

Sheriff's Firing Range Remediation Project #8684
AUTHORIZED AGREEMENT AMENDMENT
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF AMENDMENT OF AGREEMENT)
RUSSELL RANCH) AMENDMENT NO. 2
SHERIFF'S FIRING RANGE REMEDIATION)
SISQUOC, CA)

WHEREAS, the County of Santa Barbara (COUNTY) and Russell Ranch (RUSSELL), 5851 Long Canyon Road, Sisquoc, California, 93454, entered into an agreement dated March 3, 2009, for the amount of TWO HUNDRED AND THREE THOUSAND THREE HUNDRED AND SEVENTY-SIX DOLLARS (\$203,376.00) for the Sheriff's Firing Range Remediation project – 5851 Long Canyon Road, Sisquoc, Project No. 8684, County of Santa Barbara, California; and

WHEREAS, it has been deemed necessary by the Board of Supervisors to make the following alterations known as Amendment No. 2, for a total of FIFTY-ONE THOUSAND EIGHT HUNDRED THIRTY DOLLARS AND FORTY-FOUR CENTS (\$51,830.44); and

WHEREAS, RUSSELL will perform the alterations stated in "Exhibit B" and attached hereto, for a total addition of FIFTY-ONE THOUSAND EIGHT HUNDRED THIRTY DOLLARS AND FORTY-FOUR CENTS (\$51,830.44); and

NOW, THEREFORE, the Agreement is amended as follows:

Section 1:

Paragraph 2 of said Agreement is hereby amended to read as follows:

2. PAYMENT BY COUNTY:

COUNTY shall pay all costs associated with the Agreement between RUSSELL and Contractor (hereinafter "Diani Contract"), attached hereto as Exhibit "B" and incorporated herein by reference; including reasonable administrative costs, including attorney fees, at the agreed hourly rate of Two Hundred fifty dollars (\$250.00) for work performed by RUSSELL'S attorneys related to the Project incurred by RUSSELL in an amount not to exceed TEN THOUSAND DOLLARS (\$10,000). The total estimate for the Project is ONE HUNDRED NINETY-THREE THOUSAND THREE HUNDRED SEVENTY-SIX DOLLARS (\$193,376), as shown on Exhibit B hereof. Prior to any payment made by RUSSELL pursuant to this agreement, COUNTY shall have the right to review and approve any and all invoices submitted and the work performed by Contractor. Agreement Amendment No. 1 equals \$20,329.25. This Agreement Amendment No. 2 in the amount of \$51,830.44 brings the total amount of the agreement between COUNTY and RUSSELL to \$275,535.69.

Upon substantial completion of the Project, as determined by COUNTY and RUSSELL, COUNTY shall pay to RUSSELL NINETY-FIVE PERCENT (95%) of the final cost of the Project which has been approved by COUNTY, including the aforementioned administrative costs incurred by RUSSELL. Upon agreement by COUNTY and RUSSELL that the Project has been substantially completed, RUSSELL shall submit to COUNTY an accounting of all costs incurred.

Sheriff's Firing Range Remediation
5851 Long Canyon Road, Sisquoc
Contract No. BC-09-096, Project No. 8684
Amendment No. 2

Final completion of the Project will be evidenced by the Regulator's determination of Site Closure and the issuance of a "no Further Action" letter for the Premises and the Shell Property. Upon final completion of the Project, COUNTY shall pay to RUSSELL the remainder of the amount due under the Contract, and any additional administrative costs incurred by RUSSELL. In no event shall the total of all administrative costs incurred by RUSSELL and paid by COUNTY exceed TEN THOUSAND DOLLARS (\$10,000.00).

Section 2:

Paragraph 1 of the Agreement is hereby amended by the addition of the following language:

1. SCOPE OF WORK

Items of work to be performed by RUSSELL'S Contractor shall include all items stated in "Exhibit B," incorporated by this reference and attached hereto. These items include without limitation the addition of: Agreement Change Authorization #2.

Sheriff's Firing Range Remediation
5851 Long Canyon Road, Sisquoc
Contract No. BC-09-096, Project No. 8684
Amendment No. 2

Section 3:

This Agreement Amendment, along with the consent of RUSSELL attached hereto, shall constitute an agreement between the County of Santa Barbara and Robert Russell & Russell Family Trust. The compensation for this Agreement Amendment includes any and all of RUSSELL'S Contractor costs associated with additional work and days on the site, including but not limited to overhead and home office costs. All other sections of the Agreement between the parties shall remain in full force and effect.

Original Contract amount: Two Hundred Three Thousand

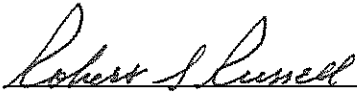
| | |
|--|---------------------|
| Three Hundred and Seventy-Six Dollars | <u>\$203,376.00</u> |
| Amount of Amendment No. 1: | <u>\$ 20,329.25</u> |
| Amount of Amendment No. 2: | <u>\$ 51,830.44</u> |
| Total Contract amount after Amendment No. 2: | <u>\$275,535.69</u> |

Sheriff's Firing Range Remediation
5851 Long Canyon Road, Sisquoc
Contract No. BC-09-096, Project No. 8684
Amendment No. 2

We hereby consent to the above and agree to the alterations as set forth in said Amendment in the manner and for the amount as indicated.

