

**AMENDMENT NO. 1 TO
PROFESSIONAL SERVICES AGREEMENT
CIP 23-02 GOETZ ROAD/VISTA WAY TRAFFIC SIGNAL AND INTERSECTION
IMPROVEMENTS
(CIVIL DESIGN SERVICES)**

This is Amendment No. 1 ("Amendment No 1") to that certain Professional Services Agreement ("Agreement") made on **February 15, 2023** between the City of Menifee ("City") and **K & A ENGINEERING, INC.** ("K & A ENGINEERING, INC.") for **CIP 23-02 GOETZ ROAD/VISTA WAY TRAFFIC SIGNAL AND INTERSECTION IMPROVEMENTS (CIVIL DESIGN SERVICES)** is made and entered into on _____, **2024** to assign the Agreement for all purposes to RTM ENGINEERING CONSULTANTS, a California C Corporation ("RTM ENGINEERING CONSULTANTS") and to extend the term of the Agreement.

1. Capitalized terms used but not defined in this Amendment No. 1 shall have the meanings ascribed to them in the Agreement.
2. Section 1.1, "Term of Services" is amended to read as follows:

1.1 Term of Services. The term of this Agreement shall begin on the **February 15, 2023** and shall end on **June 30, 2025** unless the term of the Agreement is otherwise terminated or extended as provided for in Section 8. The time provided to Consultant to complete the services required by this Agreement shall not affect the City's right to terminate the Agreement, as provided for in Section 8.

3. K & A Engineering, Inc. assigns, conveys, and transfers the Agreement and all of its rights and obligations thereunder to RTM Engineering Consultants as of the date of this Amendment No. 1 and RTM Engineering Consultants accepts and assumes all rights, obligations, and representations thereunder.
4. Consultant's notice address for the purposes of Section 10.9 of the Agreement shall be as follows:

RTM Engineering Consultants
357 N. Sheridan Street, Suite 117
Corona, CA 92878

5. SECTION 2, "Compensation" is amended to read as follows, increasing the contract amount by: **\$22,840.00 (TWENTY TWO THOUSAND EIGHT HUNDRED FORTY DOLLARS AND ZERO CENTS)**

SECTION 2. COMPENSATION.

City hereby agrees to pay Contractor a sum not to exceed **\$139,934.00 (ONE HUNDRED THIRTY NINE THOUSAND NINE HUNDRED THIRTY FOUR DOLLARS AND ZERO CENTS)** notwithstanding any contrary indications that may be contained in Contractor's proposal, for the Services to be performed and reimbursable costs incurred under this Agreement. In the event of a conflict between this Agreement and Exhibit A, regarding the amount of compensation, this Agreement shall prevail. City shall pay Contractor for the Services rendered pursuant to this Agreement at the time and in the manner set forth herein. The payments specified below shall be the only payments from City to Contractor for the Services rendered pursuant to this Agreement. Contractor shall submit all invoices to City in the manner specified herein. Except as specifically authorized in advance by

City, Contractor shall not bill City for duplicate services performed by more than one person.

6. Exhibit A, "Scope of Services" is supplemented to include the supplement attached as Exhibit A hereto. The supplement to the "Scope of Services" is not intended to replace the original Exhibit A to the Agreement, but instead to augment and increase the scope of work listed in the original Exhibit A to the Agreement. The initial paragraph of the original Exhibit A, "Scope of Services", to the Agreement is amended to read as follows:

EXHIBIT A

SCOPE OF SERVICES

Contractor shall provide **CIP 23-02 GOETZ ROAD/VISTA WAY TRAFFIC SIGNAL AND INTERSECTION IMPROVEMENTS (CIVIL DESIGN SERVICES)** in the amount not to **\$139,934.00 (ONE HUNDRED THIRTY NINE THOUSAND NINE HUNDRED THIRTY FOUR DOLLARS AND ZERO CENTS)** as further detailed in the following page(s).

7. All other terms and conditions of the Agreement remain in full force and effect.
8. This Amendment No. 1 may be executed in multiple counterparts, each of which shall be an original and all of which together shall constitute one agreement.

[SIGNATURES ON FOLLOWING PAGE]

CITY OF MENIFEE

Armando G. Villa, City Manager

K & A Engineering, Inc.

Amir Fallahi, CFO

Keith Osborn, President

ATTEST:

Stephanie Roseen, Acting City Clerk

RTM Engineering Consultants

Amir Fallahi, CFO

Keith Osborn, President

APPROVED AS TO FORM:

Jeffrey T. Melching, City Attorney

EXHIBIT A
SCOPE OF SERVICES



May 24, 2024

Rex Caballero, EIT
Assistant Engineer
Capital Improvement Program (CIP)
City of Menifee
29844 Haun Rd.
Menifee, CA. 92586

Additional Service Request – ASR 001

Confidential

RE: Professional Services Agreement
CIP 23-02 GOETZ ROAD/VISTA WAY TRAFFIC SIGNAL AND INTERSECTION IMPROVEMENTS
(CIVIL DESIGN SERVICES)

Dear Rex

As you are aware, the project as we initially proposed has changed in original scope. These changes will require additional engineering and design outside our original scope of work. Due to these changes, we respectfully request this additional service cost. This additional service request is based on the following:

- Redistribution of Task 2D budget to provide additional budget for other tasks as described on the attached "Backup for Additional Funds Request".
- Additional budget added to the project for City's request to perform Optional services as outlined within the project original proposal.

