

**THIRD AMENDMENT TO
TULARE COUNTY AGREEMENT NO. 28443**

THIS THIRD AMENDMENT ("Amendment") to Tulare County Agreement Number 28443 (the "Agreement") is entered into by and between the **COUNTY OF TULARE** ("COUNTY") and **Forcum Mackey Construction, Inc.** ("CONTRACTOR") as of MAY 7, 2019, with reference to the following:

- A. The COUNTY and CONTRACTOR entered into the Agreement on December 19, 2017, for the purpose of providing construction services for the County Wide Space Improvement Project Phase II;
- B. Whereas, the Parties entered into Amendment No. 1 to the Agreement on June 26, 2018 whereby they increased the Contract Sum and the Time of Completion to account for changes in the Project; and
- C. Whereas, the Parties entered into Amendment No. 2 to the Agreement on December 4, 2018 whereby they increased the Contract Sum to account for changes in the Project; and
- D. COUNTY and CONTRACTOR now wish to further amend the Agreement in order to decrease the agreement amount for the County Wide Space Improvement Project Phase II.

ACCORDINGLY, COUNTY and CONTRACTOR agree as follows:

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

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, a stipulated Sum of \$6,086,282.77.

3. This Third Amendment becomes effective as of May 7, 2019.

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

///

///

///

///

///

///

**THIRD AMENDMENT TO
TULARE COUNTY AGREEMENT NO. 28443**

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

Forcum Mackey Construction, Inc.

Date 4/10/19

By [Signature]
Print Name Joey Mackey
Title President

Date 4/10/19

By [Signature]
Print Name Ella Arellano
Title 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 # 20161479