



Contract Number

20-181 A-1

SAP Number

10100606

Real Estate Services Department - Project Management Division

Department Contract Representative	Jennifer Costa
Telephone Number	(909) 387-5000
Contractor	Fleming Environmental, Inc.
Contractor Representative	Terry L. Fleming, Jr.
Telephone Number	(714) 871-2800
Contract Time	210 Days
Original Contract Amount	\$627,894
Amendment Amount	\$9,755
Prior Authorized Change Order	--
Total Contract Prior to Amendment	\$627,894
Total Revised Contract Amount	\$627,894
Cost Center	7700003100

IT IS HEREBY AGREED AS FOLLOWS:

**AMENDMENT No. 1
CONTRACT No. 20-181**

PROJECT NAME: Fuel Tank Infrastructure Phase II in Baker, Project No. 10100606

The following is an amendment to Contract No. 20-181 with Fleming Environmental, Inc. for the Fuel Tank Infrastructure Phase II in Baker ("Project").

WHEREAS, a construction contract ("Agreement") was entered into between the County of San Bernardino ("County"), and Fleming Environmental, Inc. ("Contractor"), on April 7, 2020 to perform certain work as described in the Project Bid Documents for construction of the Project;

WHEREAS, following the award of the Agreement and during the course of construction, the Contractor encountered the following unforeseen conditions; unanticipated factory closures which resulted in (supply chain) delays in procurement of scope of work and materials required to complete the project (COR1).

WHEREAS, these conditions and the extent of these conditions were unforeseen, impacted by the COVID-19 Pandemic, and could not have been anticipated at the time of bid or execution of the Agreement, and these conditions have necessitated the execution of this Amendment.

NOW THEREFORE, the Agreement is hereby amended as follows:

Section 1. The following changes and their respective costs, which have been claimed by Fleming Environmental, Inc., have been added to the Agreement:

1. Labor, materials and equipment attributable to procurement of equipment differing from that identified in the original construction documents due to supply change issues (COR1), not identified in the base bid.

<u>ADDS</u>	<u>\$</u>	<u>9,755</u>
<u>TOTAL ADDS TO THIS AMENDMENT</u>	<u>\$</u>	<u>9,755</u>

Section 2. **The new Contract Sum is \$637,649.**

Section 3. **The new Agreement completion date is December 7, 2020.**

Section 4. The compensation (time and cost) set forth in this Amendment shall comprise the total compensation due the Contractor for the work or change defined in the Amendment, including impact on unchanged work. By signing the Amendment, the Contractor acknowledges and agrees that the stipulated compensation includes payment for all work contained in the Amendment, plus all payment for the interruption of schedules, extended overhead costs, delay, and all impact, ripple effect or cumulative impact on all other work under the Agreement. Contractor agrees the time extension granted in this Amendment, constitutes complete compensation for all claims of delay through the date of this Amendment, whether listed above or not, and Contractor hereby waives and releases all claims for additional compensation and time extensions arising out of the above listed Recitals 1 and 2, and any other claims of delay, disruption or other impacts, known or unknown, including extended field or home office overhead, ripple effect or cumulative impact on all other work within the Scope of the Contract, arising through the date of the Amendment. The signing of the Amendment shall indicate that the Amendment constitutes full mutual accord and satisfaction for the change, and that the time and/or cost under the Amendment constitutes the total equitable adjustment owed the Contractor as a result of the change.

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Section 5. All other terms and conditions of the Agreement, and approved change orders, shall remain unchanged.

BOARD OF SUPERVISORS

▶

Curt Hagman, Chairman, Board of Supervisors

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

Lynna Monell
Clerk of the Board of Supervisors
of the County of San Bernardino

By _____
Deputy

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

By ▶ _____
(Authorized signature - sign in blue ink)

Name _____
(Print or type name of person signing contract)

Title _____
(Print or Type)

Dated: _____

Address _____

Approved as to Legal Form

▶

Katherine Hardy, Deputy County Counsel

Date _____

Reviewed for Contract Compliance

▶

Renè Glynn, Supervising Project Manager

Date _____

Reviewed/Approved by Department

▶

Don Day, Interim Deputy Director, PMD

Date _____