

**AMENDMENT NUMBER ONE
TO
AGREEMENT MA-060-13012178
BETWEEN THE
COUNTY OF ORANGE
AND
DAIN HORMELL DBA DH GENERAL CONTRACTORS**

This AMENDMENT NUMBER ONE to Contract number MA-060-13012178 (hereinafter "AMENDMENT NUMBER ONE") between the County of Orange, a political subdivision of the state of California (hereinafter "COUNTY") and **Dain Hormell dba DH General Contractors** (hereinafter "CONTRACTOR") with a place of business at 5942 Edinger Ave., #113, Huntington Beach, CA 92649-1773 is made and entered upon execution of all necessary signatures.

RECITALS:

WHEREAS, COUNTY and CONTRACTOR executed a Contract for General Construction and Maintenance Services, Contract number MA-060-13012178 (hereinafter "ORIGINAL AGREEMENT") for a five and a half (5 ½) month term of July 23, 2013 through and including January 8, 2014, renewable for four (4) additional one (1) year terms; and,

WHEREAS, the County of Orange, CEO/Purchasing Services has issued a Regional Cooperative Agreement number MA-017-13010879 for this type of service; and

WHEREAS, COUNTY desires to renew the ORIGINAL AGREEMENT for a one (1) year term and the CONTRACTOR has agreed to continue providing these goods/services at the rates set forth in the ORIGINAL AGREEMENT;

NOW THEREFORE, in consideration of the mutual obligations set forth herein, both COUNTY and CONTRACTOR agree as follows:

1. **ARTICLES**

- a. Additional Terms and Conditions, Section **Term of Contract**, of the ORIGINAL AGREEMENT is amended to read in its entirety as follows:

1. **Term of Contract:**

This Contract shall commence upon execution of all necessary signatures, and continue in effect from 7/23/13 through and including 1/8/15, unless otherwise terminated by COUNTY. The period of 7/23/13 through and including 1/8/14 shall be known as Contract number MA-060-13012178. The period of 1/9/14 through and including 1/8/15 shall be known as Contract number MA-060-14010717. This Contract may be renewed for three (3)

separate additional one-year terms by mutual written agreement of both Parties and the renewal of Regional Cooperative Agreement number MA-017-13010879. The County is not under any obligation to provide Contractor with a reason should it elect not to renew this Contract, nor is the County obligated to provide any prior notice to Contractor of its intent not to renew the Contract.

2. A true and correct copy of the ORIGINAL AGREEMENT (Agreement MA-060-13012178) is attached hereto as Exhibit A and incorporated by this reference.
3. All other provisions of the ORIGINAL AGREEMENT except as amended herein, remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the Parties have executed this AMENDMENT NUMBER ONE to Contract number MA-060-13012178

Contractor: Dain Hormell dba DH General Contractors

By: [Signature] Title: Owner
Print Name: DAIN HORMELL Date: 11/18/13

Contractor*: Dain Hormell dba DH General Contractors

By: [Signature] Title: Owner
Print Name: DAIN HORMELL Date: 11/18/13

*If a corporation, the document must be signed by two corporate officers. The first signature must be either the Chairman of the Board, President, or any Vice President. The second signature must be the secretary, an assistant secretary, the Chief Financial Officer, or any assistant treasurers. In the alternative, a single corporate signature is acceptable when accompanied by a corporate document demonstrating the legal authority of the signature to bind the company.

County Of Orange

A political subdivision of the State of California



Sheriff-Coroner Department

By: _____ Title: _____
Date: _____

APPROVED AS TO FORM
COUNTY COUNSEL.

[Signature]
Deputy

EXHIBIT A

ORIGINAL AGREEMENT (Contract Number MA-060-13012178)



SUBORDINATE AGREEMENT

Subordinate Agreement No. MA-060-13012178 with Dain Hormell dba DH General Contractors is hereby issued pursuant to the terms and conditions of cooperative agreement MA-017-13010879 for General Construction and Maintenance Services.

This Agreement MA-060-13012178 is made and entered into upon execution of all necessary signatures between Dain Hormell dba DH General Contractors, having its principal place of business at 5942 Edinger Ave., #113, Huntington Beach, CA 92649-1773 (referred as "Contractor"), and the County of Orange, Sheriff-Coroner Department, a political subdivision of the State of California, with a place of business at 320 N. Flower Street, Santa Ana, CA 92703 (referred to as "County") which are sometimes individually referred to as "Party" or collectively referred to as "Parties".

