

Contract Number

21-602 A-1

SAP Number

30.30.0028

BOARD GOVERNED COUNTY SERVICE AREAS

Department Contract Representative	Lupe Camacho
Telephone Number	(909) 386-8801
Contractor	Spiess Construction Company, Inc
Contractor Representative	Frank Forthun
Telephone Number	909-229-3600
Contract Term	NTP + 630 Calendar Days
Original Contract Amount	\$967,500.00
Change Order No. 001 Amount	\$20,288.38
New Contract Amount Including C.O. No. 001	\$987,788.38
Amendment Amount	\$106,630.73
Total Contract Amount	\$1,094,419.11
Cost Center	30.30.0028

IT IS HEREBY AGREED AS FOLLOWS:

**AMENDMENT NO. 1
CONTRACT NO. 21-602**

WHEREAS, the County Service Area 70 – Glen Helen (“District”) and Spiess Construction Company, Inc. (“Contractor”) entered into Contract No. 21-602 (“Contract”) on August 10, 2021, whereby Contractor agreed to perform the construction services for the CSA 70 – Screw Press Sludge Dewatering Project (“Project”); and

WHEREAS, since the execution of Contract 21-602, the Project has encountered certain constructability issues, plan omissions, and plan conflicts thereby adding cost to the Project; and

WHEREAS, these conditions and the extent of these conditions were unforeseen 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; and

WHEREAS, Contractor has reviewed the proposed additional construction services and work requested by District to be performed and Contractor agrees to perform the additional construction services and work for the additional compensation and time as set forth below;

NOW, THEREFORE, in consideration of the terms, covenants, promises, representations, and conditions contained herein, and for other good and valuable consideration, the receipt, sufficiency, and adequacy of which are hereby acknowledged by each of the Parties, the Parties and each of them, hereby represent and agree the Contract is hereby amended as follows:

1. The Recitals set forth above are true and correct and incorporated herein by this reference.
2. DELETE Contract Section 4.1.1 "Total Compensation" and REPLACE it with a new Section 4.1.1, which shall now read as follows:

4.1.1 Total Compensation. District shall pay the Contractor, and Contractor agrees to accept, in current funds for the Contractor's complete performance of the Work in accordance with the Contract Documents the Contract Sum of:

BASE ITEMIZED BID (Items 1-7).....\$ 967,500

Administrative Change Order #001

1. RAS Piping Improvement at Existing Distribution Box 1 LS \$ 20,288.39

New Amount of Contract Including this Change Order: \$ 987,788.38

190 Additional days/time extension is granted by this change order. The revised contract time is 490 calendar days.

Amendment No. 1 dated January 24, 2023, as follows:

Upsizing of 6-inch WAS piping to 8-inch WAS piping. Replacement of existing 8-inch SDR pipe with 8-inch Ductile Iron Pipe (DIP) Electrical conduit work required for connecting the system per Plan Sheet E-02 General Note 2.

1. Upsizing of 6-inch WAS piping to 8-inch WAS piping C.O. #003:
ADDS \$ 5,948.01

2. Replacement of existing 8-inch SDR pipe with 8-inch DIP C.O. #004:
ADDS \$ 22,952.49

3. Electrical Conduit and Trenching Work C.O. #005.1:
ADDS \$ 41,630.23

4. Additive Alternative Item No. 10 C.O. #006:
ADDS \$ 36,100.00

New Amount of Contract Including this Change Order: \$ **1,094,419.11**

140 Additional days/time extension is granted by this amendment. The revised contract time is 630 calendar days.

TOTAL AMENDED CONTRACT SUM \$ 1,094,419.11

3. The compensation (time and cost) set forth in this Amendment shall constitute 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, if any, 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 items 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 this Amendment. The signing of the Amendment shall indicate that this 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 to which the Contractor is entitled as a result of the change.

4. All other terms and conditions of the amended Contract shall remain unchanged.
5. This Amendment 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 Amendment. The parties shall be entitled to sign and transmit an electronic signature of this Amendment (whether by facsimile, PDF or other email 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 Amendment upon request.

IN WITNESS WHEREOF, the County and Contractor have caused this Amendment to be executed by their respective authorized officers.

SAN BERNARDINO COUNTY

SPIESS CONSTRUCTION COMPANY INC

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

► _____
Dawn Rowe, Chair, Board of Supervisors

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

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

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

Title _____
(Print or Type)

By _____
Deputy

Dated: _____

Address _____

FOR COUNTY USE ONLY

<p>Approved as to Legal Form</p> <p>► _____ Aaron Gest, Deputy County Counsel</p> <p>Date _____</p>	<p>Reviewed for Contract Compliance</p> <p>► _____ Byanka Velasco, Division Manager</p> <p>Date _____</p>	<p>Reviewed/Approved by Department</p> <p>► _____ Moe Yousif, Deputy Director</p> <p>Date _____</p>
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