



**Contract Number**

15-445 A-2

**SAP Number**

10.10.0175

**Real Estate Services Department  
Project Management Division**

**Department Contract Representative** Joel Garnica  
**Telephone Number** 909-387-5000

**Contractor** Abboud Diamond Construction, Inc  
**Contractor Representative** John Abboud  
**Telephone Number** 951-453-6171  
**Contract Term**  
**Original Contract Amount** \$248,729.00  
**Administrative Change No. 1** \$ 18,396.00  
**Amendment No. 1 Amount** \$498,749.00  
**Amendment No. 2 Amount** \$ 28,369.70  
**Total Contract Amount** \$794,243.70  
**Cost Center** 10.10.0175

**IT IS HEREBY AGREED AS FOLLOWS:**

**AMENDMENT No. 2  
CONTRACT No. 15-445**

**PROJECT NAME: Onyx Peak Solar Upgrade Project, Project No. 10.10.0175 (6W27)**

The following are amendments to Contract No. 15-445 with Abboud Diamond Construction, Inc. for the Onyx Peak Solar Upgrade Project (Project No. 10.10.0175).

**WHEREAS**, a construction contract ("Agreement") was entered into between the County of San Bernardino ("County"), and Abboud Diamond Construction Inc. ("Contractor"), on October 2, 2018 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; during grading and coring of pile foundations for the new Solar Arrays, contractor encountered large rocks and boulders underground that made it difficult for the contractor to complete his scope of work. In order for the contractor to complete the scope work contractor procure additional labor force hours, material and specialized

equipment to break through the unforeseen large boulders and rock that was encountered underground (see Change Order Request (COR) No. 005 and 006, which can be found in the project file); 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.

**NOW THEREFORE**, the Agreement is hereby amended as follows:

Section 1. The following changes and their respective costs, which have been claimed by Abboud Diamond Construction, have been added to the Agreement:

1. Change Order Request (COR) No. 005 and 006, includes labor, equipment and material, including but not limited to procurement of additional labor force hours, material and specialized equipment, to mitigate the unforeseen underground conditions encountered during erection of the Solar Arrays.

<u>ADDS</u>	<u>\$28,369.70</u>
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<b><u>TOTAL ADDS THIS AMENDMENT</u></b>	<b><u>\$28,369.70</u></b>
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Section 2. **The new Contract Sum is \$ 794,243.70.**

Section 3. **The Agreement completion date remains December 15, 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. 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.

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

COUNTY OF SAN BERNARDINO

Abboud Diamond Construction, Inc.

1849 W. Redlands Blvd., #101

Redlands, CA 92373

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



\_\_\_\_\_  
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

Laura H. Welch  
Clerk of the Board of Supervisors  
of the County of San Bernardino

By \_\_\_\_\_  
Deputy

By

\_\_\_\_\_  
*(Authorized signature - sign in blue ink)*

John Abboud

Name \_\_\_\_\_  
*(Print or type name of person signing contract)*

Title President  
\_\_\_\_\_  
*(Print or Type)*

Dated: \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

**FOR COUNTY USE ONLY**

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 \_\_\_\_\_