

**AMENDMENT NUMBER FIVE
TO PROFESSIONAL SERVICES AGREEMENT
WITH
CLEANSTREET**

This Amendment Number Five ("Amendment") is made and entered into this 21st day of February, 2023 ("Effective Date"), by and between the CITY OF COSTA MESA, a municipal corporation ("City"), and CLEANSTREET, a California corporation ("Consultant").

WHEREAS, City and Consultant entered into an agreement on March 1, 2015 for Consultant to provide street sweeping services (the "Agreement"); and

WHEREAS, City and Consultant amended the Agreement through the First Amendment, dated June 15, 2015, to permit Consultant to lease space at City's Corporation Yard to store equipment used in connection with Consultant's services; and

WHEREAS, City and Consultant further amended the Agreement through the Second Amendment, dated January 2, 2018, to permit annual adjustments to Consultant's compensation based on Consumer Price Index ("CPI") data for the Los Angeles-Riverside-Orange County area, and increased Consultant's compensation by 2.6 percent (2.6%) based on the CPI increase from March 2016 to March 2017; and

WHEREAS, City and Consultant increased Consultant's compensation by 2.5 percent (2.5%) based on the CPI increase for February 2018 to February 2019 through the Third Amendment to the Agreement, dated May 1, 2019; and

WHEREAS, City and Consultant increased Consultant's compensation by 3.1% through the Fourth Amendment to the Agreement, dated May 17, 2022; and

WHEREAS, Section 4.1 of the Agreement provides for a term of five (5) years, with the automatic extensions for three (3) additional one (1) year periods, terminating on February 28, 2023; and

WHEREAS, City and Consultant desire to extend the term for four (4) additional months, through June, 30, 2023; and

WHEREAS, City desires to increase Consultant's maximum compensation to One Million Seven Thousand Three Hundred Fifty-Eight Dollars and Twenty-Six Cents (\$1,007,358.26).

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, 2023.
2. Section 2.1 of the Agreement shall be amended to reflect that Consultant's total compensation shall not exceed One Million Seven Thousand Three Hundred Fifty-Eight Dollars and Twenty-Six Cents (\$1,007,358.26).
3. All terms not defined herein shall have the same meaning and use as set forth in the Agreement.

4. All other terms, conditions, and provisions of the Agreement shall remain in full force and effect.
5. 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

Name and Title

Date: _____

CITY OF COSTA MESA

Lori Ann Farrell Harrison
City Manager

Date: _____

ATTEST:

Brenda Green
City Clerk

APPROVED AS TO FORM:

Kimberly Hall Barlow
City Attorney

Date: _____

APPROVED AS TO INSURANCE:

Ruth Wang
Risk Management

Date: _____

APPROVED AS TO CONTENT:

Robert Ryan
Project Manager

Date: _____

DEPARTMENTAL APPROVAL:

Raja Sethuraman
Public Works Director

Date: _____

APPROVED AS TO PURCHASING:

Carol Molina
Finance Director

Date: _____