ATTACHMENTS

This Agreement is comprised of this document and the following Attachments, which are incorporated by reference into this Subordinate Price Agreement:

Attachment A –Regional Cooperative Agreement MA-017-13010879

RECITALS

WHEREAS, County of Orange, Sheriff-Coroner Department desires to enter into a Subordinate Agreement for General Construction and Maintenance Services; and

WHEREAS, the County of Orange, County Executive Office has issued a Regional Cooperative Agreement MA-017-13010879, now in effect from January 9, 2013 through January 8, 2014; and

WHEREAS, Contractor is willing to provide the services specified in this Subordinate Agreement to the County of Orange, Sheriff-Coroner Department;

NOW, THEREFORE, the parties mutually agree:

1. **Scope of Agreement:** This Subordinate Agreement specifies the terms and conditions by which the County of Orange, Sheriff-Coroner Department will procure goods/services from the Contractor, hereinafter referred to as "Services" as more fully detailed in Attachment A, Cooperative Agreement.
2. **Term of Subordinate Agreement:** This Subordinate Agreement shall commence upon execution of all necessary signatures and shall continue through and including January 8, 2014, unless otherwise terminated by the County. This Contract may be renewed for four (4) additional one-year terms upon mutual agreement of both Parties and upon renewal of RCA MA-017-13010879.



SUBORDINATE AGREEMENT

3. **Compensation & Payment:** Contractor agrees to provide the goods/services as set forth in Attachment "A" Cooperative Agreement at the fixed rates specified in the RCA. The total cost of this Subordinate Agreement shall not exceed \$175,000.00/year.
4. **Invoicing:** Invoices are to be submitted to the County of Orange, Sheriff-Coroner Department Research & Development Division at 431 The City Drive South, Orange, CA. Vendor shall reference Subordinate Agreement MA-060-13012178 on invoices. Payment will be net 30 days after receipt of an invoice in a format acceptable to the County of Orange and verified and approved by the agency/department and subject to routine processing requirements. The responsibility for providing an acceptable invoice rests with the contractor.
5. **Scope of Work:** Services and projects may be performed within the categories and at the rates contained within Exhibit A. Authorization and direction must be obtained in writing on approved forms from County of Orange, Sheriff-Coroner Department Research & Development Division, Facilities Planning/Facilities Operations prior to commencement of any work performed under this Contract. However, each individual public works project as defined in Public Contract Code Section 22002 performed under this Contract shall not exceed \$45,000. Projects shall not be split intentionally to avoid bidding pursuant to the Public Contract Code.
6. **Prevailing Wage (Labor Code §1773):** Pursuant to the provisions of Section 1773 of the Labor Code of the state of California, the Contractor shall comply with the general prevailing rates of per diem wages and the general prevailing rates for holiday and overtime wages in this locality for each craft, classification, or type of worker needed to execute this Contract. The rates are available from the Director of the Department of Industrial Relations at the following website: <http://www.dir.ca.gov/dlsr/DPreWageDetermination.htm>. The Contractor shall post a copy of such wage rates at the job site and shall pay the adopted prevailing wage rates. The Contractor shall comply with the provisions of Sections 1775 and 1813 of the Labor Code.

- Signature Page follows -



SUBORDINATE AGREEMENT

Signature Page:

The Parties hereto have executed this Contract MA-060-13012178 on the dates shown opposite their respective signatures below.

CONTRACTOR* Dain Hormell dba DH General Contractor

Print Name Title

Signature Date

Print Name Title

Signature Date

*** If the Contractor is a corporation, signatures of two specific corporate officers are required as further set forth.**

The first corporate officer signature must be one of the following: 1) the Chairman of the Board; 2) the President; 3) any Vice President.

The second corporate officer signature must be one of the following: a) Secretary; b) Assistant Secretary; c) Chief Financial Officer; d) Assistant Treasurer.

In the alternative, a single corporate signature is acceptable when accompanied by a corporate resolution demonstrating the legal authority of the signature to bind the company.

County of Orange, a political subdivision of the State of California

Print Name Title

Signature Date

APPROVED AS TO FORM
COUNTY COUNSEL

Paula A. Whaley, Deputy