

AMENDMENT NO. 1
FOR PROFESSIONAL SERVICES AGREEMENT
BETWEEN Avila Construction Inc. AND
THE NATIVIDAD MEDICAL CENTER
FOR
Outpatient Expansion 2nd Floor-Building 200,
1441 Constitution Blvd
Project No. 8842. Bid No.10317

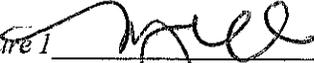
The parties to Professional Services Agreement ("Agreement"), dated September 26, 2011 between the County of Monterey, on behalf of Natividad Medical Center ("NMC"), and Avila Construction Inc. (Contractor), hereby agree to amend their Agreement (No. A-12141) on the following terms and conditions:

WHEREAS, the County and Contractor wish to amend the Agreement to extend the term end date to allow for existing services to continue.

1. Contractor will continue to provide NMC with the same scope of work as stated in the original Agreement (No. A-12141).
2. ARTICLE 2. TIME FOR START AND COMPLETION of the Agreement is amended to extend the term of the AGREEMENT through June 30, 2013.
3. All other terms and conditions of the Agreement shall continue in full force and effect. Except as provided herein, all remaining terms, conditions and provisions of the Agreement are unchanged and unaffected by this Amendment and shall continue in full force and effect as set forth in the Agreement.
4. A copy of this Amendment shall be attached to the original Agreement (No. A-12141).
5. The effective date of this Amendment is July 1, 2012.

IN WITNESS WHEREOF, the parties hereto are in agreement with this Amendment on the basis set forth in this document and have executed this Amendment on the day and year set forth herein.

CONTRACTOR

Signature 1 

Dated 3/21/2012

Printed Name Michael J. Avila

Title CFO

Signature 2 _____

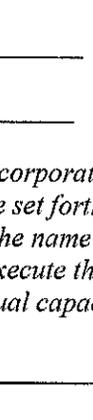
Dated _____

Printed Name _____

Title _____

***INSTRUCTIONS: If CONTRACTOR is a corporation, including limited liability and non-profit corporations, the full legal name of the corporation shall be set forth above together with the signatures of two specified officers. If CONTRACTOR is a partnership, the 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 and individual capacity, the individual shall set forth the name of the business, if any and shall personally sign the Agreement.

NATIVIDAD MEDICAL CENTER

Signature 
Purchasing Manager

Dated 7-22-12

Signature 
NMC - CEO

Dated 3/29/12

Approved as to Legality and Legal Form:

Charles J. McKee, County Counsel

By 

~~Stacy Sacchi~~, Deputy
Attorneys for County and NMC

Anne Brauer

Dated: 4/17, 2012

Reviewed as to fiscal provisions


Auditor-Controller
County of Monterey

4-18-12



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File #:	A 12-065	Version: 1	Name:	Avila Construction Amendment #1
Type:	BoS Agreement		Status:	Consent Agenda
File created:	5/6/2012		In control:	Board of Supervisors
On agenda:	6/19/2012		Final action:	

Title: Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Amendment No. 1 to the Agreement (A-12141) with Avila Construction Inc. for the NMC Outpatient Expansion Tenant Improvement Project No. 8842, Bid No. 10317, Construction Services at NMC, extending the Agreement to June 30, 2013 for a total Agreement amount not to exceed \$1,628,220 (no change to the previously approved amount). (REMOVED VIA SUPPLEMENTAL)

Attachments: [Avila Construction, Avila Construction Notice to Proceed with Contract](#)

[History \(0\)](#)
[Text](#)

Title

Authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Amendment No. 1 to the Agreement (A-12141) with Avila Construction Inc. for the NMC Outpatient Expansion Tenant Improvement Project No. 8842, Bid No. 10317, Construction Services at NMC, extending the Agreement to June 30, 2013 for a total Agreement amount not to exceed \$1,628,220 (no change to the previously approved amount). (REMOVED VIA SUPPLEMENTAL)

Body

RECOMMENDATION:

It is recommended the Board of Supervisors authorize the Purchasing Manager for Natividad Medical Center (NMC) to execute Amendment No. 1 to the Agreement (A-12141) with Avila Construction Inc. for the NMC Outpatient Expansion Tenant Improvement Project No. 8842, Bid No. 10317, Construction Services at NMC, extending the Agreement to June 30, 2013 for a total Agreement amount not to exceed \$1,628,220 (no change to the previously approved amount).

