

**SOLANO COMMUNITY COLLEGE DISTRICT
GOVERNING BOARD AGENDA ITEM**

TO: **Members of the Governing Board**

SUBJECT: **CONTRACT AMENDMENT #1 TO APPLIED MATERIALS & ENGINEERING, INC. FOR SPECIAL INSPECTION SERVICES FOR THE LIBRARY/LEARNING RESOURCE CENTER PROJECT**

REQUESTED ACTION:

Information **OR** **Approval**
 Consent **OR** **Non-Consent**

SUMMARY:

On October 16, 2019, the Board approved a contract to Applied Materials & Engineering, Inc. for special inspections and testing services on the Library/Learning Resource Center (LLRC) Project.

In an effort to maintain re-sequenced project schedule, (required due to delay associated with DSA approval of fire sprinkler re-design), the off-site fabrication of steel was prioritized and resulted in extended hours for inspections. This, in turn, resulted in exceeding the original contract amount.

CONTINUED ON THE NEXT PAGE

STUDENT SUCCESS IMPACT:

- Help our students achieve their educational, professional and personal goals
- Basic skills education
- Workforce development and training
- Transfer-level education
- Other: Ensure code and DSA compliance of new LLRC Building

<i>Ed. Code:</i>	<i>Board Policy:</i>	<i>Estimated Fiscal Impact: \$77,754.85 State and Measure Q Funds</i>
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SUPERINTENDENT'S RECOMMENDATION: **APPROVAL** **DISAPPROVAL**
 NOT REQUIRED **TABLE**

Lucky Lofton
Executive Bonds Manager

PRESENTER'S NAME

4000 Suisun Valley Road
Fairfield, CA 94534

ADDRESS

(707) 863-7855

TELEPHONE NUMBER

Robert V. Diamond
Vice President, Finance & Administration

VICE PRESIDENT APPROVAL

August 7, 2020

**DATE SUBMITTED TO
SUPERINTENDENT-PRESIDENT**

Celia Esposito-Noy, Ed.D.
Superintendent-President

August 19, 2020

**DATE APPROVED BY
SUPERINTENDENT-PRESIDENT**

**SOLANO COMMUNITY COLLEGE DISTRICT
GOVERNING BOARD AGENDA ITEM**

TO: Members of the Governing Board

**SUBJECT: CONTRACT AMENDMENT #1 TO APPLIED MATERIALS
& ENGINEERING, INC. FOR SPECIAL INSPECTION
SERVICES FOR THE LIBRARY/LEARNING RESOURCE
CENTER PROJECT**

SUMMARY:

CONTINUED FROM THE PREVIOUS PAGE

Board approval is requested for Amendment #1 to the Applied Materials & Engineering, Inc. Contract to increase the total amount and cover the remaining required special inspections and testing services.

Contract Summary:

\$ 95,932.00	Original Contract Amount
\$ 0	Previously Approved Amendments (0)
<u>\$ 77,754.85</u>	Proposed Amendment #1
\$ 173,686.85	New Contract Amount

The Board is asked to approve this contract Amendment #1 to Applied Materials & Engineering, Inc. in the amount not to exceed \$77,754.85. Applied Materials & Engineering, Inc.'s new contract amount will be \$173,686.85.

The contract amendment is available online at:

AMENDMENT TO AGREEMENT

PARTIES

This FIRST Amendment to Agreement ("Amendment") is entered into between Solano Community College District ("District") and **AME** Applied Materials & Engineering, Inc. ("Consultant"), (collectively the "Parties").

RECITALS

WHEREAS, District and Consultant entered into a Consulting Services Agreement ("Agreement"), dated October 16, 2019, for services related to Fairfield Library/Learning Resource Center Project;

WHEREAS, District and Consultant desire to amend the Agreement to acknowledge additional efforts required to complete the remaining special inspections and testing;

NOW THEREFORE, in consideration of the mutual promises and covenants set forth above and contained herein, District and Consultant agree as follows:

AGREEMENT

1. Section 4 of the Agreement is amended to read in its entirety:

Compensation. District agrees to pay the Consultant for services satisfactorily rendered pursuant to this Agreement a total fee not to exceed ONE HUNDRED SEVENTY-THREE THOUSAND SIX HUNDRED EIGHTY-SIX DOLLARS AND EIGHTY-FIVE CENTS (\$173,686.85) which is composed of the original contract amount of \$95,932.00 and Amendment #1 of \$77,754.85. District shall pay Consultant according to the following terms and conditions:

- 4.1 Payment for the Work shall be made for all undisputed amounts based upon the delivery of the work product as determined by the District. Payment shall be made within thirty (30) days after the Consultant submits an invoice to the District for Work actually completed and after the District's written approval of the Work, or the portion of the Work for which payment is to be made.
- 4.2 The Services shall be performed at the hourly billing rates and/or unit prices included in **Exhibit "B"**. If hourly billing applies, the itemized invoice shall reflect the hours spent by the Consultant in performing its Services pursuant to this Agreement.
- 4.3 If Consultant works at more than one site, Consultant shall invoice for each site separately.
- 4.4 Consultant shall only be paid for the time and effort needed to complete the actual scope of services required for this project; which may be less than the total amount noted in section "4. Compensation". If the total amount noted is not needed to complete the scope of services, any remaining balance shall be retained by the District.
- 4.5 Except as set forth in this Amendment, all provisions of the Agreement and any previous extension(s) and/or amendment(s) thereto shall remain unchanged, in full force and effect, and are reaffirmed. This Amendment shall control over any inconsistencies between it and the Agreement and/or any previous extension(s) and/or amendment(s).
- 4.6 Consultant acknowledges and agrees that this Amendment shall not be binding on the Parties until and unless the Solano Community College District's Governing Board approves this Amendment.

IN WITNESS WHEREOF, the parties hereto have accepted and agreed to this Amendment on the dates indicated below.

Dated: _____, 2020

Dated: _____, 2020

SOLANO COMMUNITY COLLEGE DISTRICT

APPLIED MATERIALS & ENGINEERING, INC.

By: _____

By: _____

Print Name: Lucky Lofton

Print Name: _____

Print Title: Executive Bonds Manager

Print Title: _____