

AMENDMENT ONE TO TAKEOVER AGREEMENT
BETWEEN THE COUNTY OF SAN MATEO AND
ATLANTIC SPECIALTY INSURANCE COMPANY, INC.

THIS AMENDMENT TO THE AGREEMENT, entered into this 9th day of
May, 2017, by and between the COUNTY OF SAN MATEO,
hereinafter called "County," and ATLANTIC SPECIALTY INSURANCE COMPANY,
hereinafter called "CONTRACTOR";

WITNESSETH:

WHEREAS, pursuant to Government Code Section 31000, County may contract with independent contractors for the furnishing of such services to or for County or any Department thereof;

WHEREAS, on October 18, 2016, the County exercised its rights under the Performance and Payment Bonds provided for in the contract with Team-Solar, LLC, referenced in Exhibit A, Item 3, and executed a Takeover Agreement with the "Surety" provider, Atlantic Specialty Insurance Company, for the completion of the project under the terms and conditions of the performance and payment bonds and the original contract with Team-Solar, LLC; and

WHEREAS, approval of the amendment will correct the Takeover Agreement's recital of the original Team-Solar, LLC contract amount from \$3,615,493 to \$3,977,042, which includes the \$3,615,493 in project costs and \$361,549 in contingency funds; and

WHEREAS, Item 21 of the "Original" agreement with Team-Solar, LLC was never completed by the Contractor, so the County entered into a separate agreement with Pacific Gas and Electric Company (PG&E) in the amount of \$228,068 to provide the interconnection of the carport's photovoltaic system to PG&E's electric grid; and

WHEREAS, the parties agree additional funds are necessary to complete the project change orders and wish to increase the overall not-to-exceed amount for the project; and

WHEREAS, the parties wish to amend the Takeover Agreement to modify the term date from June 30, 2017 to September 30, 2017; and

WHEREAS, the parties wish to amend the Takeover Agreement and increase the payment term from 15 days to 30 days.

NOW, THEREFORE, IT IS HEREBY AGREED BY THE PARTIES HERETO AS FOLLOWS:

1. Section 2, "TAKEOVER AGREEMENT", the agreement is amended to read as follows:

In connection with the Original Contract between Principal and Oblige, Surety issued performance bond number 800004993 ("Bond" or separately as "Performance Bond") as required by the Original Contract. The contract not to exceed amount was \$3,977,042.00 and includes the construction bid of \$3,615,493.00. The penal sum of the Bond is \$3,615,493.00. The contract provided for \$361,549 in contingency funds. The Bond does not guarantee any contractor or manufacturer warranties or O&M obligations beyond one-year from substantial completion of the Project. The bond is incorporated and made part of this Agreement.

2. Section TERMS; item (C) as follows;

Oblige and Surety agree that the undisputed funds remaining under the Original Contract for construction of work are calculated to include additional change orders as follows:

San Mateo Medical Center		
Contract Accounting		
Item	Amount	Notes
Agreed Upon Contract Amount	\$ 3,615,493.00	Contract Bid
Change Order 1& 2	\$140,881.80	
Total Board Approved Funding:	\$ 3,756,374.80	
Previously Paid	\$ 3,437,070.21	
Balance Including Retention	\$ 319,304.59	
Change Orders 3-5	\$ 2,828.10	As per change order summary dated 5/1/2017
Revised Contract Amount	\$ 322,132.69	
Paid to Date:	\$ 118,910.32	As per paid invoices 5/1/2017
Balance Including Retention	\$ 203,222.37	

3. Paragraph 13 as follows;

In the event that there are change orders or modification proposed to be issued by Oblige on or after the date of this Agreement, Oblige is granted the authority to negotiate and execute, pursuant to the Original Contract, such change work orders or modifications with the Surety to the extent Surety's Completion Contractor performs the work. The total amount of such change work orders shall not exceed \$50,000.

4. All other terms and conditions of the Takeover Agreement dated October 18, 2016, as amended, between the County and Contractor shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto, by their duly authorized representatives, have affixed their hands.

COUNTY OF SAN MATEO

ATLANTIC SPECIALTY INSURANCE
COMPANY



Contractor's Signature
Terence J. Dahl

Date: 5/9/17

By: _____
President, Board of Supervisors

Date: _____