

**SECOND ADDENDUM TO STANDARD FORM OF AGREEMENT FOR FACILITIES
PROJECTS**

THIS ADDENDUM, entered into this ~~21st~~¹¹ day of ~~December, 2020~~^{January, 2021}, is made between

Warren County School District (School District)

AND

Rabe Environmental Services, Inc., 2300 West 23rd Street, Erie, PA 16506 (Contractor)

WHEREAS, the above parties previously entered into a Standard Form of Agreement for Facilities Projects dated May 1, 2019, with respect to the Additions and Alterations to the Warren County Career Center Project, which is identified as WCSD Project #1801 and PDE Project #3908 (hereinafter referred to as the "Agreement"); and

WHEREAS, the above parties previously entered into an Addendum to the Agreement which, among other things, extended the date for the substantial completion of Area E to December 25, 2020. Said Addendum is dated May 11, 2020, and is hereinafter referred to as the "First Addendum;" and

WHEREAS, as a result of the COVID-19 Pandemic, the Warren County Career Center Project (hereinafter referred to as the "Project") was suspended on December 9, 2020, and the Project will resume as circumstances pertaining to COVID-19 permit; and

WHEREAS, as a result of Project's suspension, the School District and Contractor desire to change the substantial completion date for Area E only beyond December 25, 2020.

NOW THEREFORE, intending to be legally bound, the parties hereto agree as follows:

1. The Contractor shall be given an extension of time for Area E only, as follows:

The date for the substantial completion for Area E, which was December 25, 2020, shall be extended to January 31, 2021, plus an additional day for any day on which work on the Project cannot be performed as a result of the COVID-19 Pandemic.

2. The Contractor agrees that the extension of time granted herein is Contractor's sole and exclusive remedy and agrees to forever waive and release the School District and the School District's employees, agents, officers, and Board of Directors from any and all liability for any present or future claims that are in any way associated with the suspension of the Project, alleged delays, or the extension of time granted herein. Under no circumstances shall there be a cost increase of any kind to the School District as a result of the suspension of the Project, alleged delays, or extension of time granted herein, or any of the requirements of this Addendum.
3. The District agrees to release the Contractor from any claims for liquidated damages associated with the change to the substantial completion date.
4. In the event of a conflict between the terms of this Addendum and the terms of the Agreement or any other Addendum or Change Order to the Agreement, the parties agree that the term of this Addendum shall govern and control.
5. All terms and conditions of the Agreement and any other Addendum or Change Order that are not in conflict with this Addendum shall remain in full force and effect.
6. The individual identified below who signs this Agreement on behalf of the Contractor certifies that he/she is an authorized agent of the Contractor and that, following its execution, this Addendum shall be legally binding upon the Contractor.

ATTEST:

WARREN COUNTY SCHOOL DISTRICT

Ruth Huck, Board Secretary

Donna Zariczny, Board President

FOR THE CONTRACTOR

By: 

Owner and Authorized Agent

Name: Mark R. Patrizia, President

Title: _____