

AMENDMENT NO. 1 TO FORM OF CONTRACT

Contractor: **Cherry Street Capital Fund VI, LLC**

Contract No. **City of Atlanta FC-9696, Solar Energy Program**

Address: **44 Putnam Drive, NW**
City, State **Atlanta, GA 30342**

Telephone: **(478) 747-5215**

E-mail: michael@cherrystreetenergy.com

Contact: **Michael Chanin**
CEO

W I T N E S S E T H

WHEREAS, Fulton County ("County") entered into a Contract with **Cherry Street Capital Fund VI, LLC** to provide financing of installation and operation of solar technology, dated April 1, 2020, on behalf of the Department of Real Estate Asset Management; and

WHEREAS, the purpose for this amendment is to amend the existing contract by removing Benson Senior Center from the existing cooperative purchasing agreement and replacing it with College Park Regional Health Center as one of seven solar installation sites in relation to the cooperative agreement Fulton County, Georgia and the City of Atlanta to utilize the City's contract with Cherry Street Energy, Inc., for solar installations across Fulton County.; and

WHEREAS, the Contractor has performed satisfactorily over the period of the contract; and

WHEREAS, this amendment was approved by the Fulton County Board of Commissioners on **November 3, 2021, BOC Item #21** .

NOW, THEREFORE, the County and the Contractor agree as follows:

This Amendment No. 1 to Form of Contract is effective as of the 3rd day of November, 2021, between the County and **Cherry Street Capital Fund VI, LLC**, who agree that all Services specified will be performed in accordance with this Amendment No. 1 to Form of Contract and the Contract Documents.

1. **SCOPE OF WORK TO BE PERFORMED:** To remove Benson Senior Center from the existing cooperative purchasing agreement and replace it with College Park

Regional Health Center as one of seven solar installation sites in relation to the cooperative agreement Fulton County, Georgia and the City of Atlanta to utilize the City's contract with Cherry Street Energy, Inc., for solar installations across Fulton County.

This amendment to the existing contract is to replace one of the initial seven solar installation sites, Benson Senior Center, with another county site that is suitable for solar installation, College Park Regional Health Center. The Solar Financing Agent and its subcontractors have conducted multiple engineering and solar feasibility assessments of Benson Senior Center and have deemed it to be structurally unbuildable and unsuitable for solar installation due to its standing seam roof type not being conducive for the solar array racking clamps. College Park Regional Health Center and 4700 North Point Parkway have been identified and verified by site visits and solar feasibility analysis as replacement sites due to their comparable solar capacity and production to Benson Senior Center, and having flat roofs and single ply Thermoplastic Polyolefin (TPO) roofing membranes that are conducive to solar installations and racking. College Park Regional Health Center is being requested as the replacement site for approval due to its known use, programming and energy demand in comparison to 4700 North Point Parkway. 4700 North Point Parkway will be considered for solar installation in a future procurement.

Approving College Park Regional Health Center as the replacement site for Benson Senior Center will enable the county and Solar Financing Agent to meet the original intent, scope and impact of the agreement. The cost and terms will remain as \$0.07 per kilowatt-hour of solar electricity generated with an annual escalator of 1.5% for a 20 year period. The installation will be completed by December 31, 2021

2. **COMPENSATION:** The services described will be at no additional cost to Fulton County. The cost and term will remain the same as the original intent.
3. **LIABILITY OF COUNTY:** This Amendment No. 1 to Form of Contract shall not become binding on the County and the County shall incur no liability upon same until such agreement has been executed by the Chair to the Commission, attested to by the Clerk to the Commission and delivered to Contractor.
4. **EFFECT OF AMENDMENT NO. 1 TO FORM OF CONTRACT:** Except as modified by this Amendment No. 1 to Form of Contract, the Contract, and all Contract Documents, remain in full force and effect.

[INTENTIONALLY LEFT BLANK]

IN WITNESS THEREOF, the Parties hereto have caused this Contract to be executed by their duly authorized representatives as attested and witnessed and their corporate seals to be hereunto affixed as of the day and year date first above written.

OWNER:

FULTON COUNTY, GEORGIA

Robert L. Pitts, Chairman
Fulton County Board of Commissioners

ATTEST:

Tonya R. Grier
Clerk to the Commission

(Affix County Seal)

APPROVED AS TO FORM:

Office of the County Attorney

APPROVED AS TO CONTENT:

Joseph N. Davis, Director
Department of Real Estate and Asset
Management

CONSULTANT:

**CHEERY STRET CAPITAL
FUND VI, LLC**

Michael Chanin
CEO

ATTEST:

Secretary/
Assistant Secretary

(Affix Corporate Seal)

ATTEST:

Notary Public

County: _____

Commission Expires: _____

(Affix Notary Seal)

ITEM#: _____ RCS: _____ RECESS MEETING	ITEM#: _____ RM: _____ REGULAR MEETING
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