

DRAFT

**AMENDMENT NO. 1 TO THE
“THE PROJECT STABILIZATION AGREEMENT FOR THE
MILPITAS LIBRARY”**

RECITALS

WHEREAS, the City of Milpitas has experienced positive benefits with its relationship with the Building Trades Council and its affiliated Unions under its Project Stabilization Agreement for the City of Milpitas Library Project (“Agreement”), signed November 30, 2006. These benefits have included, but were not limited to, increased quality of contractors, an increased bidding pool, an on time and an on budget project, and a reduction in labor or other disputes to the project work listed in that Agreement; and

WHEREAS, the parties to that Agreement desire to amend that contract by adding the Milpitas Senior Center Project to the list of projects and work covered by that Agreement, thereby extending all the terms, conditions, and benefits provided thereunder to the Milpitas Senior Center Project, and to also form a procedure to resolve disputes with regards to non-covered work on or adjacent to the Milpitas Senior Center Project.

NOW, THEREFORE, in consideration of the mutual covenants and conditions herein contained, the parties agree as follows:

1. The first sentence on page 1 of the “Introduction/Findings” section of the Agreement is revised and amended in its entirety to read as follows:

“The purpose of this Agreement is to promote efficiency of construction operations during the City of Milpitas Library Project and the City of Milpitas Senior Center Project (collectively referred to herein as the “Project”) and provide for the peaceful settlement of labor disputes and grievances without strikes or lockouts, thereby promoting the public interest in assuring the timely and economical completion of the Project.”

2. A new Exhibit 1.a is added to the Agreement immediately following the existing Exhibit 1 of the Agreement.

3. Article I, Section 1.6 of the Agreement is revised and amended in its entirety to read as follows:

“1.6 “Project” means the individual construction contracts collectively that are designated to be covered by this Agreement described more specifically in Section 2.2 and Exhibit 1 and 1.a.”

4. All other references to the term “Exhibit 1” in the Agreement are replaced with the term “Exhibits 1 and 1.a.”
5. Addendum A to the Agreement is deleted in its entirety and replaced with Exhibit B.
6. Article XVI (Building Construction Education Program) of the Agreement is deleted in its entirety.
7. Should a signatory union have a dispute with regards to non-covered work adjacent to the Milpitas Senior Center Project, the Santa Clara & San Benito Counties Building and Construction Trades Council (“Council”) shall meet with the representatives of the City of Milpitas (and its construction Manager) to discuss and review the appropriate, valid, legal manner and means by which the signatory union may undertake its activities with regard to this dispute (giving due consideration in such discussions and review to the traditional concerns for the ongoing operations of the Senior Center, and to the importance of the continuity of the work covered by the Project Stabilization Agreement), and develop a program which allows the signatory union to exercise its legal rights, but at the same time minimizes (and, if possible, eliminates) any potential that such activity may adversely impact or have any disruptive effect on the ongoing Senior Center construction work.
8. In developing such a program the representatives of the City and the Council will make every good faith effort to:
 - a. Recognize and permit the involved signatory union(s) to undertake their activities in the broadest manner possible consistent with law and past practice on and around the City of Milpitas Senior Center property; and
 - b. Avoid having such activities have any disruptive impact or affect on the Milpitas Senior Center Project.
9. Should the City of Milpitas (or its Construction Manager/Project Contractors) become aware of a possible or actual labor dispute involving non-City of Milpitas Senior Center work or operations and involving non-signatory unions which may result in public activity on or about the Senior Center property by such non-signatory unions, the representative of each will jointly meet to discuss such activity and to work together, using their best efforts to avoid having such activity adversely impact or otherwise delay or interfere with ongoing City of Milpitas Senior Center construction contracts.
10. The parties acknowledge that all terms and conditions of the Agreement, including its exhibits, addenda, shall apply unless explicitly revised by this Amendment No. 1.
11. The Agreement and its amendments and attachments shall be included as a condition of the award of all construction contracts on the Project. The

Agreement shall continue in full force and effect until the completion of the Milpitas Senior Center Project.

