

AMENDMENT NO. 2 TO INDEPENDENT CONTRACTOR AGREEMENT
NO. 19C4335

This Amendment No. 2 (“**Amendment**”) shall serve to modify the existing Contract No. 17C4229 (“**Contract**”) between the County of Santa Cruz (“**County**”) and Bogard Construction Inc. (“**Contractor**”). County and Contractor may sometimes be referred to in this Amendment collectively as “**Parties**” or individually as “**Party**.”

I. Background.

- a. The Parties entered into the Contract effective June 18, 2018.
- b. The Parties previously executed the following amendments to the Contract:
 1. Amendment No. 1, effective June 30, 2020.
- c. The additional compensation allows for updated billing rates.

II. Effective Date of Amendment.

- a. This Amendment shall be effective as of the date fully executed by all Parties hereto (“**Effective Date**”).

III. Changes to Contract.

- a. By executing this Amendment, the Parties agree that the Contract shall be changed in the following manner.
 1. Section 2 “Compensation” shall be increased from \$309,190 to \$343,206.
 2. Section 3 “Term” shall be deleted in its entirety and replaced with the following:
“The term of this Contract shall be: June 18, 2018 through December 31, 2026, or completion date, whichever is later.”
 3. Section 13, “Attachments” shall be replaced by EXHIBIT A.2: Revised Scope of Services, dated November 14, 2024.
- b. All other existing provisions of the Contract not specifically addressed by this Amendment shall remain unchanged and in full force and effect. In the event of a conflict between the language of this Amendment and the Contract or any previous amendment of the Contract, the language of this Amendment shall control.

IV. Exhibits / Attachments.

The following Exhibits and/or Attachments are attached to this Amendment and hereby incorporated into its terms by this reference as though set forth in full:

- a. EXHIBIT A.2: Revised Scope of Services, dated November 14, 2024.

In Witness Whereof, the Parties have executed this Agreement by their duly authorized officers or representatives.

BOGARD CONSTRUCTION INC. (“Contractor”)	COUNTY OF SANTA CRUZ (“County”)
<div>[Signature of person signing for Contractor]</div> <div>Jared Bogaard, Executive Vice President</div> <div>2</div>	<div>Michael Beaton, Director, General Services</div> <div>Date</div> <div>4</div>
<div>Address: 350-A Coral Street, Santa Cruz, CA 95060</div> <div>Telephone: 831-426-8191</div> <div>Email: jared@bogardconstruction.com</div>	<div>Approved as to Form:</div> <div><div>DocuSigned by:</div><div>Justin Graham</div><div>1/16/2025</div><div>Office of County Counsel</div><div>Date</div><div>1</div></div>
<div>DISTRIBUTION:</div> <div>General Services Contractor</div>	<div>Approved as to Insurance:</div> <div><div>Signed by:</div><div>Gina Borasi</div><div>1/17/2025</div><div>Risk Management</div><div>Date</div><div>3</div></div>

Attachment A.2 Scope of Services



November 14, 2024

County of Santa Cruz

Department of Public Works

701 Ocean Street, Room 410

Santa Cruz, CA 95060

Ms. Nicole Steel, Project Manager, Capital Projects

Re: Construction Management Services for Juvenile Hall Gymnasium

Dear Ms. Steel,

Thank you for selecting Bogard Construction, Inc. to assist the Santa Cruz County Probation Department with this exciting project. Attached please find our proposed fee structure for the scope of work discussed.

We understand our scope is act as the County's Construction Manager and work with the County to assist with initial plan review and project coordination, as it pertains to the following:

- Drawings and Specs Coordination
- Assist on Bidding Process
- **Meeting agenda and meeting minutes to be prepared by County's Project Manager**
- Review, track and disseminate Submittals
- Review, track and disseminate RFI's
- Review contractor Change Orders
- Assist in the coordination of special and building department inspections
- Coordination with the Architect of Record for site visits and on-site mock-up review
- Coordinate Punchlist
- Manage Final Close-out documents and releases
- Warranty coordination and confirmation

This effort is prepared based on an anticipated **10 month** construction duration. Using this assumption, our attached Fee Schedule and Fee Matrix, our **revised** proposed contract value is \$162,975 for our services through construction.

Upon authorization we will proceed on an hourly basis.

We look forward to working on this project. Thank you again for allowing us the opportunity to submit our fee proposal. If you have any questions, or require additional information, please do not hesitate to contact us.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Jared Bogaard', is written over a light blue circular stamp.

Jared Bogaard
Executive Vice President
Bogard Construction, Inc.

GC for JB



November 14, 2024

County of Santa Cruz

Department of Public Works
701 Ocean Street, Room 410
Santa Cruz, CA 95060

Ms. Nicole Steel, Project Manager, Capital Projects

Re: Construction Management Services for Juvenile Renovation and Upgrades REVISED

Dear Ms. Steel,

Thank you for selecting Bogard Construction, Inc. to assist the Santa Cruz County Probation Department with this exciting project. Attached please find our proposed fee structure for the scope of work discussed.

