

**AMENDMENT NO. 1 CITY OF SANTA CLARA CONTRACT NO. 2420A
ELECTRIC UTILITY OVERHEAD FACILITIES
MASTER CONSTRUCTION AGREEMENT DOCUMENT 00520
BETWEEN THE CITY OF SANTA CLARA, CALIFORNIA AND
HOT LINE CONSTRUCTION, INC.**

PREAMBLE

This agreement ("Amendment No. 1") is entered into between the City of Santa Clara, California, a chartered California municipal corporation (City) and Hot Line Construction, Inc. a California corporation, (Contractor). City and Contractor may be referred to individually as a "Party" or collectively as the "Parties" or the "Parties to this Agreement."

RECITALS

- A. The Parties previously entered into an agreement entitled "City of Santa Clara Contract No. 2420A Electric Utility Overhead Facilities Master Construction Agreement Document 00520" dated July 31, 2017 (Agreement); and
- B. The Agreement and its amendments are collectively referred to herein as the "Agreement as Amended"; and
- C. The Parties entered into the Agreement for the purpose of having Contractor provide overhead infrastructure Replacement Project, and the Parties now wish to amend the Agreement as Amended to clarify the Contract Time and not to exceed value of the Agreement.

NOW, THEREFORE, the Parties agree as follows:

AMENDMENT TERMS AND CONDITIONS

- 1. Document 00520 Article 3 "Contract Time and Liquidated Damages" Section 3.1 is hereby amended to read as follows:

Contractor shall commence Work at each Site on the date established in each Call Order as executed. The City reserves the right to modify or alter the Commencement Date of the Work due to the need to complete other City provided work at the Site. Contractor shall complete the Work following the schedule provided in each Call Order (Document 0521).

City shall not issue Call Orders after July 31, 2022.

- 2. Document 00520 Article 4. "Total Contract Price" is hereby amended to reach as follows:

City shall pay Contractor for the completion of the Work performed under each Call Order subsequently executed by the Parties for work to be performed, plus any change orders less liquidated damages, if applicable, for each Call Order. The Total Contract Price shall not exceed \$3,000,000.00.

- 3. Document 00312 – Daily Hourly Bid Schedule is amended and replaced with Document 00312 - Daily Hourly Bid Schedule Effective December 15, 2020.
- 4. Document 00521 – Call Order No. ____ (Sample) is amended and replaced with Document 00521 – Call Order No. ____ (Sample) Updated September 1, 2020

5. Document 00522 – Change to Call Order No. ____ (Sample) is incorporated into the Agreement.

6. Except as set forth herein, all other terms and conditions of the Agreement shall remain in full force and effect. In case of a conflict in the terms of the Agreement and this Amendment No. 1, the provisions of this Amendment No. 1 shall control.

The Parties acknowledge and accept the terms and conditions of this Amendment No. 1 as evidenced by the following signatures of their duly authorized representatives.

CITY OF SANTA CLARA, CALIFORNIA
a chartered California municipal corporation

Approved as to Form:

Dated: _____

BRIAN DOYLE
City Attorney

DEANNA J. SANTANA
City Manager
1500 Warburton Avenue
Santa Clara, CA 95050
Telephone: (408) 615-2210
Fax: (408) 241-6771

"CITY"

HOT LINE CONSTRUCTION, INC.
a California corporation

Dated: 12/1/2029

By (Signature): [Signature]

Name: Kelly Kutchera

Title: Chief Financial Officer

Principal Place of Business Address: 9020 Brentwood Boulevard, Suite H
Brentwood, CA 944513

Email Address: kkutchera@hotlineconstructioninc.com

Telephone: (925) 634-9333

"CONTRACTOR"