

**AMENDMENT NUMBER FOUR
TO PROFESSIONAL SERVICES AGREEMENT
WITH
MERCHANTS BUILDING MAINTENANCE, LLC**

This Amendment Number Four ("Amendment") is made and entered into on the 30th day of November, 2020 ("Effective Date"), by and between the CITY OF COSTA MESA, a municipal corporation ("City"), and MERCHANTS BUILDING MAINTENANCE, LLC, a California limited liability company ("Consultant").

WHEREAS, City and Consultant entered into an agreement on September 16, 2014 for Consultant to provide janitorial services for City buildings and the Costa Mesa Senior Center (the "Agreement"); and

WHEREAS, Section 4.1 of the Agreement provides for a term of sixty (60) months, with the option to extend the Agreement for three (3) additional one (1) year periods; and

WHEREAS, Section 2.1 of the Agreement provides that, commencing in the third year of the term of the Agreement and once each year thereafter, Consultant may increase its compensation in an amount equal to the Consumer Price Index – All Urban Consumers (CPI) for the twelve month period prior to the last day of the Contract Year subject to the increase; and

WHEREAS, on February 3, 2016, City and Consultant added additional services and increased Consultant's compensation accordingly; and

WHEREAS, on September 15, 2019, City and Consultant extended the term through September 15, 2020 and increased Consultant's compensation; and

WHEREAS, on September 15, 2020, City and Consultant extended the term through September 15, 2021; and

WHEREAS, Consultant has requested an increase in compensation of 1.2% based upon a CPI increase of 1.2% as authorized by Section 2.1 of the Agreement; and

WHEREAS, City and Consultant desire to amend the Scope of Services to reflect the reduction of Friday services at City Hall; and

WHEREAS, City and Consultant desire to set forth Consultant's compensation accordingly.

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

1. For the period commencing September 16, 2020 and ending September 15, 2021, Consultant's compensation shall not exceed Four Hundred Forty-Two Thousand Five Hundred Thirty Dollars and Seventy-Six Cents (\$442,530.76). Consultant shall be paid in accordance with the Amended Fee Schedule attached hereto as Exhibit "A" and incorporated herein.
2. All terms not defined herein shall have the same meaning and use as set forth in the Agreement.

3. All other terms, conditions, and provisions of the Agreement shall remain in full force and effect.
4. This Amendment may be executed in one or more counterparts, each of which shall be deemed an original. All counterparts shall be construed together and shall constitute one agreement. Counterpart written signatures may be transmitted by facsimile, email or other electronic means and have the same legal effect as if they were original signatures.

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

Lon Amador H
City Manager

Date: 11/27/21

CONSULTANT

[Signature]
Signature

Date: 12.08.2020

George Rodriguez-Branch Manager
Name and Title

ATTEST:

Brenda Green 1/28/2021
City Clerk



APPROVED AS TO FORM:

[Signature]
City Attorney


Date: 1/27/21

APPROVED AS TO INSURANCE:

[Signature]
Risk Management

Date: 12/29/2020

APPROVED AS TO CONTENT:



Project Manager

Date: 2021

DEPARTMENTAL APPROVAL:



Public Services Director

Date: 1-12-21

APPROVED AS TO PURCHASING:



Finance Director

Date: 12/23/2020

EXHIBIT A

AMENDED FEE SCHEDULE

City Buildings	Monthly Fee
Balearic Community Center	\$1,820.03
Communications Center	\$1,126.77
Corporation Yard (Old)	\$610.52
Corporation Yard (New)	\$610.52
City Hall	\$6,862.10
Downtown Recreation Center	\$2,303.30
Police Facility	\$8,342.92
Police Substation	\$919.88
Senior Center	\$4,281.65
Outreach Trailer	\$339.93
Park Restrooms	Monthly Fee
Balearic Community Center	\$513.13
Del Mesa Park	\$513.13
Estancia Park	\$513.13
Fairview Park	\$535.05
Heller Park	\$513.13
Jack Hammett Sports Complex	\$535.05
Lions Park - Davis Field	\$513.13
Lions Park	\$513.13
Shiffer Park	\$513.13
Smallwood Park	\$513.13
Tewinkle #1 Angel Playground	\$535.05
Tewinkle #2 Middle Restroom	\$204.76
Tewinkle #3 Skate Park	\$513.13
Tewinkle #4 Sports Complex	\$513.13
Vista Park	\$513.13
Wakeham Park	\$513.13
Wilson Park	\$513.13
Total	\$35,698.22