

**FIRST AMENDMENT TO
TULARE COUNTY AGREEMENT NO. 28575**

THIS FIRST AMENDMENT ("Amendment") to Tulare County Agreement Number 28575 (the "Agreement") is entered into by and between the **COUNTY OF TULARE** ("COUNTY") and **Atkins Bergreen, Inc.** ("CONTRACTOR") as of December 11, 2018 with reference to the following:

- A. The COUNTY and CONTRACTOR entered into the Agreement on May 8, 2018 for the purpose of providing construction services for the Visalia Wellness and Recovery Center Project;
- B. COUNTY and CONTRACTOR now wish to amend the Agreement in order to extend the agreement time and provide additional construction services for the Visalia Wellness and Recovery Center Project.

ACCORDINGLY, COUNTY and CONTRACTOR agree as follows:

1. Article III: Time of Commencement and Substantial Completion of the Agreement is hereby revised to read as follows:

- a. The Work to be performed under this Contract shall be commenced within Ten (10) calendar days after the date the Notice to Proceed is received by the Contractor and, subject to authorized adjustments, Substantial Completion of the Work Shall be achieved not later than **180** calendar days after the date established in the Notice to Proceed.

The Contractor shall be liable for liquidated damages of \$500.00 for each and every calendar day beyond the time herein described.

2. Article IV: Contract Sum of the Agreement is hereby revised to read as follows:

- a. The County shall pay the Contractor in current funds for the performance of the Work, subject to additions and deductions by Change Order or as otherwise provided in the Contract Documents, the Sum of **Six Hundred Ninety-Eight Thousand Nine Hundred Sixty-Eight dollars and Thirty-Nine cents (\$698,968.39).**

3. This First Amendment becomes effective as of December 11, 2018.

4. Except as provided above, all other terms and conditions of the Agreement shall remain in full force and effect.

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THE PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signatures below.

Atkins Bergreen, Inc.

Date 11-28-18

By Ed Bergreen

Print Name Ed Bergreen

Title CFO

Date 11-28-18

By Melinda Bergreen

Print Name Melinda Bergreen

Title Corp Secretary

[Pursuant to Corporations Code section 313, County policy requires that contracts with a Corporation be signed by both (1) the chairman of the Board of Directors, the president or any vice-president (or another officer having general, operational responsibilities), and (2) the secretary, any assistant secretary, the chief financial officer, or any assistant treasurer (or another officer having recordkeeping or financial responsibilities), unless the contract is accompanied by a certified copy of a resolution of the corporation's Board of Directors authorizing the execution of the contract. Similarly, pursuant to California Corporations Code section 17703.01, County policy requires that contracts with a Limited Liability Company be signed by at least two managers, unless the contract is accompanied by a certified copy of the articles of organization stating that the LLC is managed by only one manager.]

COUNTY OF TULARE

Date _____

By _____

Chairman, Board of Supervisors

ATTEST: JASON T. BRITT
County Administrative Officer/Clerk of the Board
of Supervisors of the County of Tulare

By _____
Deputy Clerk

Approved as to Form:
County Counsel

By [Signature]
Deputy

Matter # 20171569