

**THIRD AMENDMENT TO
BOARD OF STATE AND COMMUNITY CORRECTIONS
AB 900 II CONSTRUCTION AGREEMENT
FOR MONTEREY COUNTY**

This Third Amendment (“**Amendment**”) to the December 6, 2016 Board of State and Community Corrections Jail Construction Agreement (“**Agreement**”) is entered into as of June 18, 2021 (“**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 December 6, 2016 (“**Agreement**”).

WHEREAS, the Parties entered into the First Amendment Board of State and Community Corrections Jail Construction Agreement dated December 8, 2017 (“**First Amendment**”).

WHEREAS, the Parties entered into the Second Amendment Board of State and Community Corrections Jail Construction Agreement dated September 7, 2020 (“**Second 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:

- | | |
|--|-------------------|
| 1. SPWB - Project Establishment | October 16, 2013 |
| 2. Recognize Revised Scope, Cost & Schedule | May 9, 2014 |
| 3. SPWB Approval of Preliminary Plans | August 14, 2015 |
| 4. BOS Approval to Advertise for Bid | December 6, 2016 |
| 5. SFM Approves WD's for Bid | December 23, 2016 |
| 6. Proceed to Bid/Working Drawings DOF approval | March 21, 2017 |
| 7. Advertise for Bids (start of bidding process) | March 23, 2017 |
| 8. Bids Due | May 4, 2017 |
| 9. BOS Approves Construction Contract | June 7, 2017 |
| 10. SPWB Bond Item/Interim Financing Approval | June 22, 2017 |
| 11. SPWB Revised Project Cost Action | July 14, 2017 |
| 12. PMIB Meeting Date | August 16, 2017 |

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13. Contract Award Approved by DOF	July 21, 2017
14. Notice to Proceed / Mobilization	September 5, 2017
15. Completion	July 31, 2021
16. Occupancy	October 29, 2021
17. Retention Release	January 31, 2023

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: 
Signature of Executive Officer or Designee

Name and Title: Kathleen T. Howard, Executive Officer

Date: 06/09/2021

“PARTICIPATING COUNTY”

County of Monterey:

By: _____
Signature

Name and Title: Randell Ishii, MS, PE, TE, PTOE, Director of Public Works, Facilities & Parks

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: *Randell Y. Ishii*
Signature

Name and Title: Randell Ishii, MS, PE, TE, PTOE, Director of Public Works, Facilities & Parks

Date: *9 Jun 21*