

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

TO: Members of the Governing Board

**SUBJECT: AMENDMENT #6 TO KITCHELL CAPITAL
EXPENDITURE MANAGERS, INC. FOR PROGRAM
MANAGEMENT SERVICES**

REQUESTED ACTION:

Information OR Approval
 Consent OR Non-Consent

SUMMARY:

Board approval is requested for Amendment #6 to Kitchell Capital Expenditure Managers, Inc. (KCEM) for continuation of project management software for the Library/Learning Resource Center Project, a Project within the Measure Q Bond Program. On November 5, 2014 the Board approved a contract to KCEM in the amount of \$6,376,735. On August 19, 2015 the Board approved Amendment #1 to manage the following for the Fairfield Science Building Project: development of Criteria Documents, solicitation and selection of the design-builder, and procurement of construction management services.

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STUDENT SUCCESS IMPACT:

- Help our students achieve their educational, professional and personal goals
- Basic skills education
- Workforce development and training
- Transfer-level education
- Other: Renovate instructional space and update equipment.

<i>Ed. Code:</i>	<i>Board Policy:</i>	<i>Estimated Fiscal Impact: \$11,000 Measure Q Funds</i>
SUPERINTENDENT'S RECOMMENDATION:		<input checked="" type="checkbox"/> APPROVAL <input type="checkbox"/> DISAPPROVAL <input type="checkbox"/> NOT REQUIRED <input type="checkbox"/> TABLE
Lucky Lofton Executive Bonds Manager <hr/> PRESENTER'S NAME		
4000 Suisun Valley Road Fairfield, CA 94534 <hr/> ADDRESS		
(707) 863-7855 <hr/> TELEPHONE NUMBER		
Susan Wheat VP, Finance & Administration <hr/> VICE PRESIDENT APPROVAL		Celia Esposito-Noy, Ed.D. Superintendent-President
March 25, 2022 <hr/> DATE SUBMITTED TO SUPERINTENDENT-PRESIDENT		April 6, 2022 <hr/> DATE APPROVED BY SUPERINTENDENT-PRESIDENT

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SUMMARY:

CONTINUED FROM THE PREVIOUS PAGE

On March 21, 2018 the Board approved Amendment #2 to extend the program management services for two years to May 30, 2020. On January 16, 2019 the Board approved Amendment #3 for additional estimating hours related to the Library/Learning Resource Center Project. On December 18, 2019 the Board approved Amendment #4 to extend program management services for two years to May 31, 2022. On October 20, 2021, the Board approved Amendment #5 to extend program management services through May 31, 2024.

With the extended construction schedule for the Library/Learning Resource Center Project, the project management software used by the Project team to manage the Project needs to be extended as the license expired on March 31, 2022. Approval of Amendment #6 is requested for an additional 12-month software license period, which would then expire on March 31, 2023. This extension provides enough time for Project completion and close out using the existing project management software.

Contract Summary:

\$ 6,376,735	Original Contract Amount
\$ 10,895,419	Previously Approved Amendments (5)
<u>\$ 11,000</u>	Proposed Amendment #6
\$ 17,283,154	New Contract Amount, including Amendment #6

The Board is asked to approve this amendment to Kitchell Capital Expenditure Managers, Inc. in the amount of \$11,000, resulting in a new contract amount of \$17,283,154.

The contract can be reviewed at: <http://www.solano.edu/measureq/planning.php>

AMENDMENT # 6 TO AGREEMENT

PARTIES

This Sixth Amendment to Agreement ("Amendment") is entered into between Solano Community College District ("District") and **Kitchell Capital Expenditure Managers, Inc.** ("Consultant"), collectively the "Parties".

RECITALS

WHEREAS, District and Consultant entered into a Consulting Services Agreement ("Agreement"), dated November 5, 2014 for **Program Management Services** ("Project"); and

WHEREAS, District and Consultant previously amended the Agreement on August 19, 2015, March 21, 2018, January 16, 2019, December 18, 2019, and October 20, 2021.

WHEREAS, District and Consultant agree to amend the Agreement to provide continuation of project management software for the Library/Learning Resource Center Project for an additional year through March 31, 2023.

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

AGREEMENT

1. Article 6.1 of the Agreement shall be amended to read in its entirety:

Fee and Method of Payment: The District shall pay Program Manager an amount equal to Seventeen Million, Two Hundred Eighty-Three Thousand, One Hundred Fifty-Four Dollars and No Cents (\$17,283,154.00). This fee is a total of the November 5, 2014 Agreement in the amount of \$6,376,735.00, the August 19, 2015 Amendment #1 in the amount of \$138,180.00, the March 21, 2018 Amendment #2 in the amount of \$2,668,000.00, the January 16, 2019 Amendment #3 in the amount of \$26,398.00, the December 18, 2019 Amendment #4 in the amount of \$2,395,056.00, the October 20, 2021 Amendment #5 in the amount of \$5,667,785.00, and the April 6, 2022 Amendment #6 in the amount of \$11,000.00.

2. 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).
3. 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: _____, 2022

Dated: _____, 2022

SOLANO COMMUNITY COLLEGE DISTRICT

KITCHELL CAPITAL EXPENDITURE MANAGERS, INC.

By: _____

By: _____

Print Name: Lucky Lofton

Print Name: _____

Print Title: Executive Bonds Manager

Print Title: _____