



TOWN OF APPLE VALLEY TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council **Date:** November 15, 2016
From: Brad Miller, Town Engineer **Item No:** 12
Engineering Department
Subject: AMENDMENT 2 FOR TIME EXTENSION OF THE CONSTRUCTION
FUNDING AGREEMENT FOR THE YUCCA LOMA BRIDGE — PROJECT
NO. 2013-04

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

RECOMMENDED ACTION:

That the Town Council approve Amendment No. 2 of Construction Funding Agreement C12227, between San Bernardino Associated Governments and the Town of Apple Valley, for the Yucca Loma Bridge over the Mojave River, subject to approval as to form by the Town Attorney.

SUMMARY:

The Town entered into a Construction Funding Agreement with San Bernardino Associated Governments for the Yucca Loma Bridge over the Mojave River project in April 2012 with a termination date of December 31, 2016. The purpose of this amendment is to extend the Agreement's current termination date to December 31, 2021.

BACKGROUND:

In April of 2012, the Town of Apple Valley entered into a Construction Funding Agreement with San Bernardino Associated Governments (SANBAG). Through this Agreement, SANBAG agreed to be responsible for forth-five percent (45%) of the Yucca Loma Bridge over the Mojave River construction costs. The Town agreed to be responsible for the remaining fifty-five percent (55%) of the construction costs. As Lead Agency, the Town agreed to advertise, award, administer and initially fund the construction activities. The work associated with the construction contract was accepted by Town Council on September 13, 2016.

The work remaining consists of restoration area maintenance along the north side of Yates Road. Coordination and compliance is also required with the various regulatory agencies including, but not limited to, Army Corps of Engineers, Lahontan Regional Water Quality Control Board, California Department of Fish and Wildlife and San Bernardino County Flood Control District.

FISCAL IMPACT:

The total estimated amount of restoration area maintenance related expenses of \$1,150,000.00 (one million one hundred fifty thousand dollars) is included in the Town's Adopted Budget for FY 2016-17 through 2020-21 as part of the Town's adopted Capital Improvement Program. The funding agreements with SANBAG and San Bernardino County require the Town first pay the contractors and then seek reimbursement per each of the respective agreements C12227 and 13-227 with each agency.

ATTACHMENT:

1. Amendment No. 2 to Construction Funding Agreement C12227

AMENDMENT NO. 2 TO CONSTRUCTION FUNDING AGREEMENT C12227

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**

(TOWN OF APPLE VALLEY)

THIS AMENDMENT NO. 2 to Construction Funding Agreement No. C12227 is made and entered into by and between the TOWN OF APPLE VALLEY (“TOWN”) and the SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY (“AUTHORITY”). AUTHORITY and TOWN are each a “Party” and collectively “Parties”.

RECITALS

- A. The Parties entered into Construction Funding Agreement No. C12227 on or about April 4, 2012 (“Agreement”), to construct a new bridge over the Mojave River at the terminus of Yucca Loma Road in the Town of Apple Valley (“PROJECT”); and
- B. The Parties entered into Amendment No. 1 to Agreement on March 19, 2014, to increase the overall PROJECT funding requirements and extend the termination date through December 31, 2016; and
- C. The Parties desire to further amend the Agreement to extend its termination date to December 31, 2021.

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

- 1. Paragraph 9 of Section III is deleted in its entirety and replaced with the following:
“9. This Agreement shall continue in full force and effect through December 31, 2021.”
- 2. Except as amended by this Amendment No. 2, all other terms and conditions of the Agreement, and amendments thereto, shall remain in full force and effect and are incorporated herein by this reference.
- 3. The Recitals set forth above are incorporated herein by this reference.
- 4. This Amendment No. 2 shall be effective on the date executed by AUTHORITY.

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

IN WITNESS WHEREOF, the Parties have executed this Amendment No. 2 below.

**SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY**

TOWN OF APPLE VALLEY

By: _____
Robert A. Lovingood
President, Board of Directors

By: _____
Barb Stanton
Mayor

Date: _____

Date: _____

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By: _____
Eileen Monaghan Teichert
AUTHORITY General Counsel

By: _____
John Brown
TOWN Counsel

Date: _____

Date: _____

CONCURRENCE:

By: _____
Jeffery Hill
Procurement Manager

Date: _____