



Contract Number

23-389 A1

SAP Number

Project and Facilities Management Department Project Management

Department Contract Representative	Don Day
Telephone Number	(909) 387-5000
Contractor	Turner & Townsend Heery, LLC
Contractor Representative	Alberto Vela
Telephone Number	619-508-2744
Contract Term	5 Years
Original Contract Amount	Not-to-exceed \$4,500,000
Amendment Amount	
Total Contract Amount	Not-to-exceed \$4,500,000
Cost Center	
Discipline Name	On Call Professional Services Construction Management

IT IS HEREBY AGREED AS FOLLOWS:

AMENDMENT NO. 1 CONTRACT NO. 23-389 ON CALL PROFESSIONAL CONSTRUCTION MANAGEMENT SERVICES

The following is an amendment to Contract No. 23-389 between Turner & Townsend Heery, LLC., (hereinafter "Consultant") and San Bernardino County (hereinafter "County") for On-Call Professional Services – Construction Management.

WHEREAS, on or about May 23, 2023 (Item No. 50), the County entered into a contract with CBRE Heery, Inc., for On-Call Professional Services – Construction Management (Contract No. 23-389); and

WHEREAS, on or about January 1, 2023, CBRE Heery, Inc., transferred stock ownership to Turner & Townsend Heery, LLC; and

WHEREAS, on or about May 4, 2023, the California Secretary of State recorded a name change amendment for Consultant from CBRE Heery, Inc. to Turner & Townsend Heery, LLC; and

WHEREAS, on or about June 29, 2023, CBRE Heery, Inc., notified the County of its entity name change to Turner & Townsend Heery, LLC.

NOW THEREFORE, the County and Consultant mutually agree to the following Amendment No. 1 to Contract 23-389 for On-Call Professional Services – Construction Management.

1. CHANGE Consultant from CBRE Heery, Inc., to Turner & Townsend Heery, LLC. All references to CBRE Heery, Inc., shall be considered to be to Turner & Townsend Heery, LLC.

2. REPLACE **ARTICLE 13. NOTICES** with the following:

Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other party or any other person shall be in writing and either served personally, or by facsimile, or sent by prepaid, first-class mail. Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other party shall be addressed to the other party at the address set forth below. Either party may change its address by notifying the other party of the change of address. Notice shall be deemed communicated two (2) County working days from the time of mailing if mailed as provided in this paragraph.

Consultant's address: Turner & Townsend Heery, LLC
4141 Inland Empire Boulevard, Ste. 100
Ontario, CA 91764

County's address: Project and Facilities Management Department
385 North Arrowhead Avenue, Third Floor
San Bernardino, CA 92415-0184

3. ADD **ARTICLE 36. CAMPAIGN CONTRIBUTION DISCLOSURE (SB 1439)**.

Consultant has disclosed to the County using Appendix G - Campaign Contribution Disclosure Senate Bill 1439, whether it has made any campaign contributions of more than \$250 to any member of the Board of Supervisors or other County elected officer [Sheriff, Assessor-Recorder-Clerk, Auditor-Controller/Treasurer/Tax Collector and the District Attorney] within the earlier of: (1) the date of the submission of Contractor's proposal to the County, or (2) 12 months before the date this Contract was approved by the Board of Supervisors. Consultant acknowledges that under Government Code section 84308, Consultant is prohibited from making campaign contributions of more than \$250 to any member of the Board of Supervisors or other County elected officer for 12 months after the County's consideration of the Contract.

In the event of a proposed amendment to this Contract, the Consultant will provide the County a written statement disclosing any campaign contribution(s) of more than \$250 to any member of the Board of Supervisors or other County elected officer within the preceding 12 months of the date of the proposed amendment.

Campaign contributions include those made by any agent/person/entity on behalf of the Contractor or by a parent, subsidiary or otherwise related business entity of Consultant.

