

**THIRD AMENDMENT TO
BOARD OF STATE AND COMMUNITY CORRECTIONS
SB 81 ROUND 1 CONSTRUCTION AGREEMENT
FOR MONTEREY COUNTY**

This Third Amendment (“**Amendment**”) to the April 18, 2016 Board of State and Community Corrections Jail Construction Agreement (“**Agreement**”) is entered into as of July 30, 2021 (“**Amendment Effective Date**”), by and between the Board of State and Community Corrections (“**BSCC**”), an agency of the government of the State of California (“**State**”), and Monterey County (“**Participating County**”). BSCC and Participating County shall be referred to collectively herein as “**Parties,**” and individually as a “**Party.**”

RECITALS

WHEREAS, the Parties entered into that certain Board of State and Community Corrections Jail Construction Agreement dated April 18, 2016 (“**Agreement**”).

WHEREAS, the Parties entered into the First Amendment Board of State and Community Corrections Jail Construction Agreement dated January 10, 2017 (“**First Amendment**”).

WHEREAS, the Parties entered into the Second Amendment Board of State and Community Corrections Jail Construction Agreement dated March 12, 2019 (“**Second Amendment**”).

WHEREAS, the Parties desire to amend the Agreement as set forth herein.

WHEREAS, Article 2 of the Agreement provides that any amendment to the Agreement shall be binding on (i) the State only if signed by the Agency Representative, and (ii) the Participating County only if signed or certified in form reasonably acceptable to BSCC by the Participating County Construction Administrator.

NOW, THEREFORE, by the signatures of their authorized representatives below, the Parties agree as follows:

SECTION 1. AMENDMENTS TO AGREEMENT

Replace Exhibit B, Section 2, Project Timetable, as follows:

- | | |
|--|------------|
| 1. SPWB Project Establishment | 11/14/2014 |
| 2. Approval of Preliminary Plans | 7/10/2015 |
| 3. Proceed to Bid/Working Drawings DOF approval | 2/18/2016 |
| 4. Advertise for Bids (start of bidding process) | 2/25/2016 |
| 5. Bids Due & Rejected | 5/19/2016 |
| 6. BOS Approves Re-Bid | 10/4/2016 |
| 7. DOF Approves Re-Bid | 10/27/2016 |
| 8. Advertise for Re-Bid | 11/3/2016 |
| 9. Re-Bid Due | 2/9/2017 |
| 10. Notice of Conditional Award Letter | 2/10/2017 |

11. Present Bid Results – CIC	2/13/2017
12. Protest Filing Period (February 10th thru 5pm, February 21st)	2/21/2017
13. Present Bid Results – BC	2/22/2017
14. BOS Approves Construction Award	3/21/2017
15. SPWB Meeting	4/14/2017
16. Approval of PMIB Loan	4/19/2017
17. Contract Award Approved by Department of Finance	4/4/2017
18. Notice to Proceed / Mobilization	4/24/2017
19. Juvenile Hall Expansion Construction Completion	10/31/2021
20. Occupancy	11/30/2021
21. Project Close-out	2/28/2022
22. Retention Release	5/31/2023

SECTION 2. AUTHORITY

Each Party represents to the other Party that this Amendment has been executed in compliance with the requirements of Article 2 of the Agreement.

SECTION 3. GENERAL PROVISIONS

Capitalized terms used but not defined in this Amendment shall have the meanings assigned to them in the Agreement. In the event of a conflict between any provision of the Agreement and a provision of this Amendment, the provision of this Amendment shall control. Except as otherwise amended by this Amendment, all of the terms and conditions of the Agreement shall remain in full force and effect. This Amendment may be executed in counterparts, each of which shall be deemed to be an original, and all of such counterparts shall together constitute one executed original instrument.

[SIGNATURES TO IMMEDIATELY FOLLOW ON NEXT PAGE]

IN WITNESS WHEREOF, the Parties have executed this Amendment, as of the Amendment Effective Date.

BOARD OF STATE AND COMMUNITY CORRECTIONS

By: *Kathleen T. Howard*
Signature of Executive Officer or Designee

Name and Title: Kathleen T. Howard, Executive Officer

Date: July 30, 2021

“PARTICIPATING COUNTY”

County of Monterey:

By: _____
Signature

Name and Title: Randell Ishii, MS, PE, TE, PTOE, Director of Public Works, Facilities & Parks

Date: _____

EXECUTION COPY

IN WITNESS WHEREOF, the Parties have executed this Amendment, as of the Amendment Effective Date.

BOARD OF STATE AND COMMUNITY CORRECTIONS

By: _____
Signature of Executive Officer or Designee

Name and Title: Kathleen T. Howard, Executive Officer

Date: _____

“PARTICIPATING COUNTY”

County of Monterey:

By: Randall Y. Ishii
Signature

Name and Title: Randell Ishii, MS, PE, TE, PTOE, Director of Public Works, Facilities & Parks

Date: 27 Jul 21