

FIRST AMENDMENT TO AGREEMENT FOR PROGRAM SERVICES BETWEEN THE CITY OF SAN PABLO AND BAY AREA COMMUNITY RESOURCES

Agreement No. YA17-1012

THIS FIRST AMENDMENT TO AGREEMENT BETWEEN THE CITY OF SAN PABLO AND BAY AREA COMMUNITY RESOURCES for program services, is entered into this **1ST day of July 2019**, by and between the City of San Pablo, a municipal corporation ("City ") and **Bay Area Community Resources** ("Agency").

RECITALS:

WHEREAS, on August 7, 2017, CITY and Agency entered into an Agreement for Agency to provide coordination of community schools under the San Pablo Community Schools Initiative ("Agreement"); and

WHEREAS, the Agreement contemplated that it could be extended for up to three additional one-year terms and the parties have agreed to modify the terms of that Agreement related to compensation, term, and the City's newly adopted Local Economic Opportunity Policy;

NOW, THEREFORE, THE PARTIES DO MUTUALLY AGREE AS FOLLOWS:

1. **COMPENSATION**, Section 2 of the Agreement, "Compensation" is amended to the following:

"For fiscal years 2019-20 and 2020-21, in exchange for the satisfactory performance of services that satisfy and timely achieve the milestones, performance commitments and outcomes identified herein and in the attached exhibits, City hereby agrees to reimburse Agency on a "cost-of-service" basis, a sum not to exceed **Four Hundred and Eighty-Two Thousand Dollars and No Cents (\$484,500.00) per fiscal year for a total of Nine Hundred Sixty Nine Thousand Dollars and No Cents (\$969,000.00) and a total contract amount of One Million Seven Hundred Forty Five Thousand Dollars and No Cents (\$1,745,000.00).**"

2. **TERM**, Section 4 of the Agreement, "Effective Date and Term" is amended to the following:

"The City has exercised the option to extend the term of the agreement to **June 30, 2021."**

3. **LOCAL ECONOMIC OPPORTUNITY POLICY**. The Agreement is amended to include the following provision as Section 35:

- A. **Employment of Local Residents.** Pursuant to the San Pablo Economic Opportunity Policy, the Consultant and any subcontractors shall contact the San Pablo Economic Development Corporation ("EDC" at info@sanpabloedc.org or 510-215-3200) at least ten business days prior to hiring or staffing for fulfillment of the Contract, describing number, duties and qualifications needed for available positions, and shall fairly consider for employment any workers referred by the EDC within three business days. "Local Resident" means an individual having an adjusted household income of less than the Area Median Income for Contra Costa County, and domiciled in the City of San Pablo as of the relevant

hiring date, with “domiciled” as defined by Section 349(b) of the California Election Code. Discrimination against Local Residents on the basis of their local status is prohibited.

- B. **Compliance With Law.** Consultant represents that it is an Equal Opportunity Employer and shall comply with applicable regulations governing equal opportunity employment. Consultant shall not discriminate in the employment of any person because of race, color, national origin, ancestry, physical or mental disability, medical condition, marital status, sex, age, unless based upon a bona fide occupational qualification pursuant to the California Fair Employment and Housing Act. Consultant shall comply with all applicable provisions of the Americans with Disabilities Act of 1990 (ADA) in performing its obligations under this Agreement. Failure to comply with the provisions of the ADA shall be a material breach of, and grounds for the immediate termination of, this Agreement. In performing work and providing services under this Agreement, Consultant shall, at its sole cost and expense, comply with all applicable laws of the United States and the State of California; the Ordinances of the City of San Pablo; and the rules, regulations, orders and directories of their respective administrative agencies and the officers thereof.
- C. **Local Subcontracting – Outreach.** Consultant shall contact the San Pablo Economic Development Corporation (the “EDC” at info@sanpabloedc.org or 510-215-3200) at least two weeks prior to any subcontract award, providing notice and details regarding subcontracting opportunity. The EDC shall notify qualified local businesses of subcontracting opportunities, and provide technical assistance to qualified local businesses during the subcontracting bidding process.

6. All other terms and conditions of the Agreement as may be amended, shall remain in full force and effect.

CITY OF SAN PABLO:

BAY AREA COMMUNITY RESOURCES:

By: _____
Matt Rodriguez, City Manager

By: _____
Martin Weinstein, Chief Executive Officer

APPROVED AS TO FORM:

By: _____
Lynn Tracy Nerland, City Attorney

ATTEST:

Patricia Ponce, City Clerk

Dated: _____