



San Diego Unified
SCHOOL DISTRICT

Najwa Farace
Contracts Administration Supervisor
Facilities Planning and Construction
(858) 522-5833
nfarace@sandi.net

March 27, 2024

Randy Arnston
Endelos Construction LLC dba Endelos Energy
593 Avenue of the Flags, Suite 105
Buellton, California 93427

VIA: rarnston@endelosenergy.com


Dear Mr. Arnston:

Subject: First Amendment to Agreement No. PS23-0834-11 for Battery Energy Storage Systems at Two Sites

The above referenced First Amendment to Agreement was approved by the San Diego Unified School District's Governing Board on March 26, 2024. This First Amendment extends the term of the Agreement for two (2) years for a new term of April 12, 2023 through April 11, 2026 and updates the labor compliance requirements. A fully executed copy of the First Amendment will be sent via DocuSign® to the signatory's email after all parties have signed.

Please contact Najwa Farace, Contracts Administration Supervisor at (858) 522-5833 or nfarace@sandi.net, if you have any questions concerning this First Amendment.

Sincerely,

DocuSigned by:

5AEBC7D660124F7...

Najwa Farace
Contracts Administration Supervisor, Professional Services

SM: kv

c: Gary Stanford, Director, Project Management
Sydney Hawkins, Project Management Supervisor
Graham Champion, Labor Compliance and Construction Contracts Supervisor
Patrick Haggerty, Senior Contract Specialist
Monica Melero, Lead Police Dispatcher

rarntson@endelosenergy.com

From: Moreno Sarah <smoreno1@sandi.net>
Sent: Wednesday, February 28, 2024 2:57 PM
To: Julia Devor
Cc: rarntson@endelosenergy.com; Vermeer Kristen; Josh Warkentin; Dawнна Tate
Subject: RE: SDUSD PS23-0834-11 First Amendment BESS DB for Review_Endelos
Attachments: PS23-0834-11_A1 BESS_DB_Contract_Endelos_2.28.24.pdf

Hello Julie,

I spoke to our project management team and suggested we do a 2-year extension in order to lock in the 2024-1 wage determination number for the next two years. Attached please find the revised Amendment with a 2-year extension. Please let me know if all the information is correct. If this Amendment is accepted, I will move forward with DocuSign for electronic signatures.

Also, please provide your company's W-9 and Insurance Certification with SDUSD as the certificate holder as follows:

San Diego Unified School District
C/O: PS23-0834-11
4100 Normal Street
San Diego, CA 92103

*NOTE: If you cannot get the insurance documents in by the reply date below, please notify me.

Thank you,
Sarah

Sarah Moreno
Senior Contract Specialist
San Diego Unified School District
Facilities Planning & Construction
858.522.5865 smoreno1@sandi.net



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From: Moreno Sarah
Sent: Tuesday, February 27, 2024 7:43 AM
To: 'Julia Devor' <jdevor@endelosenergy.com>
Cc: rarntson@endelosenergy.com; Vermeer Kristen <kvermeer@sandi.net>; Josh Warkentin <jwarkentin@endelosenergy.com>; Dawнна Tate <dtate@endelosenergy.com>
Subject: RE: SDUSD PS23-0834-11 First Amendment BESS DB for Review_Endelos

Good Morning Julie,

With each Amendment to the Agreement, we are required by the DIR to update the wage determination (WD) number based on the date of approval of the Amendment. This Amendment is scheduled to the board for approval on April 9, 2024, and at that time the WD number will be 2024-1. It changes twice a year every March and September. The 2024-1 WD number has not gone into effect yet and that may be why you cannot find it. Please let me know if you have any additional questions.

Thank you,
Sarah

Sarah Moreno

Senior Contract Specialist
San Diego Unified School District
Facilities Planning & Construction
858.522.5865 smoreno1@sandi.net



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From: Julia Devor <jdevor@endelosenergy.com>
Sent: Monday, February 26, 2024 4:06 PM
To: Moreno Sarah <smoreno1@sandi.net>
Cc: rarntson@endelosenergy.com; Vermeer Kristen <kvermeer@sandi.net>; Josh Warkentin <jwarkentin@endelosenergy.com>; Dawanna Tate <dtate@endelosenergy.com>
Subject: Re: SDUSD PS23-0834-11 First Amendment BESS DB for Review_Endelos

Hi Sarah,

I just want to confirm as there is no 2024-1; was this an error? The wage determination for the contract is 2023-1 along with all known increases at that time, of which there is only one for \$2.25 (for Electricians). Per DIR, Wage determination rates are based on the advertised date which for this project was 3/10/2023.

