November 10, 2026

Board of Supervisors
Kern County Administrative Center
1115 Truxtun Avenue
Bakersfield, CA 93301

Various Projects

PROPOSED AMENDMENT NO. 2 TO AGREEMENT WITH KEN W. SMITH CONSTRUCTION, INC., FOR THE JOB ORDER CONTRACT (PHASE 28) TO INCREASE COMPENSATION AMOUNT; ALL DISTRICTS (Fiscal Impact: $2,000,000; General Fund; Budgeted; Discretionary)

Attached for your Board's approval is Amendment No. 2, to Agreement No. JOC28K, with Ken W. Smith Construction, Inc., for the Job Order Contract (JOC) Phase 28, which provides construction throughout Kern County by way of a competitively bid, fixed period, fixed unit priced, and indefinite quantity contract. Work is accomplished by issuing a series of individual work orders, based on the established unit prices for the labor, equipment, and material required to complete the project.

The County of Kern utilizes Job Order Contracting (JOC) as an alternative project delivery method to efficiently procure and manage small- to medium-scale construction, renovation, and maintenance projects. JOC contracts are competitively bid and established with qualified contractors to perform a wide range of repair, alteration, and minor construction work on an as-needed basis under pre-determined unit prices.

A list of projects to be performed under this agreement is attached. In general, the work consists of, but is not limited to, various facility remodels and repairs.

On November 18, 2025, your Board approved the original Agreement in an amount not to exceed $1,000,000.

Amendment No. 1 was approved by the Chief General Services Officer to amend contract language; Board approval was not required at that time.

This Amendment No. 2 will provide for an increase to the maximum compensation in the amount of $2,000,000 for a new not to exceed amount of $3,000,000, due to increase in scope of work on projects currently under contract.

The attached Amendment No. 2 has been approved as to form by the Office of County Counsel.

Therefore, IT IS RECOMMENDED that your Board: 1) approve Amendment No. 2, to Agreement No. JOC28K, with Ken W. Smith Construction, Inc., for Job Order Contract (Phase 28), to increase the compensation amount by $2,000,000, for a new total amount not to exceed $3,000,000; and 2) authorize the Chairman to sign.

Sincerely,

Michelle Burns-Lusich
Chief General Services Officer

MBL:BP:NR:jv:yz
Attachment
cc: County Administrative Office
Ken W Smith Construction, Inc.,
10721 Rio Mesa Drive, Bakersfield, CA 93308

Docusign Envelope ID: 1DCFCB4F-8710-8561-81EC-70A4FFF13087

AGREEMENT FOR THE JOB ORDER CONTRACT, PHASE 28
(County of Kern – Ken W. Smith Construction, Inc.)

THIS AMENDMENT TO AGREEMENT, entered into this day _____, is between the COUNTY OF KERN, a political subdivision of the State of California, (hereinafter called "OWNER") and KEN W. SMITH CONSTRUCTION, INC., a California corporation (hereinafter called "CONTRACTOR"), whose address is 10721 Rio Mesa Drive, Bakersfield, CA 93308.

WITNESSETH:

WHEREAS, OWNER and CONTRACTOR entered into an agreement for the Job Order, Phase 28 (Agreement #JOC28K) dated November 18, 2025 (hereinafter called the "AGREEMENT"); and

WHEREAS, the parties to the AGREEMENT desire to amend the AGREEMENT to provide for a $2,000,000 increase in the maximum compensation;

NOW, THEREFORE, OWNER and CONTRACTOR do mutually agree as follows:

1. The second sentence of ARTICLE 1, PARAGRAPH 1.01, WORK OF THE CONTRACT of Document 00500 is hereby revised to read as follows:
   The Maximum Contract Value is three million dollars ($3,000,000).
2. The parties agree to the use of electronic signatures using the DocuSign system for any amendments to the AGREEMENT. Electronic signatures shall be as of the same effect as an original signature.
3. All the remaining terms and conditions set forth in the AGREEMENT are continued hereafter in full force and effect, and all parties agree to continue performance in accordance with all terms in the AGREEMENT as amended.

