

**FIRST AMENDMENT TO AGREEMENT NO. 39000-22-R078420  
BETWEEN THE COUNTY OF SAN MATEO AND  
ROMTEC, INC.**

THIS FIRST AMENDMENT TO THE AGREEMENT, entered into this 15<sup>th</sup> day of December, 2022, by and between the COUNTY OF SAN MATEO, hereinafter called "County," and Romtec, Inc., hereinafter called "Contractor";

W I T N E S S E T H:

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 September 14, 2021, this Board authorized the execution of an agreement with the Contractor for the design and construction of six restroom/shower buildings at Memorial County Park, for an initial term of September 15, 2021 through December 31, 2022, in an amount not to exceed \$3,838,557; and

WHEREAS, during the course of construction, the County discovered insufficient electrical infrastructure at two of the facilities, the Sequoia Flat C1 building and the Huckleberry Flat building, which must be remediated; and

WHEREAS, at the County's direction, the Contractor subcontracted with an electrical engineering firm to assess the existing conditions and design new, code compliant electrical infrastructure to remedy the issues at both locations so as to provide safe and reliable service at these facilities; and

WHEREAS, although the parties' Agreement contemplated contingency allowances for owner-requested changes, the cost to complete this remediation work (\$392,500) exceeds the remaining contingency funds available; and

WHEREAS, in order to cover the difference and have the Contractor's subcontractor complete the necessary electrical repairs, the parties wish to amend the Agreement: (1) to increase the contract by an additional \$144,468.23, to an amount not to exceed \$3,983,025.23; and (2) to extend the term of the Agreement through June 30, 2023.

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

1. Section 7.6 of the agreement is amended to read as follows:

**Contract Price.** The Contract Price is the sum of the Preconstruction Stage Price, Construction Stage Price, Sales Tax, Freight, Allowance, and Construction Contingency, and shall represent the sum total of all compensation due to the Design-Builder for all design and construction services under the Agreement. The total Contract Price for this Agreement is Three Million Nine Hundred Eighty-Three Thousand Twenty-Five dollars and Twenty-Three cents (**\$3,983,025.23**).


2. Section 8.1 of the agreement is amended to read as follows:

Contract Time. The Design-Builder must achieve Final Completion of the Work using best practical safe speed to achieve Final Completion as soon as reasonably possible. The Contract Time is the time allotted for the Design-Builder to achieve Substantial Completion and Final Completion of the Work. Completion of the Preconstruction Stage must be achieved by December 31st, 2021 for the Preconstruction Services. Final Completion of the Construction Stage must be achieved by June 30, 2023. The Design-Builder must also achieve all specific milestone completion dates as set forth in the Project Baseline Schedule in Exhibit 6.

3. **Except as amended, all other terms and conditions of the agreement dated September 15, 2021, between the County and Contractor shall remain in full force and effect.**

In witness of and in agreement with this Agreement's terms, the parties, by their duly authorized representatives, affix their respective signatures:

For Contractor: Romtec, Inc.

  
Contractor Signature

11/18/22  
Date

Ben Cooper, President  
Contractor Name (please print)

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**For County:**

COUNTY OF SAN MATEO

By:  
President, Board of Supervisors, San Mateo County

Date:

ATTEST:

By:  
Clerk of Said Board