

Purchase Order # 242421



**Mt. Diablo Unified School District**  
1936 Carlotta Drive  
Concord, CA 94519

Amendment No. 1 to

- Independent Service Contract
- Master Contract

This Amendment is entered into between the Mt. Diablo Unified School District (MDUSD) and Nacht & Lewis Architects, Inc. (CONTRACTOR). MDUSD entered into an Agreement with CONTRACTOR for professional services on January 17, 2024 and the parties agree to amend that Agreement as follows.

1. **Services:** (Check and complete ONE of the options below).

- CONTRACTOR agrees to provide the following amended services. (Provide full description of expected final results, such as services, materials, products, and/or reports; attach additional pages as necessary).  
\_\_\_\_\_  
\_\_\_\_\_

- The scope of work is attached as Exhibit A (incorporated by reference to the extent that it is subordinate to and not inconsistent with this Agreement).
- The scope of work is unchanged.

2. **Terms:** (Check and complete ONE of the options below).

- The contract term is extended by an additional \_\_\_\_\_ (days/weeks/months), and the amended expiration date is \_\_\_\_\_, 20\_\_\_\_.
- The contract term is unchanged.

3. **Compensation:** (Check and complete ONE of the options below. This provision may only be changed if there is also a change to the above Services OR Terms of the Contract).

- The rate is amended by an  increase of  decrease of \$ \_\_\_\_\_ for \_\_\_\_\_ type of service
- The contract amount is amended by an  increase of  decrease of \$ 26,100.00 to original contract amount.

The amended contract  amount  rate is now \$ 454,600.00

4. **Remaining Provisions:** All other provisions of the Agreement, and prior Amendment(s) if any, shall remain unchanged and in full force and effect as originally stated.

5. **Amendment History:** This contract has previously been amended as follows:

| No. | Date | General Description of Reason for Amendment | Amount of Increase/Decrease |
|-----|------|---|-----------------------------|
|     |      |   | \$                          |
|     |      |   | \$                          |
|     |      |   | \$                          |

6. **Approval:** This Agreement is not effective and no payment shall be made to Contractor until it is approved. Approval requires signature by the Superintendent (or his designee).

Mt. Diablo USD  
By: [Signature]  
Budget Administrator/Principal  
Date: 1/19/24

Mt. Diablo USD  
By: \_\_\_\_\_  
Superintendent or Designee  
Date: \_\_\_\_\_

Contractor  
By: [Signature]  
Date: 01/09/24

Board Approval (if needed)  
Docket Number: \_\_\_\_\_  
Agenda Item Number  
Date: \_\_\_\_\_

January 5, 2024

Melanie Koslow  
Director Maintenance, Operations & Facilities  
Mt. Diablo Unified School District  
1480 Gasoline Alley  
Concord, California 94520

**Subject: MDUSD Valley View Middle School Multi-Purpose Building Upgrade  
A/E Change Order No. 1 – Owner Requested Changes and Extended Contract Time**

Dear Melanie,

Nacht & Lewis respectfully requests a design team change order for costs incurred in making Owner requested changes following DSA approval as well as extended construction administration time. The following is a general summary of our request:

**MDUSD directed scope changes to the Construction Documents following DSA approval:**

- Revise the serving line equipment and configuration to accommodate revised student food service circulation path suggested by the new Valley View Middle School site Principal.
- Add floor boxes with power and data to new locations identified during the meeting on September 29, 2022. Added scope required additional floor slab saw cutting including structural review and design as well as modifications to electrical panel schedules, load calculations and low voltage drawings.
- Add electrical wall outlets along the fire rated shear wall separating the multi-purpose space and the kitchen to accommodate relocation of the milk storage equipment.
- Revise exterior gate and yard configurations and provide for the addition of two new pedestrian gates and revised double service gates.
- Prepare separate foodservice equipment package so that the District could sub-bid and pre-purchase a majority of the foodservice equipment. Assist with bid questions and bid result analysis.
- Prepare separate HVAC equipment package so that the District could sub-bid and pre-purchase the HVAC equipment. Assist with bid questions and bid result analysis.
- Review the feasibility of HVAC manufacturer changes due to excessive lead times that would delay the project. The design team reviewed various manufacturer changes including an analysis of all alternative equipment against the DSA approved design structural capacity.

**Extended Construction Administration Services:**

- The construction schedule agreed to by GECO Inc. identified a completion date in November 2023. The project is currently two months beyond the completion date and the work is still not finished.
- Added construction administration labor and site visits due to poor construction by GECO Inc. Nacht & Lewis and the design team had to make numerous additional site visits, answer extensive RFIs and prepare engineering calculations to justify poorly installed work. Prepare DSA construction change directives and obtain DSA approval for Contractor deviations from the approved construction documents.

**Fee Request**

Nacht & Lewis and their consulting partners have incurred over \$45,000 in additional expenses related to these changes, project delays and the extensive amount of added CA effort due to poor workmanship from the Contractor. Nacht & Lewis is willing to write-off a sizable portion of these losses, particularly as they relate to the added work from Michael Lombrozo and GECO Inc., but respectfully request an A/E Change as follows:

- MDUSD directed scope changes following DSA approval: \$12,380
- Extended Construction Administration Services: \$5,720
- Extended CA Services: \$8,000
  
- **Total A/E CO No.:** **\$26,100**

Should the above proposal be acceptable, please provide an appropriate A/E Change Order for our review. If you have any questions or concerns regarding this request, please do not hesitate to call. As always, Nacht & Lewis values our professional relationship and we pledge our full support in fulfilling your project objectives.

Sincerely,



Brian J. Maytum, AIA, LEED AP  
Principal/Vice-President  
Nacht & Lewis Architects, Inc.