4. REPLACE **ARTICLE 36. CONCLUSION** with the following:

ARTICLE 36. CONCLUSION

- 36.1 This Contract, consisting of 36 pages, Appendixes A, B, C, D E, F, and G is the full and complete document describing services to be rendered by Consultant to County including all covenants, conditions and benefits.
- 36.2 The signatures of the Parties affixed to this Contract affirm that they are duly authorized to commit and bind their respective institutions to the terms and conditions set forth in this document.
- 36.3 This Contract may be executed in any number of counterparts, each of which so executed shall be deemed to be an original, and such counterparts shall together constitute one and the same Contract. The parties shall be entitled to sign and transmit an electronic signature of this Contract (whether by facsimile, PDF or other mail transmission), which signature shall be binding on the party whose name is contained therein.

Each party providing an electronic signature agrees to promptly execute and deliver to the other party an original signed Contract upon request.

5. ADD Appendix G Campaign Contribution Disclosure (SB 1439).

6. All other terms and conditions of this Contract shall remain the same.


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SAN BERNARDINO COUNTY

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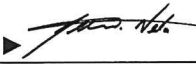
Dawn Rowe, Chair, Board of Supervisors

Dated: SEP 12 2023
SIGNED AND CERTIFIED THAT A COPY OF THIS DOCUMENT HAS BEEN DELIVERED TO THE CHAIRMAN OF THE BOARD

By 

Lynn Monell
Clerk of the Board of Supervisors
San Bernardino County

Deputy

Turner & Townsend Heery, LLC

(Print or type name of corporation, company, contractor, etc.)
By 

(Authorized signature - sign in blue ink)

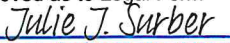
Name Alberto Vela
(Print or type name of person signing contract)


Title Vice President
(Print or Type)


Dated: Aug 29, 2023

Address 4141 Inland Empire Blvd, Suite 100
Ontario, CA 91764

FOR COUNTY USE ONLY

Approved as to Legal Form

► Julie J. Surber (Aug 29, 2023 17:20 PDT)
Julie Surber, Principal Assistant County Counsel
Date Aug 29, 2023

Reviewed for Contract Compliance

► Robert Gilliam
Robert Gilliam, Chief of Project Management,
Project and Facilities Management Department
Date Aug 30, 2023

Reviewed/Approved by Department

► Don Day (Aug 30, 2023 12:33 PDT)
Don Day, Director PFMD
Date Aug 30, 2023



Government Code § 84308 (S.B. 1439) Instructions for Contractor or Property Information Report

This form is required to be completed to assist with the compliance with Government Code section 84308.

- Board Agenda Information should be completed by staff.
- Question Nos. 1-10 should be completed by the contractor/vendor/company/individual and then returned to County contact. Once returned, staff is to complete Question No. 11.
- If a question does not apply respond N/A or Not Applicable. Form must be complete, or it will cause a delay in the item being considered for Board approval.
- Please add additional sheet(s) for additional information, where necessary.

Definitions

Actively supporting the matter:

- (a) Communicate directly, either in person or in writing, with a member of the Board of Supervisors with the purpose of influencing the decision on the matter; or
- (b) testifies or makes an oral statement before the County in a proceeding on the matter; or
- (c) communicates with County employees, for the purpose of influencing the Board of Supervisors' decision on the matter; or
- (d) when the person/company's agent lobbies in person, testifies in person or otherwise communicates with the Board or County employees for purposes of influencing the Board's decision in a matter.

Parent-Subsidiary Relationship:

A parent-subsubsidiary relationship exists when one corporation has more than 50 percent of the voting power of another corporation.

Otherwise related entity:

An otherwise related entity is any for-profit organization/company which does not have a parent-subsubsidiary relationship but meets one of the following criteria:

- (1) One business entity has a controlling ownership interest in the other business entity;
- (2) there is shared management and control between the entities; or
- (3) a controlling owner (50% or greater interest as a shareholder or as a general partner) in one entity also is a controlling owner in the other entity.