Dated: _____

SANTA CLARA & SAN BENITO COUNTIES BUILDING & CONSTRUCTION TRADES COUNCIL

By _____
CEO

Dated: _____

PROJECT MANAGER

By _____

Dated: _____

CITY OF MILPITAS

By _____

UNION SIGNATORIES

ASBESTOS WORKERS LOCAL 16

BOILERMAKERS LOCAL UNION 549

BAC LOCAL UNION 3

IBEW LOCAL 332

**ELEVATOR CONSTRUCTORS
LOCAL UNION 8**

**IUPAT District Council 16
Painters & Allied Crafts**

IRON WORKERS LOCAL UNION 377

LABORERS LOCAL UNION 270

OPERATING ENGINEERS LOCAL 3

Laborers Local 67

PLASTERERS LOCAL UNION 300

**NORTHERN CALIFORNIA CARPENTERS
REGIONAL COUNCIL**

**OPERATIVE PLASTERERS AND
CEMENT MASONS LOCAL UNION 400**

**UNITED ASSOCIATION, PLUMBERS &
FITTERS LOCAL UNION 393**

ROOFERS LOCAL UNION 95

**SHEET METAL WORKERS
INTERNATIONAL UNION LOCAL 104**

**SIGN & DISPLAY & ALLIED
CRAFTS LOCAL UNION 510**

**UNITED ASSOCIATION, SPRINKLER
FITTERS LOCAL UNION 483**

TEAMSTERS LOCAL UNION 287

**EXHIBIT A
CITY OF MILPITAS**

***“EXHIBIT 1.a. TO THE PROJECT STABILIZATION AGREEMENT FOR THE
CITY OF MILPITAS LIBRARY PROJECT”***

PROJECT Description

MILPITAS SENIOR CENTER Project, Project Number: 8176

Project consists of construction of the City of Milpitas’ new, approximately 22,000 square-foot Senior Center, 40 North Milpitas Blvd., Milpitas, California. The work to be performed under this contract includes the furnishing of all labor, materials, equipment, transportation, services, permits, temporary controls and construction facilities, and all general conditions, seismic requirements, general requirements and incidentals required to complete the work on the remodel and addition to the former Milpitas Library building to become the new Senior Center, in its entirety as described in the Contract Documents. The renovation and addition will include, but is not necessarily limited to: the building exterior and interior remodel, construction of an additional Community Room, compliance with the current life safety codes, upgrade of the building systems (HVAC, electrical, telecommunications, alarm, fire sprinkler, audio/visual), hazardous materials remediation and site work improvements (landscaping and parking lot and access reconfiguration. This work includes all work necessary to comply with the plans and specifications, building permit and other required permits, obtain occupancy permit, for a complete new facility suitable for its intended use as a senior center and assembly area.

Exhibit B: Agreed To Letter of Assent

[Date]
[Addressee]
[Address]
[City and State]

Re: MILPITAS SENIOR CENTER
Project Stabilization Agreement -- Letter of Assent

The undersigned party confirms that it agrees to be a party to and bound by the MILPITAS SENIOR CENTER, Project Stabilization Agreement as such Agreement may, from time to time, be amended by the parties or interpreted pursuant to its terms.

By executing this Letter of Assent, the undersigned party subscribes to, adopts and agrees to be bound by the written terms of the legally established trust agreements specifying the detailed basis upon which contributions are to be made into, and benefits made out of, such trust funds and ratifies and accepts the trustees appointed by the parties to such trust funds.

Such obligation to be a party to and bound by this Agreement shall extend to all work covered by said Agreement undertaken by the undersigned party on the MILPITAS SENIOR CENTER. The undersigned party shall require all of its subcontractors, of whatever tier, to become similarly bound for all their work within the scope of this Agreement by signing an identical Letter of Assent.

This letter shall constitute a subscription agreement, to the extent of the terms of the letter.

CONTRACTOR/SUBCONTRACTOR: _____

California State License Number: _____

Name and Signature of Authorized Person: _____
(Print Name)

(Title)

(Signature)

(Telephone Number)
