

County of Orange, OC Public Works
F.M. Thomas Air Conditioning, Inc.

MA-080-17011044

**AMENDMENT NO. 2
FOR
MAINTENANCE REPAIR OF WATER CHILLERS**

This AMENDMENT is made and entered into as of the date fully executed by and between the County of Orange, a political subdivision of the State of California ("County") and F.M. Thomas Air Conditioning, Inc., with a place of business at 231 Gemini Ave, Brea CA 92821 ("Contractor"), with County and Contractor sometimes individually referred to as "Party" or collectively referred to as "Parties".

RECITALS

WHEREAS, County and Contractor entered into Contract MA-080-17011044 for Maintenance Repair of Water Chillers, effective March 28, 2017, through March 27, 2022, in the Total Aggregate Contract Amount of \$5,000,000, ("Contract"); and,

WHEREAS, pursuant to Amendment 1, the Parties amended the contract to delete Article 12, Conflict of Interest and Article 44, Change of Ownership, and add Article 60, Change of Ownership/Name, Litigation Status, Conflicts with County Interests in their place; and,

WHEREAS, pursuant to Amendment 1, the Parties amended Article 24 to reflect changes to the Contract's Notice information; and,

WHEREAS, pursuant to Amendment 1, the Parties amended Attachment C of the Contract to revise the list of equipment to be serviced; and,

WHEREAS, the Parties now desire to amend Contract's Notice Information; and,

WHEREAS, the Parties now desire to amend Attachment B, Section II.B., Miscellaneous Item Discount Structure of the Contract; and,

NOW THEREFORE, the Parties agree as follows:

AMENDMENT TO CONTRACT ARTICLES

1. Article 25, Notices shall be amended to change County's Project Manager:

cc: OC Public Works/OC Facilities Maintenance
Attn: Robert Kmetz
1143 East Fruit Street
Santa Ana, CA 92701
Phone: 714-667-3281
Email: robert.kmetz@ocpw.ocgov.com

2. Attachment B, Section II.B. shall be amended in its entirety as follows:

Miscellaneous Item Discount Structure: Miscellaneous Items may be purchased against the Contract. Miscellaneous Item purchases shall not exceed \$5,000 per invoice, including tax, unless the following process is followed.

Miscellaneous Items ranging between \$5,000 and \$25,000, including tax, must be pre-approved by the County Project Manager or Designee prior to processing. The County will obtain price quotes from Contractor for all

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Miscellaneous Items purchased between \$5,000 and \$25,000.

The Contractor shall provide original cost receipts of all items cost of \$100 or more.

3. All other terms and conditions contained in the Contract shall remain unchanged and in full force and effect.

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IN WITNESS WHEREOF, the Parties hereto have executed this Contract on the date following their respective signatures.

F.M. THOMAS AIR CONDITIONING, INC.

By: Thomas Feyka
Print Name: Thomas Feyka
Title: President
Corporate Officer
Date: 3/2/2021

By: Carolyn Feyka
Print Name: Carolyn Feyka
Title: Secretary/Treasurer
Corporate Officer
Date: 3/2/2021

APPROVED AS TO FORM:

County Counsel

By: William Ninh
Deputy
Print Name: william Ninh
Date: 3/3/2021

COUNTY OF ORANGE, a political subdivision of the State of California

By: _____
Print Name: Nicholas Murray
Title: Deputy Purchasing Agent
Date: _____

* If the contracting party is a corporation, (2) two signatures are required: one (1) signature by the Chairman of the Board, the President or any Vice President; and one (1) signature by the Secretary, any Assistant Secretary, the Chief Financial Officer or any Assistant Treasurer. The signature of one person alone is sufficient to bind a corporation, as long as he or she holds corporate offices in each of the two categories described above. For County purposes, proof of such dual office holding will be satisfied by having the individual sign the instrument twice, each time indicating his or her office that qualifies under the above described provision. In the alternative, a single corporate signature is acceptable when accompanied by a corporate resolution demonstrating the legal authority of the signator to bind the corporation.