty five eight hundred thirty three dollars and fifty cents).

Work will consist of construction of the new Yucca Loma Bridge over the Mojave River, roadway and drainage improvements on Yucca Loma Road near Kasanka Trail, grading, approach roadway and roadway widening to the west at Yates Road from the western approach to the Mojave Narrows Regional Park entrance, new soundwalls along Yates Road, new project restoration area on the north side of Yates Road, and a new outfall and interim regional drainage facility from Yucca Loma Road at Kasanka Trail to the Mojave River as indicated on the plans and specifications for construction of the Yucca Loma Bridge over the Mojave River and Yates Road Improvements.

FISCAL IMPACT:

The proposed Amendment has no impact on the awarded contract amount. The total amount of the \$37,265,833.50 project expenses awarded to Security Paving is included in the Town's Adopted Budget for FY 2013-14 through 2015-16 as part of the Town's adopted Capital Improvement Program. The funding sources for the project include funding from bond proceeds issued by the former Redevelopment Agency for this project, Traffic Impact Fees, and SBCo Flood Control Zone 4. The funding agreements with SANBAG and SBCo require that the Town first pay the contractors then immediately seek reimbursement per each of the respective agreements with each agency.

LOCATION MAP



ATTACHMENT A

CONTRACT (AGREEMENT)

Amendment No. 1 to the Funding Agreement with San Bernardino Association Governments (SANBAG), for Construction of the Yucca Loma Bridge over the Mojave River.

CONSTRUCTION FUNDING AGREEMENT C12227-1

BETWEEN

SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY

AND

TOWN OF APPLE VALLEY

FOR

**CONSTRUCTION PHASE OF THE YUCCA LOMA BRIDGE, A MOJAVE RIVER
BRIDGE CROSSING FROM TERMINUS OF YUCCA LOMA ROAD TO YATES
ROAD, TOWN OF APPLE VALLEY**

THIS AMENDMENT NO. 1 to the Cooperative Agreement No. C12227 (“Agreement”) is made and entered into by and between the TOWN OF APPLE VALLEY (hereinafter referred to as “TOWN ”) and the SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY, a public entity, referred to herein as “AUTHORITY.” AUTHORITY and TOWN are each a “Party” and collectively “Parties.

RECITALS

- A. WHEREAS, the Parties entered into Agreement on April 4, 2012, to construct a new bridge over the Mojave River at the terminus of Yucca Loma Road in the Town of Apple Valley (“PROJECT”) as described in this Amendment No. 1 Attachment A; and
- B. WHEREAS, the PROJECT is identified in the Victor Valley Subarea Major Local Highway Program Project List and the SANBAG Nexus Study and the PROJECT will be carried out in accordance with the policies of the Measure I 2010-2040 Strategic Plan (“Strategic Plan”), including the use of Development Impact Fees by TOWN to pay its share of PROJECT costs. The PROJECT CONSTRUCTION WORK costs were estimated to be \$31,269,781.62 as identified in Attachment B of the Agreement; and
- C. WHEREAS, the Agreement identifies the TOWN as the lead agency for this PROJECT, to undertake and lead the advertisement, award, administration and construction management of PROJECT CONSTRUCTION WORK; and

- D. WHEREAS, the TOWN has awarded contracts for PROJECT for construction, contingency, construction management, constructability review, and construction support costs as noted in this Amendment No. 1 Attachment B totaling \$35,539,892.91; and
- E. WHEREAS, in accordance with the Strategic Plan, the AUTHORITY is to be responsible for 45% of the total eligible PROJECT CONSTRUCTION WORK expenses incurred by TOWN, for an amount not to exceed \$14,071,401.73, as shown in Attachment B of the Agreement; and
- F. WHEREAS, AUTHORITY authorized a maximum contribution of \$15,800,000 for reimbursement of eligible expenses; and
- G. WHEREAS, it was anticipated that a future amendment(s) to this Agreement would be necessary to reconcile any outstanding payments and each Party's overall contribution for all phases of the work.
- H. NOW, THEREFORE, the Parties desire to increase the overall PROJECT funding requirements from \$31,269,781.62 to \$35,539,892.91 and to increase the AUTHORITY share from a maximum of \$15,800,000 to \$15,992,951.81 as shown in this Amendment No. 1 Attachment B.

AGREEMENT

In consideration of the mutual promises herein and the above Recitals that are incorporated into this Amendment No. 1, the Parties agree as follows:

1. The Agreement is amended in the following particulars:

- a. Paragraph 1 of Section I (AUTHORITY RESPONSIBILITIES) is deleted and replaced with the following:

“In accordance with the Strategic Plan, to be responsible for 45% of the total estimated CONSTRUCTION costs, for an amount not to exceed \$15,992,951.81 as shown in Attachment B, which is attached hereto and by this reference made part of this Agreement.”

- b. Paragraph 2 of Section II (TOWN RESPONSIBILITIES) is deleted and replaced with the following:

“In accordance with the Strategic Plan, to be responsible for 55% share of the estimated CONSTRUCTION costs in an amount not to exceed \$19,546,541.10 as shown in Attachment B, attached hereto and made part of this Agreement. TOWN will use funds in its discretion for its local share in accordance with the provisions of Measure I. In accordance with the Strategic Plan, TOWN is able to use alternative funds, provided that TOWN reimburses those funds from development impact fees as development occurs.”

