

Attachment A

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**AMENDMENT NO. 5
TO STANDARD AGREEMENT
BETWEEN COUNTY OF MONTEREY AND
A & B FIRE PROTECTION AND SAFETY, INC.**

THIS AMENDMENT NO. 5 to the Standard Agreement No. A-13441 between the County of Monterey, a political subdivision of the State of California (hereinafter, "County") and A & B Fire Protection and Safety, Inc. (hereinafter, "CONTRACTOR") is hereby entered into between the County and the CONTRACTOR (collectively, the "Parties") and effective as of the last date opposite the respective signatures below.

WHEREAS, CONTRACTOR entered into a Standard Agreement No. A-13441 with County on December 17, 2014 (hereinafter, "Agreement") to provide annual inspections and testing of fire sprinkler suppression systems and on-call maintenance services and repairs for County owned buildings and facilities (hereinafter, "services") through December 1, 2015 for an amount not to exceed \$37,325; and

WHEREAS, Agreement was amended by the Parties on December 8, 2015 (hereinafter, "Amendment No. 1") to extend the term for one (1) additional year through December 1, 2016 and to increase the amount by \$50,000 which resulted in a total not to exceed amount of \$87,325; and

WHEREAS, Agreement was amended by the Parties on November 1, 2016 (hereinafter, "Amendment No. 2") to extend the term for three (3) additional months through March 1, 2017 with no associated dollar amount increase; and

WHEREAS, Agreement was amended by the Parties on February 23, 2017 (hereinafter, "Amendment No. 3") to extend the term for one (1) additional year through March 1, 2018 and to increase the amount by \$92,675 which resulted in a total not to exceed amount of \$180,000; and

WHEREAS, Agreement was amended by the Parties on March 7, 2018 (hereinafter, "Amendment No. 4") to extend the term for one (1) additional year through March 1, 2019 and to increase the amount by \$40,000 which resulted in a total not to exceed amount of \$220,000; and

WHEREAS, the County has a continued need for services; and

WHEREAS, additional time and funding are necessary to allow County staff to prepare and process a new Request for Proposals; and

WHEREAS, the Parties wish to further amend the Agreement to extend the term for nine (9) additional months to December 1, 2019 and to increase the amount by \$121,770 for a total not to exceed amount of \$341,770 to allow CONTRACTOR to continue to provide services identified in the Agreement and as amended by this Amendment No. 5.

Amendment No. 5 to Standard Agreement No. A-13441
A & B Fire Protection and Safety, Inc.
Fire Sprinkler Suppression Systems
RMA – Public Works, Parks & Facilities
Term: December 1, 2014 – December 1, 2019
Not to Exceed: \$341,770

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

1. Amend the second sentence of Section 2.01 under Paragraph 2.0, "Payment Provisions", to read as follows:

The total amount payable by County to CONTRACTOR under this Agreement is not to exceed the sum of \$ 341,770.

2. Amend the first sentence of Section 3.01 under Paragraph 3.0, "Term of Agreement", to read as follows:

The term of this Agreement is from December 1, 2014 to December 1, 2019, unless sooner terminated pursuant to the terms of this Agreement.

3. Invoices under this Agreement shall be submitted monthly and promptly, and in accordance with Paragraph 6.0, "Payment Conditions", of the Agreement. All invoices shall reference Multi-Year Agreement (MYA) number MYA 3000*1522, the services or Project name and associated Purchase Order number, and an original hardcopy shall be sent to the following address or via email to RMA-Finance-AP-GP@co.monterey.ca.us.

County of Monterey
Resource Management Agency (RMA)
1441 Shilling Place, South 2nd Floor
Salinas, California 93901

Any questions pertaining to invoices under this Agreement shall be directed to the RMA Finance Division at (831) 755-4800 or via email to: RMA-Finance-AP-GP@co.monterey.ca.us.

4. All other terms and conditions of the Agreement, including all Exhibits thereto, remain unchanged and in full force.
5. This Amendment No. 5 and all previous amendments shall be attached to the Agreement and incorporated therein as if fully set forth in the Agreement.
6. The recitals to this Amendment No. 5 are incorporated into the Agreement and this Amendment No. 5.

Amendment No. 5 to Standard Agreement No. A-13441
A & B Fire Protection and Safety, Inc.
Fire Sprinkler Suppression Systems
RMA – Public Works, Parks & Facilities
Term: December 1, 2014 – December 1, 2019
Not to Exceed: \$341,770

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment No. 5 to the Agreement which shall be effective as of the last date opposite the respective signatures below.

COUNTY OF MONTEREY

CONTRACTOR*

By: _____
Contracts/Purchasing Officer

A & B Fire Protection and Safety, Inc.
Contractor's Business Name

Date: _____

By: _____
(Signature of Chair, President or Vice President)

Approved as to Form and Legality
Office of the County Counsel-Risk Management
Charles J. McKee, County Counsel-Risk Manager

Its: TODD FLOYD / PRESIDENT
(Print Name and Title)

By: _____
Mary Grace Perry
Deputy County Counsel

Date: 1-30-19

Date: 2-11-19

By: _____
(Signature of Secretary, Asst. Secretary, CFO,
Treasurer or Asst. Treasurer)

Approved as to Fiscal Provisions
By: _____
Auditor/Controller

Its: TODD FLOYD / SECRETARY
(Print Name and Title)

Date: 2-12-19

Date: 1-30-19

Approved as to Indemnity and Insurance Provisions
Office of the County Counsel-Risk Management
Charles J. McKee, County Counsel-Risk Manager

By: _____

Name: _____

Title: _____

Date: _____

*INSTRUCTIONS: If CONTRACTOR is a corporation, including non-profit corporations, the full legal name of the corporation shall be set forth above together with the signatures of two (2) specified officers per California Corporations Code Section 313. If CONTRACTOR is a Limited Liability Corporation (LLC), the full legal name of the LLC shall be set forth above together with the signatures of two (2) managing members. If CONTRACTOR is a partnership, the full legal name of the partnership shall be set forth above together with the signature of a partner who has authority to execute this Agreement on behalf of the partnership. If CONTRACTOR is contracting in an individual capacity, the individual shall set forth the name of the business, if any, and shall personally sign the Agreement or Amendment to said Agreement.

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