

CHANGE ORDER / AMENDMENT TO CONSTRUCTION AGREEMENT

This Change Order / Amendment to Project Agreement (“Change Order”) is made and entered into this _____ day of _____ 2016, by and between the **SUCCESSOR AGENCY TO THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT**, a public body, (“SUCCESSOR AGENCY”), and **J & G INDUSTRIES, INC.** (“CONTRACTOR”).

RECITALS

- A. SUCCESSOR AGENCY and CONTRACTOR entered into that certain Construction Agreement, dated October 11, 2016 (the “Agreement”), in which CONTRACTOR is furnish all labor, material, equipment, for demolition, site improvement, traffic control and asbestos abatement for Brookhurst Triangle Demolition Project – Phase 1, Project No. 2562 – of structures located on property owned by the Successor Agency located at 10151 Garden Grove Blvd., 12863 Brookhurst St., and 12865 Brookhurst St., Garden Grove (the “Premises”).
- B. One of the structures had structural fire damage. Upon further inspection of the remaining structures on the Premises, asbestos containing material (“ACM”) was found to be disturbed by vandalism and unreported fires which were not included in the initial preparation and implementation of a Procedure 5 asbestos abatement plan in accordance with Southern California Air Quality Management District regulations.
- C. Section 5.11 of the Agreement provides that the compensation for Services is not to exceed the sum of Three Hundred Thirty Eight Thousand Eight Hundred Seventy Eight Dollars (\$338,878.00).
- D. SUCCESSOR AGENCY and CONTRACTOR wish to amend the Agreement pursuant to this Change Order to prepare and implement a Procedure 5 asbestos abatement plan for the remaining structures found to have disturbed ACM.

AGREEMENT

NOW THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

- 1. CONTRACTOR hereby agrees to prepare and implement a Procedure 5 asbestos abatement plan to demolish, remove, and dispose of all ACM at the Premises, in accordance with the proposal provided by CONTRACTOR for said work, which is attached hereto as Exhibit “A” and incorporated herein by reference. In the event of a conflict between the terms of CONTRACTOR’s proposal attached as Exhibit “A” and terms set forth in the Agreement, the terms expressly set forth in the Agreement shall govern.
- 2. CONTRACTOR agrees commence the additional work approved pursuant to this Change Order within FOURTEEN (14) calendar days from the date set forth in the “Notice to Proceed” sent by SUCCESSOR AGENCY and shall diligently prosecute said additional work to completion within THIRTY (30) working days from commencement of work excluding delays caused or authorized by SUCCESSOR AGENCY a set forth in Section 5.7, 5.8 and 5.9 of the Agreement.
- 3. For the additional work authorized pursuant to this Change Order, CONTRACTOR shall be compensated in the additional Not-to-Exceed amount of One Hundred Seventy Thousand Two Hundred Thirty Six Dollars (\$170,236.00).
- 4. The contract sum of Three Hundred Thirty Eight Thousand Eight Hundred Seventy Eight Dollars (\$338,878.00) as shown in Section 5.11 of the Agreement is hereby amended and revised to Five

Hundred Nine Thousand One Hundred Fourteen Dollars (\$509,114.00).

5. This Change Order shall constitute a change order in accordance with Section 5.8 of the Agreement.
6. Except as expressly amended hereby, all terms and provisions of the Agreement remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Change Order to be executed by their respective officers duly authorized on the date first written above.

"SUCCESSOR AGENCY"
SUCCESSOR AGENCY TO THE GARDEN
GROVE AGENCY FOR COMMUNITY
DEVELOPMENT, a public body

By: _____
Director

ATTESTED:

Secretary

Date: _____

"CONTRACTOR"
J&G INDUSTRIES, INC., a California
corporation

By: James K. Cain

Name: JAMES K CAIN

Title: PRESIDENT

Date: 11-17-2016

Tax ID No. 33-0343018

Contractor's License: 571859

Expiration Date: 6-30-2017

If CONTRACTOR is a corporation, a Corporate Resolution and/or Corporate Seal is required. If a partnership, Statement of Partnership must be submitted to CITY.

APPROVED AS TO FORM:

Successor Agency Counsel

Date

EXHIBIT A
CONTRACTOR PROPOSAL