We understand our scope is act as the County's Construction Manager and work with the County to assist with initial plan review and project coordination, as it pertains to the following:

- Drawings and Specs Coordination
- Assist on Bidding Process
- **Meeting agenda and meeting minutes to be prepared by County's Project Manager**
- Review, track and disseminate Submittals
- Review, track and disseminate RFI's
- Review contractor Change Orders
- Assist in the coordination of special and building department inspections
- Coordination with the Architect of Record for site visits and on-site mock-up review
- Coordinate Punchlist
- Manage Final Close-out documents and releases
- Warranty coordination and confirmation

This effort is prepared based on an anticipated **12 month** construction duration. Using this assumption, our attached Fee Schedule and Fee Matrix, our **revised** proposed contract value is \$180,231 for our services through construction.

Upon authorization we will proceed on an hourly basis.

We look forward to working on this project. Thank you again for allowing us the opportunity to submit our fee proposal. If you have any questions, or require additional information, please do not hesitate to contact us.

Respectfully submitted,

A handwritten signature in blue ink, reading 'Jared Bogaard', is written over the typed name.

Jared Bogaard
Executive Vice President
Bogard Construction, Inc.

GC for JB



2024 Hourly Rates

Principal	\$	195.00
Project Director/Senior Project Manager	\$	175.00
Project Manager	\$	165.00
General Superintendent	\$	150.00
Scheduler/Cost Estimator	\$	130.00
Superintendent	\$	130.00
Project Engineer/Assistant Project Manager	\$	115.00
Accounting	\$	105.00
Administrative Services/Clerical	\$	95.00
Carpenter	\$	125.00
Laborer	\$	95.00

Reimbursable Expenses:

Reimbursable expenses will be billed at actual cost plus 10%, including, but not limited to, blueprinting, phone/fax, mileage, parking, travel expenses, copy reproduction and Any consultants retained by Bogard Construction, Inc. will be billed at cost + 10%.

Hourly rates are subject to annual revision.

Updated: January 1, 2023

Certificate Of Completion

Envelope Id: 10F918DC-DB99-4F6F-98F1-5EE4DBC42173

Status: Completed

Subject: Complete with Docusign: Amendment 2 - 19C4335 - Bogard SB81 Contract.pdf

Source Envelope:

Document Pages: 5

Signatures: 2

Envelope Originator:

Certificate Pages: 5

Initials: 0

Luna Harter

AutoNav: Enabled

701 Ocean Street

Envelopeld Stamping: Enabled

Santa Cruz, CA 95060

Time Zone: (UTC-08:00) Pacific Time (US & Canada)

Luna.Harter@santacruzcountyca.gov

IP Address: 23.119.164.142

Record Tracking

Status: Original

Holder: Luna Harter

Location: DocuSign

1/14/2025 2:34:51 PM

Luna.Harter@santacruzcountyca.gov

Security Appliance Status: Connected

Pool: FedRamp

Storage Appliance Status: Connected

Pool: County of Santa Cruz

Location: DocuSign

Signer Events

Justin Graham

Justin.Graham@santacruzcountyca.gov

Reviewed as to form / Assistant County Counsel

County of Santa Cruz

Security Level: Email, Account Authentication (None)

Signature

DocuSigned by:

Justin Graham
40E85ACDEDAB42D...

Timestamp

Sent: 1/15/2025 11:45:27 AM

Viewed: 1/16/2025 11:08:37 AM

Signed: 1/16/2025 11:08:54 AM

Signature Adoption: Pre-selected Style

Using IP Address: 63.194.190.100

Electronic Record and Signature Disclosure:

Accepted: 3/1/2022 10:15:00 AM

ID: dd5bcf3a-9e05-49ae-af0f-0166e942a77f

Gina Borasi

Gina.Borasi@santacruzcountyca.gov

Risk Manager

County of Santa Cruz

Security Level: Email, Account Authentication (None)

Signed by:

Gina Borasi
E4EADC5BA53B4DB...

Sent: 1/16/2025 11:08:55 AM

Viewed: 1/17/2025 8:27:24 AM

Signed: 1/17/2025 8:27:50 AM

Signature Adoption: Pre-selected Style

Using IP Address: 24.6.202.106

Electronic Record and Signature Disclosure:

Accepted: 12/18/2023 9:38:58 AM

ID: 5f1392e5-7eb7-47e8-b6a6-baa8d5c3b8c6

In Person Signer Events

Signature

Timestamp

Editor Delivery Events

Status

Timestamp

Agent Delivery Events

Status

Timestamp

Intermediary Delivery Events

Status

Timestamp

Certified Delivery Events

Status

Timestamp

Carbon Copy Events

Status

Timestamp

Witness Events

Signature

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Notary Events

Signature

Timestamp

Envelope Summary Events

Status

Timestamps

Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	1/15/2025 11:45:27 AM
Certified Delivered	Security Checked	1/17/2025 8:27:24 AM
Signing Complete	Security Checked	1/17/2025 8:27:50 AM
Completed	Security Checked	1/17/2025 8:27:50 AM
Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, County of Santa Cruz (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact County of Santa Cruz:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: nada.algharib@santacruzcounty.us

To advise County of Santa Cruz of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at nada.algharib@santacruzcounty.us and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from County of Santa Cruz

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to nada.algharib@santacruzcounty.us and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with County of Santa Cruz

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to nada.algharib@santacruzcounty.us and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

By selecting the check-box next to 'I agree to use electronic records and signatures', you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify County of Santa Cruz as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by County of Santa Cruz during the course of your relationship with County of Santa Cruz.