

**FIRST AMENDMENT TO INDEPENDENT CONSULTANT AGREEMENT FOR  
FACILITY FUNDING AND FINANCIAL CONSULTING SERVICES BY AND BETWEEN  
MOUNTAIN VIEW WHISMAN SCHOOL DISTRICT AND  
DREILING TERRONES ARCHITECTURE INC.**

**THIS FIRST AMENDMENT** is made this \_\_\_\_ day of \_\_\_\_\_, 2018, by and between the Mountain View Whisman School District, a California public school district located in the County of Santa Clara, California, ("District") and Dreiling Terrones Architecture Inc. ("Consultant"). District and Consultant may be individually referred to herein as "Party" or collectively referred to herein as "Parties."

**RECITALS**

1. District and Consultant entered into an Independent Consultant Agreement ("Agreement") dated \_\_\_\_\_, 2017, for Facility Funding and Financial Consulting Services, whereby Consultant agreed to provide services related to development of strategies and procedures to generate revenue for school facility construction and site improvement projects and to provide consulting, advice, and recommendations to the District on all known potential sources of facility funding ("Services").
2. As part of its Services, Consultant identified approximately eleven school sites within the District that are eligible for State Facilities Program (SFP) modernization funding, with fifteen or more modernization projects completed or in progress at various school sites within the District.
3. The Parties agree that the Services originally contemplated in the Agreement have been completed as of July 2018.
4. Pursuant to Exhibit "A" of the Agreement, the Parties agreed that further Application Funding Services could be added to the Services through an amendment of the Agreement.
5. District and Consultant now intend to amend the Agreement to include Application Funding Services subject to the terms and conditions set forth herein.

NOW THEREFORE, for valuable consideration, receipt of which is hereby acknowledged, District and Consultant agree as follows:

Application Funding Services. The Agreement is hereby amended to reflect the new agreed upon Application Funding Services scope of work to be performed by Consultant. Accordingly, the "Application Funding Services" section in Exhibit "A" is hereby deleted and replaced with the following:

**Application Funding Services**

Consultant shall provide Application Funding Services ("Application Funding Services") as described below at the agreed upon Additional Fee ("Additional Fee") as further described in the Fee Outline.

1. **Identification of Eligible Construction Projects:**
  - a. Research and documentation for each project.
  - b. Eligibility detail review for each project, including current status of project funding, and recommendations to amend or appeal past and pending District funding applications.
  - c. Coordinate and review project eligibility with the Office of Public School Construction ("OPSC").

**2. Obtain Required Agency Approvals**

- a. Identify all agencies where approval is required, including but not limited to the Division of the State Architect (DSA), California Department of Education (CDE), Department of Industrial Relations (DIR), and State Allocation Board (SAB).
- b. Gather and obtain DSA, CDE, and other agency approval and certifications letters, as needed by project.
- c. Facilitate CDE documentation and approval, as needed per project.
- d. Facilitate any other agency requirements and approvals, as needed per project.

**3. Obtain Approved Drawings**

- a. Coordinate with design firms, DSA, CDE, and other agencies to obtain approved drawings for each project.
- b. Document research related to status for each project's approved drawings and provide monthly reporting to the District regarding same.

**4. Prepare OPSC and Funding Applications**

- a. Prepare federal and state funding applications, including SAB 50-04 funding applications.
- b. Prepare, monitor, and update state and federal applications and supporting documents to incorporate changes in the SAB funding policies and procedures, as necessary, including SAB 50-03 updated eligibility documents.
- c. Coordinate with OPSC and other agencies, as necessary, to ensure applications are properly prepared in accordance with current requirements.
- d. Coordinate with District and District's Construction Manager, as necessary, to prepare all funding applications.

**5. Submit Funding Applications**

- a. Submit funding applications and other relevant documents on behalf of the District to OPSC and any other necessary agency.
- b. Monitor and track the progress of all funding applications.

**6. Reports to District**

- a. Provide monthly facility report to the District that includes all documentation and information for state audit purposes.
- b. Respond to District inquiries on status of funding applications, as requested, including attending meetings, participating in teleconferences, and preparing presentations, as requested by the District.
- c. Attend meetings with District staff at state agencies, including without limitation, the CDE, the OPSC, the SAB, as needed to obtain additional state funding.

7. **Fee Outline:**

<u>Task</u>	<u>Fee</u>
Identification of Eligible Construction Projects	\$21,450
Obtain Required Agency Approvals	\$10,910
Obtain Approved Drawings	\$7,000
Prepare OPSC Documents	\$18,350
Submit Funding Applications	\$3,680
Reports to District	\$7,800

**"Additional Fee": \$69,190**

Payment of the Additional Fee will be made in accordance with Section 4 of the Agreement. Any costs and expenses will be paid in accordance with Section 5 of the Agreement.

Miscellaneous. This First Amendment may be executed in any number of counterparts all of which when taken together shall constitute one and the same document. Except as expressly modified by this First Amendment, all other terms and provisions of the Agreement are in full force and effect. This First Amendment shall be governed and construed in accordance with the laws of the State of California.

The Parties hereto have executed this First Amendment as of the date set forth above.

**ACCEPTED AND AGREED** on the date indicated below:

Dated: \_\_\_\_\_, 2018

Dated: \_\_\_\_\_, 2018

**Mountain View Whisman School District**

**Dreiling Terrones Architecture Inc.**

By: \_\_\_\_\_

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Title: \_\_\_\_\_

Print Title: \_\_\_\_\_