SUMMARY/DISCUSSION:

NMC's Outpatient Expansion Tenant Improvement Project supports the re-organization of the NMC Specialty Clinic Services. This tenant improvement project is located at Natividad Medical Center, Building 200, second floor, adjacent to the Specialty Clinic's existing location. The project's scope includes demolition, new interior walls, millwork, finishes, ceiling work, and mechanical/electrical/plumbing work to 10,800 square feet of vacant area which will be incorporated into the existing clinic's footprint. On July 12, 2011 Board of Supervisors approved the Plans and Special Provisions for the Natividad Medical Center (NMC) Outpatient Expansion Tenant Improvement Project No. 8842 Bid Package No. 10317 and allowed NMC to advertise the "Notice to Contractors."

On August 8, 2011 NMC published the "Notice to Contractors" inviting formal bids for the Outpatient Expansion Project. NMC provided interested contractors bid plans and specification in Bid Package No. 10317, and followed the outlined steps in the works of public improvement process to properly select a contractor in conformance with State laws regarding construction contractor selection. At 2 p.m. on September 7, 2011 bids were opened and publicly read aloud by the Contracts/Purchasing Agent in the Clerk of the Board's Conference Room 1032. Avila Construction, Inc. was revealed as the lowest bidder for this project. After evaluation of their proposal and subcontractors, NMC deemed them the lowest responsible and responsive bid and on September 26, 2011 tentatively awarded the project 8842 to Avila Construction, Inc. pending Board of Supervisor's approval.

Avila Construction Inc.'s bid of \$1,480,200 was in line with NMC's projected budget of \$1,510,959 for this three phased construction project. The duration of construction has been amended to 180 days.

Competition of construction of Phase I was completed on March 30, 2012. This part of construction included the new reception, waiting room and 4 new exam rooms. NMC is currently in construction of Phase II of the Outpatient project and this phase is due to be completed on Jun 8, 2012. At that time the Specialty clinic will move into the new discharge and exam rooms spaces so that the contractor can start Phase III of the project (June 11 - July 13). Phase III will include refinishing of existing exam rooms.

Since the contract was awarded and due to unforeseen conditions, NMC has approved a total of 5 change orders equaling a total of \$101,219, increasing Avila's contract to \$1,581,419. NMC anticipates total construction payment to Avila Construction for Outpatient project to be \$1,423,277 by June 30, 2012. When the project is complete, Natividad Medical Center will issue a notice of completion releasing the 10% retainage payment of \$158,141.

(Refer to Exhibit 1 for budget, scheduling and description)

OTHER AGENCY INVOLVEMENT:

County Counsel has reviewed and approved this Amendment as to legal form and risk provisions. Auditor-Controller has reviewed and approved this Amendment as to fiscal provisions. The Amendment has also been reviewed and approved by Natividad Medical Center's Board of Trustees.

FINANCING:

The total estimated cost for the Outpatient Expansion Tenant Improvement Project, including construction, 10% contingency and retainage is \$1,628,220. NMC anticipates total construction expenditures to the Capital Budget ID (B-2011-3) will be \$1,423,277 by June 30, 2012, with the approval of the architect. Fiscal Year 2012/2013 capital budget (B-2011-3) amount of \$250,000 will allow payment of retainage after notice of completion. There is no impact to the General Fund.

Prepared by: Andrea Rosenberg, Administrator, 783-2562

Approved by: Harry Weis, Chief Executive Officer, 783-2124

Attachments: Exhibit 1, Notice to Proceed with Outpatient Expansion 2nd Floor, Building 200, Project #8842, Agreement and Amendment 1.