



## Monterey County Board of Supervisors

### Board Order

168 West Alisal Street,  
1st Floor  
Salinas, CA 93901  
831.755.5066  
www.co.monterey.ca.us

A motion was made by Supervisor Mary L. Adams, seconded by Supervisor Luis A. Alejo to:

**Agreement No.: A-13995: Amendment No.: 2**

Authorize the Chief Executive Officer for Natividad Medical Center (NMC) or his designee to execute amendment No. 2 with B.E. Smith, Inc. to the agreement (A-13995) for interim management-level services at NMC, adding \$450,000 for a revised total agreement amount not to exceed \$1,050,000 with no changes to the term or scope.

PASSED AND ADOPTED on this 27<sup>th</sup> day of April 2021, by roll call vote:

AYES: Supervisors Alejo, Phillips, Lopez, Askew and Adams

NOES: None

ABSENT: None

(Government Code 54953)

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 April 27, 2021.

Dated: May 5, 2021  
File ID: A 21-108  
Agenda Item No.: 17

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

  
Julian Lorenzana, Deputy

**AMENDMENT NO. 2  
TO SERVICES AGREEMENT  
BETWEEN B.E. SMITH, INC. AND  
NATIVIDAD MEDICAL CENTER  
FOR  
INTERIM MANAGEMENT-LEVEL SERVICES**

This Amendment No. 2 to the Services Agreement (“Agreement”) which was effective on June 26, 2018 is entered into by and between the County of Monterey, on behalf of Natividad Medical Center (hereinafter “NMC”), B.E. Smith, Inc. (hereinafter “CONTRACTOR”); (collectively, the County, NMC and CONTRACTOR are referred to as the “Parties”), with respect to the following:

**RECITALS**

**WHEREAS**, the Agreement was executed for interim management-level services with a term of July 1, 2018 through June 30, 2021 and a total Agreement amount not to exceed \$300,000; and

**WHEREAS**, NMC and CONTRACTOR amended the Agreement on April 30, 2020 to extend it for an additional two (2) year period (July 1, 2021 through June 30, 2023) for a revised full agreement term of July 1, 2018 through June 30, 2023 with an \$300,000 increase to allow for services to continue for a total Agreement amount of \$600,000 with changes to the scope of work attached hereto as “Exhibit A-1 per Amendment No. 1”; and

**WHEREAS**, NMC and CONTRACTOR currently wish to amend the Agreement with a \$450,000 increase to allow for services to continue for a total Agreement amount of \$1,050,000 with no change to the scope or Agreement term.

**AGREEMENT**

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

The Agreement is hereby renewed on the terms and conditions as set forth in the Original Agreement incorporated herein by this reference, except as specifically set forth below.

1. Section 2 / Paragraph titled, “PAYMENTS BY NMC” shall be amended to the following:  
***“The total amount payable by NMC to CONTRACTOR under this Agreement shall not exceed the sum of \$1,050,000.”***

2. Except as provided herein, all remaining terms, conditions and provisions of the Agreement and Amendment No. 1 are unchanged and unaffected by this Amendment No. 2 and shall continue in full force and effect as set forth in the Agreement.
3. A copy of this Amendment No. 2 shall be attached to the Agreement.
4. This Amendment No. 2 shall be effective when both parties have signed.

*The remainder of this page was intentionally left blank.*

*~ Signature page to follow ~*

IN WITNESS WHEREOF, the Parties hereto are in agreement with this Amendment No. 2 on the basis set forth in this document and have executed this Amendment No. 2 on the day and year set forth herein.

**NATIVIDAD MEDICAL CENTER**

By: Dr. Gary R. Gray  
Gary R. Gray, DO, CEO

Date: 5/12/21

**APPROVED AS TO LEGAL PROVISIONS**

By: Stacy L. Saults  
Monterey County Deputy County Counsel

Date: 3/25/2021

**APPROVED AS TO FISCAL PROVISIONS**

By: Gary Giboney  
Monterey County Deputy Auditor/Controller

Date: 3-25-2021

**CONTRACTOR**

B.E. Smith, Inc.

**CONTRACTOR's Business Name**

\*\*\*See instructions below\*\*\*

By: [Signature]  
(Signature of: Chair, President, or Vice-President)

Amanda Leatherman Division Director, West

Name and Title

Date: 2/26/2021

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

Name and Title

Date: \_\_\_\_\_

**\*\*\*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 (two signatures required).

**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 (two signatures required).

**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 (one signature required).