On Mon, Feb 26, 2024 at 3:20 PM Moreno Sarah <smoreno1@sandi.net> wrote:

Good Afternoon,

I hope this email finds you well. The District has prepared the attached First Amendment to Contract for the above-mentioned agreement for your review. The District would like to extend the term of the contract by one year. In addition, we are updating the labor compliance requirements.

Please review to confirm all the information is correct (address, signatory information, federal tax ID, DIR, etc.) and notify me if any edits are required. The District is now using DocuSign® for electronic signatures. If this amendment is accepted, I will forward it through DocuSign® for electronic signatures.

In addition, please provide your company's W-9 and Insurance Certification with SDUSD as the certificate holder as follows:

San Diego Unified School District

C/O: PS23-0834-11

4100 Normal Street

San Diego, CA 92103

*NOTE: If you cannot get the insurance documents in by the reply date below, please notify me.

We are targeting the April 9th board meeting for approval. Please reply no later than March 4th.

Confirmation of this email is greatly appreciated.

Thank you.

Sarah Moreno

Senior Contract Specialist

San Diego Unified School District

Facilities Planning & Construction

2351 Cardinal Lane, Bldg M

San Diego, CA 92123-3743

858.522.5865 smoreno1@sandi.net



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Sincerely,

Board Item No: _____

Board Date: _____

Agreement No: PS23-0834-11

**FIRST AMENDMENT TO MASTER CONTRACT
BETWEEN
SAN DIEGO UNIFIED SCHOOL DISTRICT
AND
ENDELOS CONSTRUCTION LLC DBA ENDELOS ENERGY**

First Amendment to Agreement PS23-0834-11 is made into and entered by and between the San Diego Unified School District ("District"), 4100 Normal Street, San Diego, California, 92103 and **Endelos Construction LLC dba Endelos Energy**, ("Contractor") a California limited liability company, 593 Avenue of the Flags, Suite 105, Buellton, California 93427 (together sometimes referred to as the "Parties").

WHEREAS, on April 11, 2023, the District's Board of Education approved an Agreement with the Contractor under item I.45 to design and construct battery energy storage systems (BESS) at two (2) district sites, for the period from April 12, 2023 through April 11, 2024, with a total not-to-exceed dollar value of \$4,159,833.50; and

WHEREAS, the District wishes to extend the term for two (2) years and update the labor compliance requirements.

NOW, THEREFORE, it is mutually agreed by the District and Contractor that said Agreement is amended as follows:

1. Section 2, "SCOPE OF CONTRACT," "A" is hereby amended to extend the term for two (2) years as follows:
 - a. The total value of this Contract shall not exceed the amount of \$4,159,833.50 (Four Million One Hundred Fifty-Nine Thousand Eight Hundred Thirty-Three 50/100 Dollars) for an initial term of **April 12, 2023** through **April 11, 2026**, with one or more options to extend for a total of three more years.
2. Section 36, "LABOR CODE AND OTHER LABOR/WORKFORCE REQUIREMENTS," subsection 36.1.2 is hereby amended as follows:
 - 36.1.2 The applicable wage determination for this First Amendment is **2024-1**. This includes change orders and warranty work relating to this Contract. Copies of the prevailing rate of per diem wages applicable to this Contract may be found on the internet: <http://www.dir.ca.gov/DLSR/PWD>. Rate information and any applicable predetermined increases may be found at www.dir.ca.gov/oprl/dprevagedetermination.htm. Contractor shall post at appropriate conspicuous weatherproof points on the site(s) of the Contract a schedule showing the Prevailing Wage Determinations published by the Director of DIR, which are applicable to the Contract.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

In Witness Whereof, the Parties have caused this First Amendment to be executed on their behalf by their fully authorized Parties. Except as specifically herein amended, the Agreement will remain in full force and effect.

ENDELOS CONSTRUCTION LLC DBA ENDELOS ENERGY	SAN DIEGO UNIFIED SCHOOL DISTRICT
By: _____ Randy Arntson President & CEO 593 Avenue of the Flags, Suite 105 Buellton, CA 93427 Tel: (805) 886-4788 Email: rarntson@endelosenergy.com	By: _____ Linda Hippe Director, Purchasing and Contracts 2351 Cardinal Lane, Building M San Diego, CA 92123 Tel: (858) 522-5808 Email: executedcontracts@sandi.net
Date: _____	Date: _____

APPROVED AS TO FORM AND LEGALITY	Approved in a public meeting of the Board of Education of the San Diego Unified School District on _____
Date: _____	Date: _____
_____ General Counsel II Office of General Counsel San Diego Unified School District	_____ Marty Stultz, Board Action Officer San Diego Unified School District Board of Education
APPROVED AS TO CONTENT	CSLB No.: <u>1093638</u> Tax ID: <u>88-2313890</u> DIR No.: <u>1000955688</u>
Date: _____	
_____ Gary Stanford Director, Project Management San Diego Unified School District	