

**AMENDMENT NUMBER ONE
TO PROFESSIONAL SERVICES AGREEMENT
WITH
COST RECOVERY SYSTEMS, INC.**

This Amendment Number One ("Amendment") is made and entered into this 30th day of June, 2017 ("Effective Date"), by and between the CITY OF COSTA MESA, a municipal corporation ("City"), and COST RECOVERY SYSTEMS, INC., a California corporation ("Consultant").

WHEREAS, City and Consultant entered into an agreement on July 1, 2015 for Consultant to provide SB 90 claims administration services (the "Agreement"); and

WHEREAS, Section 4.1 of the Agreement provides for a term of two (2) years, with the option to extend the Agreement for one (1) additional one (1) year period; and

WHEREAS, City and Consultant desire to extend the term for one (1) year, through June 30, 2018, and to increase Consultant's maximum compensation accordingly.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. The term of the Agreement shall be extended through June 30, 2018.
2. Section 2.1 of the Agreement shall be amended to reflect that Consultant's total compensation shall not exceed Thirty-Five Thousand Two Hundred Fifty Dollars (\$35,250.00).
3. For the period commencing July 1, 2017 and ending June 30, 2018, Consultant shall be paid according to the fee schedule set forth in Exhibit "A," attached hereto and incorporated herein by this reference.
4. All terms not defined herein shall have the same meaning and use as set forth in the Agreement.
5. All other terms, conditions, and provisions of the Agreement not in conflict with this Amendment shall remain in full force and effect.

[Signatures appear on following page.]

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed by and through their respective authorized officers, as of the date first written above.

CITY OF COSTA MESA

James R. Petty
City Manager

Date: 6/26/17

CONSULTANT

Annette S. Chinn
Signature

Date: 6-11-17

Annette S. Chinn, President
Name and Title

ATTEST:



Brenda Green
City Clerk

APPROVED AS TO FORM:

[Signature]
City Attorney

Date: 06/22/17

APPROVED AS TO INSURANCE:

[Signature]
Risk Management

Date: 6/21/17

DEPARTMENTAL APPROVAL

Stephen DeLuvent
Interim Finance Director

Date: 6-20-17

APPROVED AS TO PURCHASING:

NW Stephen DeLuvent
Interim Finance Director

Date: 6-20-17

PART I: METHOD OF PAYMENT FOR ANNUAL & NEW/AMENDED CLAIMS

Payment in the amount of \$11,750 (eleven thousand seven hundred and fifty dollars) shall be billed after the claims are submitted to the State for reimbursement. Payment shall be due upon receipt of an invoice from the CONSULTANT.

AND

If the total number of claims prepared and submitted during this fiscal year exceeds 15 individual claims, the City shall be billed \$650 for each claim in excess of this amount.

PART II: METHOD OF PAYMENT FOR "NEW STORMWATER CLAIMS":

Due to the complexity and size of the new "STORMWATER CLAIMS", if the cost to prepare each individual claim per fiscal year exceeds 4 hours of consultant time, the excess amount of time spent shall be billed at \$150 per hour. Fee shall be billed after the claims are submitted to the State for reimbursement. Payment shall be due upon receipt of an invoice from the CONSULTANT.

ASSISTANCE IF AUDITED:

In the event an audit is conducted by the State Controller's Office and upon notification by CITY, CONSULTANT shall assist CITY in defending its claim(s). A total of twenty four (24) consultant hours shall be included in the scope of this contract. Additional time shall be paid for on a time and materials basis if requested by the CITY.

All other agreed upon Terms and Conditions remain in place.

Accepted by:

City of Costa Mesa

Cost Recovery Systems, Inc.

Stephen Dumont
Name

Annette S. Chinn
Annette S. Chinn

Interim Finance Director
Title

President

Date: 6-08-17

Date: 5-12-17

EXHIBIT A
FEE SCHEDULE

ATTACHMENT A-20

Proposed Scope of Work

Eligible Claims By Claiming Category	Eligible Fiscal Years	Claiming Deadline	Proposed Fee
<p><u>PART I- Annual, New, & Amended Claims</u></p> <ul style="list-style-type: none"> - Administrative License Suspensions - Crime Victims' Domestic Violence Reports - Domestic Violence Arrest Policies - Domestic Violence Background Checks - Domestic Violence Victims Assistance - Health Benefits for Survivors of Peace Officers and Firefighters - Local Government Employee Relations - Peace Officer Bill of Rights - Peace Officer Bill of Rights II - Peace Officer Personnel Records - Rape Victim Center Notices - Threats Against Peace Officers 	2016-17 (actual)	2/15/18	<p>\$11,750 Fixed Fee for a maximum of 15 total claims submitted this fiscal year</p> <p>Each additional claim prepared will be billed at \$650 per claim</p>
<p><u>PART II- Other Expected New Claims</u></p> <ul style="list-style-type: none"> - Discharge of Stormwater Runoff 	2009-10 2010-11 2011-12 2012-13 2013-14 2014-15 2015-16 2016-17	Expected due date prior to 6/30/18	<p>Fee for these claims can be included in PART I of contract, however, if Consultant time required to prepare each individual Stormwater claim exceeds 4 hrs/ claim: excess time spent shall be billed at \$150/hr</p>