- c. Paragraph 2 of Section III (IT IS MUTUALLY AGREED) is deleted and replaced with the following:

“The total CONSTRUCTION costs have been determined to be \$35,539,892.91 as identified in Attachment B.”

- d. Paragraph 9 of Section III (IT IS MUTUALLY AGREED) is deleted and replaced with the following:

“This Agreement shall continue in full force and effect through December 31, 2016.”

- e. Paragraph 21 of Section III (IT IS MUTUALLY AGREED) is deleted and replaced with the following:

“If to AUTHORITY: Andrea Zureick
Director of Programming and Fund Administration
San Bernardino Associated Governments
1170 West 3rd Street, Second Floor
San Bernardino, CA 92410-1715
(909) 884-8276

If to TOWN: Frank Robinson, Town Manager
Town of Apple Valley
14955 Dale Evans Parkway
Apple Valley, CA 92307
(760) 240-7000”

- f. Attachment A to Cooperative Agreement C12227 is deleted and replaced with Attachment A (Project Description) that is attached to and incorporated into this Amendment No. 1.

- g. Attachment B to Cooperative Agreement C12227 is deleted and replaced with Attachment B (Construction Funding Plan) that is attached to and incorporated into this Amendment No. 1.

2. All other terms and conditions of Cooperative Agreement C12227 shall remain in full force and effect.

3. This Amendment No. 1 is incorporated into and made a part of Construction Funding Agreement C12227.

4. This Amendment No. 1 shall be effective on the date executed by AUTHORITY.

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

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In witness whereof, the Parties have executed this Amendment No. 1 by their authorized signatories below.

**SAN BERNARDINO TOWN
TRANSPORTATION AUTHORITY**

TOWN OF APPLE VALLEY

By: _____
W. E. Jahn
President, Board of Directors

By: _____
[Art Bishop](#)
Mayor

Date: _____

Date: _____

APPROVED AS TO FORM

APPROVED AS TO FORM AND
PROCEDURE:

By: _____
Eileen Monaghan Teichert
AUTHORITY General Counsel

By: _____
John Brown
TOWN Counsel

Date: _____

CONCURRENCE:

By: _____
Jeffery Hill
Contract Administrator

Date: _____

Attachment A

Project Description

Yucca Loma Bridge, a Mojave River Bridge Crossing from the Terminus of Yucca Loma Road to Yates Road in the Town of Apple Valley

The project is located primarily in the Mojave River between the terminus of Yucca Loma Road near Kasanka Trail in the Town of Apple Valley and the terminus of Yates Road in the County of San Bernardino. The project will construct a 13-span, approximately 1600 ft. long by 100 ft. wide bridge, approach roadways to the east at Yucca Loma Road and to the west at Yates Road, the construction of a new regional storm water outfall and interim drainage facilities, and bridge lighting. The bridge will be a cast-in-place, prestressed, post-tension concrete box girder, supported on reinforced concrete column bents and seat type abutments and founded on large diameter cast-in-drilled hole deep pile foundations.

The construction is expected to commence December 2013 and end in December 2015.

Attachment B

Construction Funding Plan

(Amendment No. 1 to Cooperative Agreement C12227)

Yucca Loma Bridge, a Mojave River Bridge Crossing
from the Terminus of Yucca Loma Road to Yates Road
in the Town of Apple Valley

	Total Construction Costs*	Town of Apple Valley	Town Share	San Bernardino County Transportation Authority**	Public Share
Security Paving Bid (includes 10% contingency)	\$32,229,380.31	\$17,726,159.17	55%	\$14,503,221.14	45%
Proposed Construction Mgt. Costs (Parsons)	\$ 2,756,947.00	\$ 1,516,320.85		\$ 1,240,626.15	
Proposed Constructability Review Costs (Parsons)	\$ 62,704.00	\$ 34,487.20		\$ 28,216.80	
Proposed Construction & Bidding Support Costs (Dokken)	\$ 490,861.60	\$ 269,973.88		\$ 220,887.72	
CONSTRUCTION SHARES BY AGENCY	\$35,539,892.91	\$19,546,941.10	55%	\$15,992,951.81	45%
Funding Agreement C12227				\$14,071,401.73	
Funding Agreement C12227-1 (includes amount allocated in C12227)				\$15,992,951.81	

* The Yucca Loma Bridge and Yates Road projects were combined together into one construction project. This Agreement covers only the Yucca Loma Bridge portion of the project and the proposed construction costs reflect only that project's portion of the Security Paving Bid plus the additional costs for work performed by Parsons and Dokken.

** AUTHORITY's Share can be from sources under control of AUTHORITY including, but not limited to, Measure I Major Local Highway Program (MLHP), State Transportation Improvement Program (STIP), Surface Transportation Program (STP), or State/Local Partnership Program (SLPP) funds without necessitating an amendment of this AGREEMENT.