

# Attachment C

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

This Second Amendment (“**Amendment**”) to the April 18, 2016 Board of State and Community Corrections Jail Construction Agreement (“**Agreement**”) is entered into as of March 12, 2019 (“**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 to the Board of State and Community Corrections Jail Construction Agreement dated January 10, 2017 (“**First 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:

See page 2.

## EXECUTION COPY

1. Project Establishment at PWB	November 14, 2014
2. Approval of Preliminary Plans	July 10, 2015
3. Proceed to Bid/Working Drawings DOF approval	February 18, 2016
4. Advertise for Bids (start of bidding process)	February 25, 2016
5. Bids Due & Rejected	May 19, 2016
6. BOS Approves Re-Bid	October 4, 2016
7. DOF Approves Re-Bid	October 27, 2016
8. Advertise for Re-Bid	November 3, 2016
9. Re-Bid Due	February 9, 2017
10. Notice of Conditional Award Letter	February 10, 2017
11. Present Bid Results – CIC	February 13, 2017
12. Protest Filing Period (February 10 <sup>th</sup> thru 5pm, February 21 <sup>th</sup> )	February 21, 2017
13. Present Bid Results – BC	February 22, 2017
14. BOS Approves Construction Award	March 21, 2017
15. SPWB Meeting	April 14, 2017
16. Approval of PMIB Loan	April 19, 2017
17. Contract Award Approved by Department of Finance	April 21, 2017
18. Notice to Proceed / Mobilization	April 24, 2017
19. Juvenile Hall Expansion Construction Completion	April 10, 2020
20. Occupancy	May 1, 2020
21. Project Close-out	August 31, 2020

**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: 3/12/2019

“PARTICIPATING COUNTY”

County of Monterey:

By: \_\_\_\_\_  
Signature

Name and Title: John M. Phillip, Chairman of the Board of Supervisors

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: \_\_\_\_\_  
Signature

Name and Title: John M. Phillip, Chairman of the Board of Supervisors

Date: 3-12-19

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