

**AMENDMENT NUMBER TWO
TO PROFESSIONAL SERVICES AGREEMENT
WITH
INTERWEST CONSULTING GROUP INC.**

This Amendment Number Two ("Amendment") is made and entered into this 10th day of February, 2023 ("Effective Date"), by and between the CITY OF COSTA MESA, a municipal corporation ("City"), and INTERWEST CONSULTING GROUP INC., a Colorado corporation ("Consultant").

WHEREAS, City and Consultant entered into an agreement on May 5, 2022 for Consultant to provide right-of-way certification and utility coordination services for the Adams Avenue and Pinecreek Drive Intersection Project (the "Agreement"); and

WHEREAS, City and Consultant entered into Amendment Number One on October 17, 2022 to include additional services and increase Consultant's maximum compensation accordingly to Twenty-Four Thousand and Nine-Hundred Dollars (\$24,900.00); and

WHEREAS, City and Consultant desire to pay the Consultant a one-time payment of Four Thousand Dollars (\$4,000.00) for the work as described in Exhibit "A," attached hereto and incorporated herein by this reference.

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

1. The City shall pay Consultant a one-time payment of Four Thousand Dollars (\$4,000.00).
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 not in conflict with this Amendment 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.

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.

CONSULTANT



Signature

Paul Meschino, President

Name and Title

Date: 2/16/23

CITY OF COSTA MESA

Lori Ann Farrell Harrison
Lori Ann Farrell Harrison
City Manager

Date: 3/8/23

ATTEST:

Brenda Green
Brenda Green
City Clerk

APPROVED AS TO FORM:

Kimberly Hall Barlow
Kimberly Hall Barlow
City Attorney

Date: 3/7/23

APPROVED AS TO INSURANCE:

Ruth Wang
Ruth Wang
Risk Management

Date: 2/24/23

APPROVED AS TO CONTENT:

Ramin Nikoui
Ramin Nikoui
Project Manager

Date: 02/28/23

DEPARTMENTAL APPROVAL:

Raja Sethuraman
Raja Sethuraman
Public Works Director

Date: 2-28-23

APPROVED AS TO PURCHASING:

Carol Molina
Carol Molina
Finance Director

Date: February 22, 2023

EXHIBIT A

January 11, 2023

Ramin Nikoui, PE, TE, PTOE, MS, Associate Engineer
Transportation Services Division
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626



Re: Adams and Pinecreek Project Utility Coordination

Dear Ramin,

As you know, the utility coordination process on the Adams and Pinecreek project has encountered a few challenges along the way. Interwest is committed to assisting the City finalize the Caltrans certification for this project, and provide the following information along with our request for additional budget to complete the tasks.

Below is a summary of the ROW work to this point:

Original bid from Interwest was \$13,400. Once it was discovered that some of the tasks which are usually completed by the design team had not been completed, Interwest requested additional funds based on the additional scope of work. Diana prepared an estimate of the hours she anticipated to finish her work. Since this amendment in addition to the original budget would now exceed \$25,000, Diana was asked to reduce hours to keep the total budget at \$24,900. When Diana agreed that she thought she could complete the work with 104 additional hours, it appears the budget was already negative.

In addition to the utility scope of services, Diana worked with the City and engineering team because the utilities were identified incorrectly on the construction plans. Diana requested a utility sheet be prepared. Because they didn't go through DigAlert to identify all the UG utilities, this is per CT's High/Low risk requirements. Diana had to request and review as-builts received from most of the utility owners, and ask questions to assist them to identify all utilities correctly. Caltrans requires notification to utilities that are public utilities. Diana had to go through several utility sheet reviews, to make sure the utilities were identified and labeled correctly. Most of this should have been done by the engineering team before Diana started, and her scope of services should be reviewing plans to contact the identified utility owners and to confirm location of all facilities with the utility companies, which she did after the plan sheet looked like it had all utilities on it. We can provide emails dated 7/25/22 and 7/29/22 regarding her review of the utility sheet that was prepared after she requested it. The second email shows several notes made during a call and discussions of Diana's questions, including questions after a field review was done. There is a final utility sheet dated 10/20/22.

The plans needed to meet CT's requirements, which they did not. Diana had to spend time ensuring that the plans met CT requirements. She sent examples from the Caltrans Plans Preparation Manual to help. Diana made recommendations that weren't done; all outside her scope of services.

The City had certified another project with CT's oversight and the City provided Diana with the documents used so she could see what was approved for that cert with the same utility companies. One of the same

utilities that needed to be relocated/adjusted to grade, was the Costa Mesa Sanitary District (CMSD), where Diana realized the incorrect Streets and Highways code was used for liability determination. This caused extra work and Diana got different direction from the City as to how to handle this with CT and CMSD. Diana found different references that a utility agreement is needed and some that said it was optional. The City directed Diana to provide the minimum required and see if CT requests it.

Diana wanted the City to be successful in having their PS&E be approved and didn't want to ignore obvious omissions in the plans and wanted the utility sheet, notices, and Certification to be correct as well so that Caltrans would approve the Certification the first time. Diana submitted the first draft. She received a couple of questions from Jane at Caltrans and recently approved a document she requested earlier. We received Jane's approval to send out the Notice to Owner documents as soon as possible, which was completed on 1/5/23.

In our phone call you explained that there may have been some time used by Diana for meetings with Brett Paulson for status updates as he was departing from the company. Similarly, you mentioned that Diana may have used some additional time to reanalyze status updates, which may have accounted for a few additional hours used.

Below is a breakdown on budget used:

<u>Month</u>	<u>Invoice</u>	<u>Remaining Budget</u>
May	\$1,043.75	\$23,856.25
June	\$2,787.50	\$21,068.75
July	\$2,662.50	\$18,406.25
August	\$6,850.00	\$11,556.25
September	\$4,937.50	\$ 6,618.75
October	\$6,200.00	\$ 418.75
November	\$3,562.50	(\$3,143.75)

The November invoice has not yet been sent. As of November 1, the remaining budget was \$418.75. I propose that our Accounting Department reduce the November invoice from \$3,562.50 to \$418.75. We then propose that Diana finish the Caltrans certification on this project for a flat fee of \$4,000, which includes work already completed in December.

Interwest is committed to assisting the City receive Caltrans certification as quickly and smoothly as possible. You may reach me at (949) 291-6793 or via email at mjorgensen@interwestgrp.com if you have any questions.

Sincerely,



Marcie Jorgensen
Director of Real Estate

INTERWEST