For purposes of (2), "shared management and control" can be found when the same person or substantially the same persons own and manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees, or otherwise share activities, resources or personnel on a regular basis; or there is otherwise a regular and close working relationship between the entities.

Agent:

A third-party individual or firm who is representing a party or a participant in the matter submitted to the Board of Supervisors. If an agent is an employee or member of a third-party law, architectural, engineering or consulting firm, or a similar entity, both the entity and the individual are considered agents.



**Senate Bill 1439
Contractor or Property Information Report**

Board Agenda Item Information – To Be Completed by Staff

Department: Project & Facilities Management Department Contact: Luisana Leos Board Date: 09/12/23

Title of BAI: Amendment to the contract between the San Bernardino County and CBRE Heery, Inc., to recognize entity conversion of Consultant from CBRE Heery, Inc., to Turner & Townsend Heery, LLC

Property Address and Assessor's Parcel No., if applicable:

Contractor Information – To Be Completed by Contractor

1. Name of Contractor/Vendor/Company/Individual: Turner & Townsend Heery,
2. Is the entity listed in Question No. 1 a nonprofit organization under Internal Revenue Code section 501(c)(3)?

 Yes If yes, skip Question Nos. 3-4 and go to Question No. 5
 No
3. If the entity identified in Question No. 1 is a corporation held by 35 or less shareholders, and not publicly traded ("closed corporation"), identify the major shareholder: N/A – Turner & Townsend
4. Name of any parent, subsidiary, or otherwise related entity for the entity listed in Question No. 1 (see instructions for definitions):

Company Name	Relationship
<u>Heery Holdings, Inc.</u>	<u>Sole Member</u>
<u>Turner & Townsend, Inc.</u>	<u>Parent of Heery Holdings, Inc.</u>

5. Name of Principal (i.e., CEO/President) of entity listed in Question No. 1, if the individual actively supports the matter and has a financial interest in the decision.

CEO/President
<u>Robert Chomiak</u>

6. Name of persons/companies who are not an actual party to the matter submitted to the Board of Supervisors but who (1) actively support or oppose the matter submitted to the Board and (2) have a financial interest in the outcome of the decision:

Company Name	Individual(s) Name
<u>N/A</u>	

7. Name of agent(s) of entity listed in Question No. 1 who is representing a party or a participant in this matter:

Company Name	Agent(s)
N/A	

8. Name of Subcontractor(s) (including Principal and Agent(s)) that will be providing services/work under the matter submitted to the Board of Supervisors if the subcontractor (1) actively supports the matter and (2) has a financial interest in the decision and (3) are identified in the contract/agreement with the County or board governed special district.

Company Name	Subcontractor(s):	Principal and//or Agent(s):
N/A		

9. Have any of the individuals or entities listed in Question Nos. 1-8 made a campaign contribution of more than \$250 on or after January 1, 2023, to a member of the San Bernardino County Board of Supervisors? If yes, state date and name of the Supervisor(s).

Yes Name of Supervisor(s), date(s) contribution given, and amount(s):

No

Please add an additional sheet(s) to identify additional Board Members to whom anyone listed made campaign contributions.

10. By signing below, I certify that the statements made herein are true and correct. I understand that a party and participant are prohibited from making campaign contributions of more than \$250 to any member of the Board of Supervisors while a matter is pending and for 12 months after a final decision by the Board of Supervisors.



Signature of Applicant

Alberto Vela

Print Name of Applicant

Aug 29, 2023

Date

Turner & Townsend Heery, LLC

Print Firm Name, if applicable

TO BE COMPLETED BY STAFF:

11. If contractor/vendor/company/individual was selected through the Request for Proposal process (or other competitive process) and any criteria other than cost was considered, enter the non-awarded contractors, including names of Principal and Agent(s) below. If this Item is an amendment to an existing contract, please put N/A, even if the existing contract was awarded following a Request for Proposal.

Company/Individual Name	Principal and//or Agent(s)