

RESOLUTION NO. .

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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RESOLUTION AUTHORIZING AN AMENDMENT TO THE TAKEOVER AGREEMENT WITH ATLANTIC SPECIALTY INSURANCE COMPANY THAT INCLUDES: A) CORRECTING 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 B) EXTENDING THE TERM TO SEPTEMBER 30, 2017; AND C) INCREASING THE PROJECT'S MAXIMUM FISCAL OBLIGATION BY \$50,000, FOR A NEW NOT-TO-EXCEED AMOUNT OF \$4,027,042

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, on July 15, 2014, this Board adopted Resolution 073291, which authorized an agreement with Team-Solar, LLC, to design, furnish, and install a solar photovoltaic carport at the San Mateo Medical Center (SMMC); and

WHEREAS, the solar project supports the County's Strategic Energy Master Plan, approved by this Board on December 11, 2012, which recommends acquisition of solar photovoltaic systems as a means to accomplish the goals of generating 25 percent of energy demand from renewable sources and reducing greenhouse gas emissions, by 15 percent, from County facilities by 2020; and

WHEREAS, Item #21 of the "original" agreement with Team-Solar, LLC, was not completed by the Contractor, so the County entered into a separate agreement with Pacific Gas and Electric Company (PG&E) on July 3, 2015, in the amount of \$228,068, to provide the interconnection of the carport's photovoltaic system to PG&E's electric grid; and

WHEREAS, on April 21, 2016, the County was notified that Team-Solar, LLC filed for Chapter 11 bankruptcy; and

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, the “Surety” provider, Atlantic Specialty Insurance Company, has, under the Performance and Payments Bonds stipulation, subcontracted with Vertex Companies, Inc., who is acceptable to the County, to resume completion of the project, subject to the terms of the Bonds and the Takeover Agreement; and

WHEREAS, the additional contract change orders, and the agreement with PG&E, were required to complete the project, and total \$371,777.90, in aggregate; and

WHEREAS, this Board’s 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, the amendment will also correct the Takeover Agreement’s recital of change order amounts and amounts paid out on the project as of the execution date of the Takeover Agreement; and

WHEREAS, this Board's approval of adding \$50,000 to this project will cover the costs of the project change orders and increase the project's not-to-exceed amount to \$4,027,042; and

WHEREAS, this Board has been presented with the amendment to the Takeover Agreement, and has examined and approved same as to both form and content, and desires to enter into same.

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that the President of this Board of Supervisors be, and is hereby authorized and directed to execute said amendment to the Takeover Agreement with Atlantic Specialty Insurance Company, for and on behalf of the County of San Mateo, and the Clerk of this Board shall attest the President's signature thereto.

BE IT FURTHER RESOLVED that the Director of Public Works, or his designee, is hereby authorized to accept or execute on behalf of the County, any and all amendments, options, notices, consents, approvals, terminations, and documents in connection with the amended agreement, as long as the modified term or services is/are within the current or revised fiscal provisions.

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RESOLUTION NUMBER: .

Regularly passed and adopted this DAY of MONTH, YEAR

AYES and in favor of said resolution:

Supervisors: _____

NOES and against said resolution:

Supervisors: _____

Absent Supervisors: _____

*President, Board of Supervisors
County of San Mateo
State of California*

Certificate of Delivery

I certify that a copy of the original resolution filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.

Deputy Clerk of the Board of Supervisors