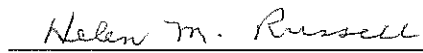
Dated this 31st day of August, 2009

"RUSSELL"



Robert Russell

Address: 5851 Long Canyon Road
City/State/Zip: Sisquoc, CA 93454



Helen M. Russell, Trustee of the
RUSSELL FAMILY TRUST

"COUNTY"

County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
CLERK OF THE BOARD

By: _____
Deputy Clerk of the Board

By: _____
CHAIR
BOARD OF SUPERVISORS
County of Santa Barbara

**APPROVED AS TO FORM:
FORM:**

DENNIS A. MARSHALL,
COUNTY COUNSEL

By: _____
Deputy County Counsel

APPROVED AS TO ACCOUNTING

ROBERT W. GEIS, CPA
AUDITOR-CONTROLLER

By: _____
Deputy Auditor-Controller

APPROVED AS TO FORM:

RAY AROMATORIO
RISK PROGRAM ADMINISTRATOR

By: _____

Dept 063

Account 8700

Fund 0030

Program 1930

Sheriff's Firing Range Remediation
5851 Long Canyon Road, Sisquoc
Contract No. BC-09-096, Project No. 8684
Amendment No. 2

EXHIBIT "B"

Item No. 1: Agreement Change Authorization #2 (7/8/09) \$51,830.44
Reconciliation between the remediation agreement quantities (proposal quantities in additional to quantities added within ACA #1) and the actual quantities



County of Santa Barbara
 Office of the County Architect
 1105 Santa Barbara Street
 Santa Barbara, CA 93101

Owner
 Architect
 Consultant
 Contractor
 Other
 ACA No.: 2
 Dated: 7/8/09

Agreement Change Authorization #2

| | | | |
|-----------|------------------------------------|---------|--------------------------------------|
| Project | Sheriff's Firing Range Remediation | Address | 5851 Long Canyon Road, Sisquoc, CA |
| Project # | 8684 | Owner | Robert Russell, Russell Family Trust |

In order to expedite the Work and avoid or minimize delays in the Work that may affect the agreement sum or time, the agreement is hereby amended as described below. Proceed with this work promptly. This Change Authorization represents an agreement between The County of Santa Barbara and Owner in terms of cost impact, and represents how the agreement amount will be revised in a subsequent Agreement Amendment. Subsequent progress pay applications shall be based on agreement amounts only, as duly amended.

DESCRIPTION:

This Agreement Change Authorization is a reconciliation between the remediation agreement quantities (proposal quantities in addition to quantities added within ACA #1) and the actual quantities.

| ITEM | DESCRIPTION | DECREASE | INCREASE |
|------|---|------------|-------------|
| 8 | Excavate Soil Increase in quantity from 950 tons to 1,264.27 tons for a net increase of 314.27 tons @ \$14.25 per ton | \$0.00 | \$4,478.60 |
| 9 | Soil Analytical, Normal Turn Around Increase in quantity from 80 to 107 for a net increase of 27 @ \$44.00 each | \$0.00 | \$1,188.00 |
| 10 | Soil Analytical, 24 hour rush Decrease in quantity from 100 to 0 for a net decrease of 100 @ \$88.00 each | \$8,800.00 | \$0.00 |
| 11 | Haul/Dispose RCRA waste Increase in quantity from 663 tons to 972.53 tons for a net increase of 309.53 tons @ \$182.00 per ton | \$0.00 | \$56,334.46 |
| 12 | Haul/Dispose Cal-Haz waste Increase in quantity from 286 tons to 291.74 tons for a net increase of 5.74 tons @ \$87.00 per ton | \$0.00 | \$499.38 |

| | | | |
|----|--|-------------|-------------|
| 13 | Soil Analytical (STLC) Normal TAT Increase in quantity from 0 to 5 for a net increase of 5 @ \$90.00 each | \$0.00 | \$450.00 |
| 15 | Soil Analytical (TCLP) Normal TAT Increase in quantity from 0 to 2 for a net increase of 2 @ \$90.00 each | \$0.00 | \$180.00 |
| 16 | Hydroseed Delete from scope of work for a net decrease of \$2,500.00 | \$2,500.00 | \$0.00 |
| | TOTAL | \$11,300.00 | \$63,130.44 |
| | NET CHANGE | \$0.00 | \$51,830.44 |

Total of this Agreement Change Authorization is \$51,830.44.

The following is based on information provided by the Owner's Contractor:

Change in Agreement Sum of:

\$56,121.69

(x) Fixed () Maximum
() Estimate () T & M

| | |
|---------------------------------------|--------------------|
| Original Agreement Amount | \$203,376.00 |
| <u>Amount of ACA No. 01</u> | <u>\$20,329.25</u> |
| <u>Amount of ACA No. 02</u> | <u>\$51,830.44</u> |
| Total Contract Amount after ACA No. 2 | \$275,535.69 |

REVIEWED AND APPROVED BY:

COUNTY OF SANTA BARBARA

Project Manager *J. Moor*
_____ (Owner's Representative)

Date: 7/14/09

OWNER:

Robert S. Russell
Robert Russell

Helen M. Russell
Helen M. Russell, Trustee of the
RUSSELL FAMILY TRUST