

**AMENDMENT NUMBER ONE
TO PROFESSIONAL SERVICES AGREEMENT
WITH
KOA CORPORATION**

This Amendment Number One (“Amendment”) is made and entered into this 15th day of November 2022 (“Effective Date”), by and between the CITY OF COSTA MESA, a municipal corporation (“City”), and KOA CORPORATION, a California corporation (“Consultant”).

WHEREAS, City and Consultant entered into an agreement on March 16, 2021 for Consultant to provide engineering design services in connection with the Adams Avenue and Pinecreek Drive Intersection Project (the “Agreement”); and

WHEREAS, City and Consultant desire to amend the Scope of Services to include the additional services set forth in Exhibit “A,” attached hereto and incorporated herein by this reference; and

WHEREAS, City desires to increase Consultant’s maximum compensation by Thirty Thousand Two Hundred and Thirty Dollars (\$30,230.00).

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

1. The Scope of Services shall be amended to include the additional services set forth in Exhibit A.
2. Section 3.5 of the Agreement shall be amended to reflect that Consultant’s total compensation shall not exceed One Hundred and Forty-One Thousand Seventeen Dollars and Three Cents (\$141,017.03). Consultant shall be paid according to the fee schedule set forth in the Agreement and Exhibit A of this Amendment.
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 not in conflict with this Amendment 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

Date: _____

Name and Title

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:

Ramin Nikoui
Project Manager

Date: _____

DEPARTMENTAL APPROVAL:

Raja Sethuraman
Public Works Director

Date: _____

APPROVED AS TO PURCHASING:

Carol Molina
Finance Director

Date: _____

EXHIBIT A



October 6, 2022

Ramin Nikoui, PE
Associate Engineer
City of Costa Mesa
77 Fair Drive, 4th Floor
Costa Mesa, CA 92628

Subject: Change Order Request for Adams/Pinecreek Project

Ramin:

As discussed several times, the scope of work for the subject project has expanded significantly since the agreement was approved in 2021.

The original concept per the RFP proposed Class II bike lanes and a continuation of the EB slip ramp. As the project developed, including extensive feedback during the public outreach, the design changed significantly to improve safety for the bicyclists and pedestrians.

The Class II bike lane was revised to transition to a Class I trail eastbound and westbound approaching Pinecreek. This refinement alleviates the safety concerns expressed by bicyclists about having a long segment of Class II bike lane sandwiched between the outside through lane and the right turn lane. It also provides for a smoother transition from eastbound Adams to the college for bicyclists and the elimination of the existing eastbound slip ramp significantly improves pedestrian safety.

In conjunction with these revisions, KOA attended additional meeting with OCC staff to get concurrence on the changes as well as to coordinate the design revisions.

Additionally, we are requesting for construction support on an as-needed basis.

The additional effort to incorporate the changes noted above is **\$20,230** for the revised design plus **\$10,000** for construction support. Please provide written authorization for **\$30,230**.

If you have any questions, please do not hesitate to call.

Sincerely,

KOA Corporation

A handwritten signature in black ink, appearing to read 'Matt Stepien', written over a light blue horizontal line.

Matt Stepien, P.E.
Project Manager