

Attachment H

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Monterey County Board of Supervisors

168 West Alisal Street,
1st Floor
Salinas, CA 93901
www.co.monterey.ca.us

Board Order

A motion was made by Supervisor Mary Adams, seconded by Supervisor Chris Lopez to:

- a. Approve **Amendment No. 4 to Agreement No. A-12662** with DLR Group inc. to continue to provide services associated with on-call services over \$100,000 for architectural and engineering design services for correctional projects located in Monterey County, California, Request for Qualifications #10458, to extend the expiration date for four (4) additional months through October 31, 2019, for a revised term from May 12, 2014 to October 31, 2019, with no associated dollar amount increase to the Agreement's total not to exceed amount of \$5,000,000;
- b. Approve **Amendment No. 5 to Agreement No. A-12664** with Kitchell/CEM, Inc. to continue to provide services associated with on-call services over \$100,000 for architectural and engineering design services for correctional projects located in Monterey County, California, Request for Qualifications #10458, to extend the expiration date for four (4) additional months through October 31, 2019, for a revised term from May 12, 2014 to October 31, 2019, with no associated dollar amount increase to the Agreement's total not to exceed amount of \$5,000,000; and
- c. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute **Amendment No. 4 to Agreement No. A-12662 and Amendment No. 5 to Agreement No. A-12664.**

PASSED AND ADOPTED on this 25th day of June 2019, by the following vote, to wit:

AYES: Supervisors Alejo, Phillips, Lopez, Parker and Adams
NOES: None
ABSENT: None

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 82 for the meeting June 25, 2019.

Dated: June 26, 2019
File ID: A 19-269
Agenda Item No. 89.1

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California

Joel G. Pablo, Deputy

**AMENDMENT NO. 5
TO AGREEMENT
BETWEEN COUNTY OF MONTEREY AND
KITCHELL/CEM, INC.**

THIS AMENDMENT NO. 5 to Agreement No. A-12664 between the County of Monterey, a political subdivision of the State of California (hereinafter, "County") and Kitchell/CEM, 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 Agreement No. A-12664 with County on May 12, 2014 (hereinafter, "Agreement") to provide on-call services over \$100,000 for architectural and engineering design services for various correctional projects located in Monterey County (hereinafter, "services") through May 12, 2017 with the option to extend the Agreement for two (2) additional one (1) year period(s) for an amount not to exceed \$5,000,000; and

WHEREAS, Agreement was amended by the Parties on January 20, 2016 (hereinafter, "Amendment No. 1", including Attachment K-1, Revised Fee Schedule effective January 15, 2016) to update the Fee Schedule with no term extension and no increase in the not to exceed amount; and

WHEREAS, Agreement was amended by the Parties on May 15, 2017 (hereinafter, "Amendment No. 2", including Attachment K-2, Revised Fee Schedule effective July 1, 2017) to update the Fee Schedule and to extend the term for one (1) additional year through May 12, 2018 with no increase in the not to exceed amount; and

WHEREAS, Agreement was amended by the Parties on May 9, 2018 (hereinafter, "Amendment No. 3", including Attachment K-3, Revised Fee Schedule effective July 1, 2018) to update the provisions of the Agreement, to update the Fee Schedule, and to extend the term for one (1) additional year through May 12, 2019 with no increase in the not to exceed amount; and

WHEREAS, Agreement was amended by the Parties on May 13, 2019 (hereinafter, "Amendment No. 4") to extend the term for approximately two (2) additional months through June 30, 2019 with no increase in the not to exceed amount; and

WHEREAS, County has a continued need for services beyond the anticipated five (5) year Agreement term allowed per Request for Qualifications (RFQ) #10458; and

WHEREAS, additional time is necessary to allow CONTRACTOR to continue to provide services and to allow County staff to prepare and process a new RFQ; and

WHEREAS, the Parties wish to further amend the Agreement to extend the term for four (4) additional months to October 31, 2019 with no associated dollar amount increase to allow CONTRACTOR to continue to provide services identified in the Agreement and as amended by this Amendment No. 5.

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

1. Amend Paragraph 3.1 of Section 3.0, "Term of Agreement", to read as follows:

The term shall commence with the signing of the AGREEMENT, May 12, 2014, through and including October 31, 2019.

2. All other terms and conditions of the Agreement, including all Exhibits thereto, remain unchanged and in full force.
3. 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.
4. The recitals to this Amendment No. 5 are incorporated into the Agreement and this Amendment No. 5.

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

Kitchell/CEM, 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: David Giannelli, Senior Vice President
(Print Name and Title)

By: _____
Robert M. Shaw
Deputy County Counsel

Date: 6/24/19

Date: _____

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

Approved as to Fiscal Provisions

Its: Michael A. Bruggeman, Asst. Secretary
(Print Name and Title)

By: _____
Auditor/Controller

Date: 6/24/19

Date: _____

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) managers. 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.

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.

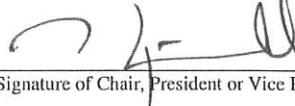
COUNTY OF MONTEREY

CONTRACTOR*

By: 
Contracts/Purchasing Officer

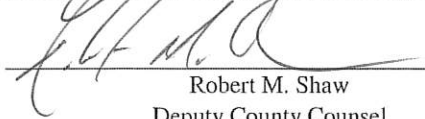
Kitchell/CEM, Inc.
Contractor's Business Name

Date: June 28, 2019

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

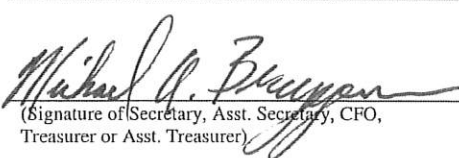
Approved as to Form and Legality
Office of the County Counsel-Risk Management
Charles J. McKee, County Counsel-Risk Manager

Its: David Giannelli, Senior Vice President
(Print Name and Title)

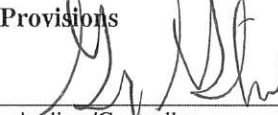
By: 
Robert M. Shaw
Deputy County Counsel

Date: 6/24/19

Date: 6-25-2019

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

Its: Michael A. Bruggeman, Asst. Secretary
(Print Name and Title)

Approved as to Fiscal Provisions
By: 
Auditor/Controller

Date: 6/24/19

Date: 6-25-19

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: _____

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