

County of Orange, OC Sheriff
Bernards Bros., Inc.

MA-060-20011517

C O N T R A C T A M E N D M E N T

THIS AMENDMENT to Agreement MA-060-20011517, hereinafter referred to as “Amendment No. 1”, and dated ____ day of _____, 2022 is

BY AND BETWEEN

County of Orange, a political subdivision of the State of California, hereinafter referred to as “County”

AND

Bernards Bros., Inc., a California Corporation, hereinafter referred to as the “Contractor”,

Which are sometimes individually referred to as “Party” or collectively referred to as “Parties”.

R E C I T A L S

WHEREAS, on May 5, 2020, the County awarded Agreement MA-060-20011517 to Contractor for the James A. Musick Facility Jail Construction, Phases 1 (Assembly Bill 900) and Phase 2 (Senate Bill 1022), in the amount of \$261,118,000, and approved a five percent construction contingency in the amount of \$13,055,900, hereinafter referred to as “Agreement”;

WHEREAS, on August 3, 2020, the Agreement was executed by Sheriff-Coroner and Contractor after the State of California Department of Finance provided the County with its approval of the award;

WHEREAS, Agreement consists of the construction of a new Type II jail facility (used for the detention of persons pending arraignment, during trial, and upon sentence of commitment) at the James A. Musick Facility which includes 512 general inmate beds, 384 rehabilitation and treatment beds, administration and support spaces, and maintenance warehouse, hereinafter referred to as “Project”;

WHEREAS, the Parties now desire to increase the construction contingency amount by \$13,055,900 in order to complete construction of the Project for a total construction contingency amount of \$26,111,800.

NOW, THEREFORE, IT IS AGREED by and between the parties hereto as follows:

A R T I C L E S

1. The Owner’s Contingency amount in Paragraph 4.b. of Agreement shall be replaced with the following:

“Twenty-Six Million One Hundred Eleven Thousand Eight Hundred Dollars (\$26,111,800)”

2. Except as amended herein by this Amendment No. 1, all other terms and conditions of the Agreement remain unchanged with full force and effect.

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SIGNATURE PAGE

IN WITNESS WHEREOF, the PARTIES hereto have executed this Amendment No. 1 on the date following their respective signatures.

BERNARDS BROS., INC., a California Corporation*

Date: 11/21/2022 | 2:44:13 PM PST

By: Sam Laham
Sam Laham, Vice President

Date: 11/22/2022 | 8:07:10 AM PST

By: Ken Menager
Ken Menager, Chief Financial Officer

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

Date: _____

By: _____
Chairman of the Board of Supervisors
County of Orange, California

Signed and certified that a copy of this agreement has been delivered to the Chair of the Board per G.C. Sec 25103, Reso 79-1535

Attest:

Date: _____

By: _____
Robin Stieler
Clerk of the Board
County of Orange, California

APPROVED AS TO FORM

Office of the County Counsel
Orange County, California

By: [Signature] 11/22/2022 | 8:25:04 AM PST
Deputy 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 signee to bind the corporation.