

**AMENDMENT NO. 1 TO
AGREEMENT FOR DESIGN AND INSTALLATION OF HVAC REPLACEMENT
UNDER PROPOSITION 39 ENERGY EXPENDITURE PLAN
BY AND BETWEEN
PLEASANTON UNIFIED SCHOOL DISTRICT
AND FAMAND INC. DBA INDOOR ENVIRONMENTAL SERVICES**

This Amendment No. 1 to the Agreement for Design and Installation of HVAC Replacement Under Proposition 39 Energy Expenditure Plan ("First Amendment") is made and entered into this ____ day of February, 2019 ("Effective Date") by and between the Pleasanton Unified School District ("District") and Famand Inc. dba Indoor Environmental Services ("Contractor") (collectively, the "Parties").

RECITALS

WHEREAS, the Parties entered into an Agreement for Design and Installation of HVAC Replacement Under Proposition 39 Energy Expenditure Plan, on or about November 14, 2018 ("Agreement"), pertaining to preconstruction, development of plans and specification, and other Services for the replacement of heating, ventilation, and air conditioning systems ("Project") at Pleasanton Middle School ("Project Site"); and

WHEREAS, pursuant to the Agreement, if the District is satisfied with the results of the Contractor's preparation of plans and specifications (as defined in the Agreement, the "Plans and Specifications") and other pre-construction activities, and if the parties can agree with the Contract Sum (as defined in the Agreement), the District intends to authorize the Contractor to construct the Project in accordance with the Agreement and the plans and specifications; and

WHEREAS, Contractor has proposed plans and specifications, including a final proposed guaranteed maximum price for the Project, submitted January 30, 2019 ("GMP Proposal") within the timelines and requirements set forth in the Agreement, including section 7(c) thereof; and

WHEREAS, at this time, the Parties desire to amend and supplement the Agreement and accompanying Contract Documents to, among other things, incorporate the GMP Proposal into the Agreement such that it defines the Contract Sum, the District-approved Plans and Specifications, and the schedule to completion for the Project.

NOW, THEREFORE, the Parties agree as follows:

TERMS

Section I. Amendments, Supplements, and Exhibits to Agreement.

1. The Agreement is amended and supplemented such that the Contract Time for the Project is hereby established as one hundred eighty one (181) calendar days, commencing with the time that District issues a Notice to Proceed with the Project and ending with completion of the Project which shall occur no later than August 13, 2019.
2. The Agreement is amended such that **EXHIBIT "1"** attached and incorporated herein by this reference, containing the GMP Proposal from Contractor (which includes Scope of Work, Contract Sum, and Project Schedule) is made part of the Agreement as if set forth therein. As stated in Exhibit "1", the Contract Sum, for

which the Contractor will cause the Project to be constructed in accordance with the Agreement, is Six Hundred Fifty-Three Thousand Two Hundred Thirteen and No/100 Dollars (\$653,213.00). Per the terms of the GMP Proposal, the Contract Sum is inclusive of the Pre-Construction Design Fee. The District hereby approves the three percent (3%) line item for contingency and allowances contained in the GMP Proposal.

Section II. All Other Provisions Reaffirmed.

All other provisions of the Agreement shall remain in full force and effect and are hereby reaffirmed. If there is any conflict between this First Amendment and any provision of the Agreement, the provisions of this First Amendment shall control.

IN WITNESS WHEREOF, the Parties have caused this Amendment No. 1 to the Agreement to be executed by their respective officers who are duly authorized, as of the Effective Date.

ACCEPTED AND AGREED on the date indicated below.

Dated: February __, 2019

Dated: February 6, 2019

**PLEASANTON UNIFIED SCHOOL
DISTRICT**

**FAMAND INC. DBA INDOOR
ENVIRONMENTAL SERVICES**

By: _____

By:  _____

Name: _____

Name: Stan Butts

Title: _____

Title: President

EXHIBIT "1"

GUARANTEED MAXIMUM PRICE PROPOSAL

(including Scope of Work, Contract Sum, and Project Schedule)

See attached.

[GMP PROPOSAL DATED 1/30/2019]