



CITY OF COSTA MESA

CALIFORNIA 92628-1200

P.O. BOX 1200

FROM THE OFFICE OF THE CITY CLERK

May 29, 2018

Sully-Miller Contracting Company
Attn: Dennis Gansen, Vice President
135 S. State College Blvd., Suite #400
Brea, CA 92821

Dear Mr. Gansen:

RE: Amendment One to Agreement

Enclosed, for your records, is Amendment One to the Agreement between the City of Costa Mesa and Sully-Miller Contracting Company, to provide public works and improvements in connection with Bristol Street Projects (City Project No. 16-20).

Sincerely,

Brenda Green
City Clerk

Enclosure (1)

**AMENDMENT NUMBER ONE
TO AGREEMENT
WITH
SULLY-MILLER CONTRACTING COMPANY**

This Amendment Number One ("Amendment") is made and entered into this 31st day of October, 2017 ("Effective Date"), by and between the CITY OF COSTA MESA, a municipal corporation ("City"), and SULLY-MILLER CONTRACTING COMPANY, a Delaware corporation registered to do business in California ("Contractor").

WHEREAS, City and Contractor entered into an agreement dated as of January 17, 2017 for Contractor to provide public work and improvements in connection with Bristol Street Projects "A", "B", "C", "D", and "E", City Project No. 16-20 (the "Agreement"); and

WHEREAS, Bristol Street Projects "A" and "B" are federally-aided components of City Project No. 16-20, and Bristol Street Projects "C", "D", and "E" are locally-funded components of City Project No. 16-20; and

WHEREAS, after Contractor had commenced work on City Project No. 16-20, the California Department of Transportation notified the City that Bristol Street Projects "A" and "B" must be contracted for separately from Bristol Street Projects "C", "D", and "E"; and

WHEREAS, City desires to amend the Scope of Work to remove the locally-funded components of City Project No. 16-20 and limit the Scope of Work under the Agreement to the federally-aided components, and to set forth Contractor's compensation accordingly.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. The Scope of Work shall be amended to remove Projects "C", "D", and "E".
2. Paragraph 6 of the Agreement shall be amended to reflect a Contract Price of Three Million One Hundred Eighty-One Thousand Eight Hundred Eighty-Eight Dollars and Thirty-Four Cents (\$3,181,888.34). Contractor shall be paid at the unit prices set forth in the Contract Documents.
3. Payment to Contractor pursuant to Paragraph 15 of the Agreement shall be limited to payment of funds retained for Projects "A" and "B." Funds retained for Projects "C", "D" and "E" prior to the Effective Date of this Amendment shall be paid to Contractor pursuant to the agreement between City and Contractor for Projects "C", "D", and "E."
4. All terms not defined herein shall have the same meaning and use as set forth in the Agreement.
5. All other terms, conditions, and provisions of the Agreement not in conflict with this Amendment shall remain in full force and effect.

[Signatures appear on following page.]

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed by and through their respective authorized officers, as of the date first written above.

CITY OF COSTA MESA,
A municipal corporation

Thomas R. Hattis
City Manager

Date: 5/24/18

CONTRACTOR

W.J.T. Boyd
Signature

Date: MAY 16, 2018

WILLIAM BOYD, VICE PRESIDENT OF OPERATIONS
Name and Title

33-0787630
Social Security or Taxpayer ID Number

Scott Bottomley
Signature

Date: MAY 16, 2018

SCOTT BOTTOMLEY, VICE PRESIDENT
Name and Title

ATTEST:

Brenda Green
City Clerk



APPROVED AS TO FORM:

[Signature]
City Attorney

Date: 5/21/18

APPROVED AS TO INSURANCE:

[Signature]
Risk Management

Date: 5/17/18

APPROVED AS TO PURCHASING:

Cl for Colleen O'Donoghue Date: 5/21/18
Assistant Finance Director

DEPARTMENTAL APPROVAL

Raja Selwan Date: 5-17-18
Public Services Director

Batman Date: 5-17-18
Project Manager

CERTIFICATE OF INCUMBENCY AND RESOLUTION

I, Anthony L. Martino, II, do hereby certify that I am the Secretary of Sully-Miller Contracting Company, a Delaware corporation, and that as such I have access to and custody of the corporate records and minute books of said corporation.

And I do hereby further certify that the following persons are duly elected officers of said corporation.

TITLE

Chairman Of The Board
 President
 Vice President, CFO & Treasurer
 Vice President of Operations
 Vice President
 Vice President
 Secretary
 Assistant Secretary

NAME

John Harrington
 John Harrington
 Christian Ransinangue
 William Joseph Thomas Boyd
 Scott Bottomley
 Dennis Gansen
 Anthony L. Martino II
 Raymond Sanchez


I further certify that the following is a true and correct copy of a resolution duly adopted by the Board of Directors of said Company at a meeting held on December 9, 2016, and that this resolution has not been in any way rescinded, annulled, or revoked but the same is still in full force and effect:

"BID TENDERS: GENERAL

RESOLVED, that any officer of the Corporation be and they hereby are authorized in the name and on behalf of the Corporation, under its corporate seal or otherwise (i) to prepare proposals and bids for the supplying of construction materials and the performance by itself or in joint venture, of work of whatsoever nature in connection with the construction or paving of highways, roads and airports and in connection with earthworks and civil engineering projects of all kinds, together with all work incidental thereto, (ii) to execute and submit any and all such proposals and bids to any governmental authority, instrumentality, or agency of the United States, its several states, territories and possessions, including without limitation, any municipality or other political or corporate subdivision thereof, and to any corporation, partnership, sole proprietorship, or other business entity, (iii) in connection with any such submission, to deliver bid deposits or bonds as may be required and (iv) to execute and deliver definitive agreements binding the Corporation to perform work in accordance with any proposals and bids authorized hereby."

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal this 2nd day of May 2017.

(SEAL)



 Anthony L. Martino, II
 Secretary
 Sully-Miller Contracting Company
 135 S. State College Blvd., Ste. 400
 Brea, CA 92821