IN WITNESS WHEREOF, this Amendment Number 2 to the AGREEMENT has been executed as of that date first herein above appearing.

APPROVED AS TO CONTENT:

BY Michelle Burns-Lusich
Michelle Burns-Lusich, Chief General Services Officer

APPROVED AS TO FORM:
Office of the County Counsel

BY Brian Van Wyk
Brian Van Wyk, Deputy

COUNTY OF KERN (OWNER)

BY _____
Chairman, Board of Supervisors

KEN W. SMITH CONSTRUCTION, INC.
(CONTRACTOR)

BY ken W Smith
Ken W. Smith, President

KERN COUNTY CALIFORNIA
Brian Van Wyk

Docusign Envelope ID: 1DCFCB4F-8710-8561-81EC-70A4FFF13087

Executed in Duplicate

SURETY RIDER

- [x] OLD REPUBLIC SURETY COMPANY
- [ ] OLD REPUBLIC INSURANCE CO
- [ ] BITUMINOUS CASUALTY
- [ ] OLD REPUBLIC GENERAL INSURANCE CORPORATION

TO BE ATTACHED TO AND FORM PART OF
Contract Bonds - Performance/Payment (Type of bond) Bond Number WCN7488722

IN FAVOR OF County of Kern (Obligees)

ON BEHALF OF Ken W. Smith Construction, Inc. (Principal)

EFFECTIVE October 22nd, 2025 (Original Effective Date)

IT IS AGREED THAT, in consideration of the original premium charged for this bond, and any additional premium that may be properly chargeable as a result of this rider,

1. The Surety hereby gives its consent to:

- [x] INCREASE
- [ ] DECREASE
- [ ] CHANGE THE EFFECTIVE DATE
- [ ] CHANGE THE NAME OF THE PRINCIPAL
- [ ] CHANGE THE ADDRESS OF THE PRINCIPAL
- [ ] CHANGE THE EXPIRATION DATE
- [ ] OTHER

(of) the attached bond FROM: One Million Dollars and No Cents ($1,000,000.00)

TO: Three Million Dollars and No Cents ($3,000,000.00)

EFFECTIVE: October 15, 2026

2. PROVIDED, however, that this attached bond shall be subject to all its agreements, limitations, and considerations except as herein expressly modified, and that the liability of the Surety under the attached bond and under the attached bond as changed by this rider shall not be cumulative.

3. Signed and sealed this 16th day of October, 2026.

ACCEPTED BY: Ken W. Smith President (TITLE)

Old Republic Surety Company (SURETY)

By: Heather Willis
Heather Willis
ATTORNEY-IN-FACT

OLD REPUBLIC SURETY COMPANY CORPORATE SEAL 1981

ORSC 22381 (1/93)

Docusign Envelope ID: 1DCFCB4F-8710-8561-81EC-70A4FFF13087

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT **CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Orange)

On October 16, 2026 before me, Hannah Ogren, Notary Public,
Date *Here Insert Name and Title of the Officer*

personally appeared Heather Willis
Name(s) of Signer(s)

,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

HANNAH OGREN
Notary Public - California
Orange County
Commission # 2556728
My Comm. Expires Jun 21, 2030

Signature _____
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
Signer Is Representing: _____

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
Signer Is Representing: _____

©2014 National Notary Association • www.NationalNotary.org • 1-800-US NOTARY (1-800-876-6827) Item #5907

Docusign Envelope ID: 1DCFCB4F-8710-8561-81EC-70A4FFF13087

OLD REPUBLIC SURETY COMPANY

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That OLD REPUBLIC SURETY COMPANY, a Wisconsin stock insurance corporation, does make, constitute and appoint:

