

**FIRST AMENDMENT TO
AGREEMENT FOR VENDOR SERVICES
BETWEEN THE CITY OF THOUSAND OAKS
FAMCON PIPE AND SUPPLY, INC.**

Contract No. 13129-2022

THIS FIRST AMENDMENT to the Agreement for Vendor Services entered into between the **CITY OF THOUSAND OAKS**, a municipal corporation, (hereafter "City") and **FAMCON PIPE AND SUPPLY, INC.**, (hereafter "Vendor") dated 25th day of October, 2022, is made this 6th day of June, 2024.

RECITALS

- A. Section 3 (a) of Agreement, currently, and as may have been previously amended, provides for a "not-to-exceed" total payment as consideration to Vendor of \$250,000 annually, (herein "not to exceed amount").
- B. Due to unanticipated demand for parts only sold by Vendor, City needs to increase the not-to-exceed amount to continue to procure necessary stock.
- C. City is in need of adding language to reflect new state law requirements under the Levine Act.
- D. City and Vendor wish to increase the not-to-exceed amount and add Levine Act language while keep all other terms intact.

AGREEMENT TO AMEND

NOW, THEREFORE, the undersigned parties to the Agreement agree to amend the Agreement as described below:

Part 1. The sum of \$400,000 (or \$100,000 annually) is added as compensation to Vendor by City, for products delivered under the present Agreement, and Subsection 3(a) of Contract is hereby amended to read in its entirety as follows:

(a) Maximum and Rate. The total compensation payable to the Vendor by City, for any products delivered under this Agreement **WILL NOT EXCEED** the sum of **\$350,000** annually, (herein "not to exceed amount"). Pricing discount shown on Vendor's schedule, attached as Exhibit B, shall remain in effect until June 30, 2027.

Part 2. Section 31 is hereby added to Contract which shall read in its entirety as follows, and Exhibit C attached hereto and incorporated herein is added to Contract:

31. LEVINE ACT COMPLIANCE

California Government Code section 84308 (Levine Act) prohibits any Thousand Oaks City Council member from participating in any action related to a contract, agreement, or franchise agreement if the Council member receives a campaign contribution totaling more than \$250 (aggregated) from the party to the contract, agreement or franchise agreement, their agents, or any financially interested participant who actively supports or opposes the matter within the previous twelve (12) months. Council members must also disclose any eligible campaign contribution received on the record of the proceeding.

Council members are also prohibited from soliciting, accepting or directing campaign contributions totaling more than \$250 (aggregated) from the applicant or party, an agent of the applicant/party, or any financially interested participant who actively supports or opposes the twelve (12) months, and for twelve (12) months following the date a final decision on the contract/agreement is made.

The Levine Act also requires parties to a contract, agreement, or franchise agreement to disclose any campaign contribution over \$250 (aggregated) within the preceding twelve (12) months by the party to the agreement, contract, or franchise agreement. The Levine Act does not apply to competitively bid, labor, or personal employment contracts.

In order to assure compliance with these requirements, Vendor has provided the disclosure requirements identified in the Levine Act Disclosure Form, attached as Exhibit C, incorporated herein by reference, and Vendor verifies by its signature that it has completed Exhibit C in compliance of these requirements.

Vendor shall also be responsible for understanding and complying with requirements of Government Code section 84308, which prohibits parties to a contract, as well as their agents and representatives, from contributing more than \$250 (aggregated) to a City Council member of the City of Thousand Oaks for the 12 months prior to award of this Contract, and for the 12 months following award of this Contract. Where applicable, Vendor shall disclose any post award campaign contributions prior to seeking an amendment to this Contract.

Part 3. All terms used in Parts 1 and 2 above shall have the meanings ascribed thereto in Agreement. Except as amended in Parts 1 and 2 above, all other sections, terms, obligations, duties, clauses, and provisions of Agreement shall remain the same.

IN WITNESS WHEREOF, the parties execute this First Amendment to Agreement as of the date set forth above.

**FAMCON PIPE AND SUPPLY,
INC.**

Steven Penza, President

Joyce Kemsley, General Manager
of Finance and Administration

CITY OF THOUSAND OAKS

Al Adam, Mayor

ATTEST:

Laura B. Maguire, City Clerk

APPROVED AS TO ADMINISTRATION:

Andrew P. Powers, City Manager

APPROVED BY DEPARTMENT HEAD:

Clifford G. Finley, Public Works Director

APPROVED AS TO FORM:
Office of the City Attorney

Tracy Friedl, Assistant City Attorney

EXHIBIT C

LEVINE ACT DISCLOSURE FORM

California Government Code section 84308 (Levine Act) prohibits any Thousand Oaks City Council member from participating in any action related to a contract, agreement, or franchise agreement (excluding labor or competitively bid contracts) if the Council member receives a campaign contribution totaling more than \$250 (aggregated) from the party to the contract, agreement or franchise agreement, their agents, or any financially interested participant who actively supports or opposes the matter within the previous twelve (12) months. Council members must also disclose any eligible campaign contribution received on the record of the proceeding.

Council members are prohibited from accepting, soliciting, or directing a campaign contribution of more than \$250 (aggregated) from a party, their agent/representative, or a financially interested participant during a proceeding and for 12 months following the date a final decision is made. In addition, a party, their agent/representative, or a financially interested participant is prohibited from contributing more than \$250 (aggregated) to a Council member during a proceeding and for 12 months following the date a final decision is made.

The Levine Act also requires parties to certain contracts, agreements, or franchise agreements to disclose any campaign contribution over \$250 (aggregated) within the preceding twelve (12) months by the party to the agreement, contract, or franchise agreement and their agents. The Levine Act does not apply to competitively bid, labor, or personal employment contracts.

- ☐ The Levine Act (Gov Code § 84308) DOES NOT apply to this Agreement/Contract
- ☒ The Levine Act (Gov Code § 84308) DOES apply to this Agreement/Contract and the required disclosure is set forth below:

1. Have you or your company, or any agent on behalf of you or your company, made campaign contributions totaling more than \$250 (aggregated) to any council member in the 12 months preceding the date you submitted your proposal, the date you completed this form, or the anticipated date of any Council action related to this Agreement/Contract?

- ☐ YES
- ☒ NO

Council Member Name	Payee Name	Payment Date	Payment Amount

2. Do you or your organization, or any agency or representative on behalf of you or your organization, anticipate or plan to make any campaign contributions of more than \$250 (aggregated) to any City Council member in the 12 months following any City Council action related to this Agreement/Contract? **** There may be legal restrictions on making contributions during the 12 months following City Council Action. It is recommended that you consult with your own legal counsel regarding the requirements of law.**

☐ YES

☒ NO

Council Member Name	Payee Name	Payment Date	Payment Amount

Answering "YES" to either question above does not preclude the City of Thousand Oaks from entering into or taking any subsequent action related to this Agreement/Contract. However, it may preclude the identified Council member(s) from participating in any actions/decisions related to this Agreement/Contract.

5/21/24

Joyce Kemsley, Gen Mgr

Famcon Pipe and Supply, Inc.

Date

Printed Name/Title of Authorized
Representative

Name of Business/Legal
Entity

Signature



***** You must submit a supplemental form if you make any new reportable contribution(s) while the Agreement/Contract is being considered *****

**** "Aggregated" contributions, as described in FPPC Regulation §18438.5, include the following types of contributions made during a 12-month period: (1) all contributions made by the party or participant; (2) all contributions made by an agent of the party or participant; and (3) all contributions made by an individual or entity required to be aggregated with the party or participant, and any agent of the party or participant.**