

**SOLANO COMMUNITY COLLEGE DISTRICT
GOVERNING BOARD AGENDA ITEM**

TO: Members of the Governing Board

**SUBJECT: CONTRACT AMENDMENT #4 TO OPTONY INC. FOR
ADDITIONAL PROFESSIONAL SERVICES FOR THE
DISTRICT'S SOLAR ENERGY PROJECT**

REQUESTED ACTION:

☐ Information OR ☒ Approval
☐ Consent OR ☒ Non-Consent

SUMMARY:

On April 21, 2021, the Board approved a professional services contract to Optony Inc. for renewable energy consultant services for the District's Solar Energy Project. On October 20, 2021, March 1, 2023, and October 18, 2023, the Board approved Amendments #1, #2, and #3 respectively to increase the professional services agreement with Optony Inc. for additional services needed to complete the project.

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STUDENT SUCCESS IMPACT:

- ☐ Help our students achieve their educational, professional and personal goals
☐ Basic skills education
☐ Workforce development and training
☐ Transfer-level education
☒ Other: Renovating existing instructional space and equipment.

Ed. Code: N/A Board Policy: N/A Estimated Fiscal Impact: \$27,100.00 Measure Q Funds

SUPERINTENDENT'S RECOMMENDATION:

☒ APPROVAL ☐ DISAPPROVAL
☐ NOT REQUIRED ☐ TABLE

Lucky Lofton
V.P., Facilities and Executive Bonds Manager

PRESENTER'S NAME

4000 Suisun Valley Road
Fairfield, CA 94534

ADDRESS

(707) 863-7855

TELEPHONE NUMBER

Lucky Lofton
V.P., Facilities and Executive Bonds Manager

VICE PRESIDENT APPROVAL

March 7, 2025

**DATE SUBMITTED TO
SUPERINTENDENT-PRESIDENT**

Kellie Sims Butler, Ph.D.
Superintendent-President

March 19, 2025

**DATE APPROVED BY
SUPERINTENDENT-PRESIDENT**

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TO: Members of the Governing Board

**SUBJECT: CONTRACT AMENDMENT #4 TO OPTONY INC. FOR
ADDITIONAL PROFESSIONAL SERVICES FOR THE
DISTRICT'S SOLAR ENERGY PROJECT**

SUMMARY:

CONTINUED FROM THE PREVIOUS PAGE

Board approval is now requested to award Amendment #4 to Optony Inc. for additional renewable energy consultant services needed for the Solar Energy Project and to extend the term of the Agreement.

Additional consultant services are needed due to an extended construction duration. Ongoing project delays due to pending reviews and approvals from Pacific Gas & Electric Company (PG&E) have extended the completion of this project. This additional scope of work is in addition to the original scope of the Consultant.

\$ 119,375.00 Original Contract Amount
\$ 29,370.00 Approved Amendment #1
\$ 31,300.00 Approved Amendment #2
\$ 54,450.00 Approved Amendment #3
\$ 27,100.00 Proposed Amendment #4
\$ 261,595.00 Proposed New Contract Amount

The Board is asked to approve this contract Amendment #4 to Optony Inc. in an amount not to exceed \$27,100.00 and to extend the contract term through June 30, 2025.

This document is available online at: <https://welcome.solano.edu/measureq/approved-contracts/>

AMENDMENT #4 TO AGREEMENT

PARTIES

This **FOURTH** Amendment to Agreement ("Amendment") is entered into between **Solano Community College District** ("District") and **Optony Inc.** ("Consultant"), (collectively the "Parties").

RECITALS

WHEREAS, District and Consultant entered into a Consulting Services Agreement ("Agreement"), dated April 21, 2021, for renewable energy services related to the District's **Solar Energy Project** ("Project"); and

WHEREAS, District and Consultant previously amended the Agreement on October 20th, 2021 (*Amendment #1*) for additional renewable energy services related to the District's **Solar Energy Project** ("Project"); and

WHEREAS, District and Consultant previously amended the Agreement on March 1, 2023 (*Amendment #2*) for additional renewable energy services related to the District's **Solar Energy Project** ("Project"); and

WHEREAS, District and Consultant previously amended the Agreement on October 18, 2023 (*Amendment #3*) for additional renewable energy services related to the District's **Solar Energy Project** ("Project"); and

WHEREAS, District and Consultant agree to amend the Agreement to modify the services performed for the District's **Solar Energy Project** ("Project"); and

NOW THEREFORE, in consideration of the mutual promises and covenants set forth above and contained herein, District and Consultant agree as follows:

AGREEMENT

1. Section 1. Term of the Agreement is amended to read:
1. Term. Consultant shall commence providing services under this Agreement on April 21, 2021, and will diligently perform as required and complete performance by June 30, 2025, unless this Agreement is terminated and/or otherwise cancelled prior to that time.
2. Section 3. Compensation of the Agreement is amended to read:
3. Compensation. District agrees to pay the Consultant for services satisfactorily rendered pursuant to this Agreement a total fee not-to-exceed **Two-Hundred Sixty-One Thousand, Five Hundred Ninety-Five Dollars and Zero Cents (\$261,595.00)**. This fee is a total of the April 21, 2021 Agreement in the amount of \$119,375.00, Amendment #1 in the amount of \$29,370.00, Amendment #2 in the amount of \$31,300.00, Amendment #3 in the amount of \$54,450.00, and Amendment #4 in the amount of \$27,100.00. District shall pay Consultant according to the following terms and conditions:

3.1. Payment for the Work shall be made for all undisputed amounts based upon the delivery of the work product as determined by the District. Payment shall be made within thirty (30) days after the Consultant submits an invoice

to the District for Work actually completed and after the District's written approval of the Work, or the portion of the Work for which payment is to be made.

3.2. Feasibility Study (Phase 1):	\$15,875
3.3. RFP/Q Preparation and Management (Phase 1):	\$17,100
3.4. Contracting Support (Phase 1):	\$19,825
3.5. Design Review (Phase 1):	\$19,175
3.6. Construction Phase Services (Phase 1):	\$47,400
3.7. RFP/Q Preparation and Management (Phase 2):	\$14,100
3.8. Contracting Support (Phase 2):	\$ 9,475
3.9. Design Review (Phase 2):	\$ 5,795
3.10. Task 3 Contracting Support (Amend. #2):	\$17,350
3.11. Design Review (Amend. #2):	\$13,950
3.12. Task 4 Design Review (Amend. #3):	\$10,350
3.13. Task 5 Construction Phase Services (Amend. #3)	\$44,100
3.14. Task 5 Construction Phase Services (Amend. #4)	\$27,100

3. Exhibit A description of the scope of work shall be amended to include the following:

Scope of work includes additional renewable energy consultant services needed due to ongoing PG&E review and approval delays.

4. Except as set forth in this Amendment, all provisions of the Agreement and any previous extension(s) and/or amendment(s) thereto shall remain unchanged, in full force and effect, and are reaffirmed. This Amendment shall control over any inconsistencies between it and the Agreement and/or any previous extension(s) and/or amendment(s).

5. Consultant acknowledges and agrees that this Amendment shall not be binding on the Parties until and unless the Solano Community College District's Governing Board approves this Amendment.

IN WITNESS WHEREOF, the parties hereto have accepted and agreed to this Amendment on the dates indicated below.

Dated: _____, 2025

Dated: _____, 2025

**SOLANO COMMUNITY COLLEGE
DISTRICT**

OPTONY INC.

By: _____

By: _____

Print Name: Lucky Lofton
Print Title: V.P., Facilities and Executive
Bonds Manager

Print Name: _____
Print Title: _____