SPENCER FLAKE, MARK D. IATAROLA, HEATHER WILLIS of ANAHEIM, CA

its true and lawful Attorney(s)-in-Fact, with full power and authority for and on behalf of the company as surety, to execute and deliver and affix the seal of the company thereto (if a seal is required), bonds, undertakings, recognizances or other written obligations in the nature thereof, ***(other than bail bonds, bank depository bonds, mortgage deficiency bonds, mortgage guaranty bonds, guarantees of installment paper and note guaranty bonds, self-insurance workers compensation bonds guaranteeing payment of benefits, or black lung bonds),*** as follows:

ALL WRITTEN INSTRUMENTS

and to bind OLD REPUBLIC SURETY COMPANY thereby, and all of the acts of said Attorneys-in-Fact, pursuant to these presents, are ratified and confirmed. This appointment is made under and by authority of the board of directors at a special meeting held on February 18, 1982.

This Power of Attorney is signed and sealed by facsimile under and by the authority of the following resolutions adopted by the board of directors of the OLD REPUBLIC SURETY COMPANY on February 18,1982.

RESOLVED that, the president, any vice-president or assistant vice president, in conjunction with the secretary or any assistant secretary, may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the company to execute and deliver and affix the seal of the company to bonds, undertakings, recognizances, and suretyship obligations of all kinds; and said officers may remove any such attorney-in-fact or agent and revoke any Power of Attorney previously granted to such person.

RESOLVED FURTHER, that any bond, undertaking, recognizance, or suretyship obligation shall be valid and binding upon the Company

(i) when signed by the president, any vice president or assistant vice president, and attested and sealed (if a seal be required) by any secretary or assistant secretary; or

(ii) when signed by the president, any vice president or assistant vice president, secretary or assistant secretary, and countersigned and sealed (if a seal be required) by a duly authorized attorney-in-fact or agent; or

(iii) when duly executed and sealed (if a seal be required) by one or more attorneys-in-fact or agents pursuant to and within the limits of the authority evidenced by the Power of Attorney issued by the company to such person or persons.

RESOLVED FURTHER that the signature of any authorized officer and the seal of the company may be affixed by facsimile to any Power of Attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the company; and such signature and seal when so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, OLD REPUBLIC SURETY COMPANY has caused these presents to be signed by its proper officer, and its corporate seal to be affixed this 8th day of September, 2026.

OLD REPUBLIC SURETY COMPANY

Assistant Secretary

President

STATE OF WISCONSIN, COUNTY OF WAUKESHA - SS

On this 8th day of September, 2026, personally came before me, Steven R. Denault and Kevin J. Abitz, to me known to be the individuals and officers of the OLD REPUBLIC SURETY COMPANY who executed the above instrument, and they each acknowledged the execution of the same, and being by me duly sworn, did severally depose and say: that they are the said officers of the corporation aforesaid, and that the seal affixed to the above instrument is the seal of the corporation, and that said corporate seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority of the board of directors of said corporation.

Notary Public

My Commission Expires: February 9, 2027

(Expiration of notary's commission does not invalidate this instrument)

CERTIFICATE

I, the undersigned, assistant secretary of the OLD REPUBLIC SURETY COMPANY, a Wisconsin corporation, CERTIFY that the foregoing and attached Power of Attorney remains in full force and has not been revoked; and furthermore, that the Resolutions of the board of directors set forth in the Power of Attorney, are now in force.

74-3996

Signed and sealed at the City of Brookfield, WI this 16th day of October, 2026.

Assistant Secretary

ORSC 22262 (3-06)

CULBERTSON INSURANCE SERV INC

Job Order Contract
General Phase 28 - Ken W. Smith Construction Inc.

Account	JOC No.	Project Description	Amount
3274CC	JOC28K-01	Comm. Facility Generator Replacement	$1,204,122.32
3274CC	JOC28K-02	1415 Truxtun Flood Repairs	$145,732.85
3274CC	JOC28K-03	Lake Ming Electrical Repair	$203,571.47

$ 1,553,426.64