Additional Service Request.....\$ 22,840.00

ACCEPTED BY:

By: _____

Printed Name: _____

Company: _____

Date: _____

SUBMITTED BY:

Donald Bergh

Donald Bergh, P.E.
Senior Civil Engineer
RTM Engineering Consultants, LLC

May 24, 2024

Backup for Additional Funds Request

May 24, 2024

Prior work completed that was outside of the original scope of work. Had these requests been minor in nature they could have been absorbed into the preliminary or final budget but in review the amount of time spent on these tasks a request for additional funds is needed.

Over the past few months K&A and LL&G had put in a significant amount of time in determining the locations for the traffic signal poles, City's request for ultimate locations verse current field conditions resulting in the proposed interim locations, multiple designs and exhibits were prepared and submitted to the city resulting in the current TS pole locations and access ramp configurations. More recently the additional time was put into locating the TS cabinet/meter pedestal to an ultimate location that is now requiring additional grading and a retaining wall, with the back and forth coordination exhibits and now plans, spec bid document revisions we do need to ask for additional budget.

Our Traffic Engineer LL&G is requesting \$ 4,800 to cover costs incurred in responding to multiple requests from the City regarding placement of TS Poles in ultimate locations verse the proposed interim locations and movement of the cabinet/pedestal, see attached list from LL&G.

K&A Engineering is requesting \$ 5,700 to cover costs incurred in responding to the numerous requests from the City in relation to placement of the TS poles in an ultimate location with our preparation of numerous exhibits of current conditions and projected ultimate conditions including right-of-way, curb/sidewalk/ramps, grading impacts and field review was performed to look at current field conditions confirming topography and constraints to locating the poles in a ultimate location.

Remaining Scope of Work:

Review of existing line items;

Task 1: Project management and coordination:

Project admin and Meetings and submittals are ongoing, time has been

- Remaining Budget for this task is: \$ 473.70

Task 2: Research Existing Conditions & survey:

2B/C Survey and Geotechnical coordination has already been performed in the past, these tasks should have been billed.

- Remaining Budget for this task is: \$ 1,550.00

2D Potholing; Per your email on 5-5-24 we understand that potholing will no longer be required, and that budget could be redistributed to other tasks if needed

- Remaining Budget for this task is: \$24,719.00
- Request for reallocation of budget: Budget to be redistributed to other tasks to cover requested additional funds.

Task 3: Preliminary Design:

A significant amount of additional work was performed under this task by both K&A and LL&G in determining the location of the TS poles relating to an ultimate location verse what can be built in the current right-of-away and field conditions.

- Remaining Budget for this task is: \$ 0.00
- Request for addition Funds: See request for additional funds described above under **Prior Work Completed: \$ 10,500.00**

Task 4: Final engineering& Preparation of Construction Documents PS&E:

4A WQMP has not yet been started – budget remains.

- Remaining Budget for this task is: \$5,060.00

4B Plans and Technical Spec Prep – Plans are near 95% still require some review and work to complete. Additional work is required due to adding C&G/Sidewalk wings to each curb return and revised placement of the cabinet and pedestal, requiring revisions to the plans for grading, retaining wall, cross sections, bid schedule.

- Remaining Budget for this task is: \$560.00
- Request for addition Funds: For revising plans for adding Sidewalk wings and cabinet/pedestal pad grading and retaining wall affects plans, cross sections, and specs. \$ 8,500.00

4C,D,E Traffic Signal, Signing and Striping Plans: Plans are near complete being revised for updated location of cabinet and pedestal. Assisting in preparation of traffic related items within the bid schedule and specs.

- Remaining Budget for this task is: \$4,594.00

4F Engineer's Cost Estimate

On going work being updated with changes to plans and bid schedule

- Remaining Budget for this task is: \$ 455.00
- Request for addition Funds: \$ 119.00 (balance of redistribution from Task 2D)

4G Dry Utility Relocation: Not all utility FIMs were received, follow-up notices need to be prepared with plans attached and sent to all local utilities. Frontier has been notified and a line of communication is open. Prepare SCE xxx request

- Remaining Budget for this task is: \$4,594.00
- Request for addition Funds: For On-going utility coordination, preparation and sending a RFI and plans to known utilities within the City to get current responses as to their location and type of facility that may be impacted by the project: \$2,800.00

4H Wet Utility relocation: A submittal has been made to EMWD, no response has been received, follow up is needed, along with the addition of 2+ water meters needing to be relocated.

- Remaining Budget for this task is: \$3,107.50
- Request for addition Funds: For coordination with EMWD, adding water meter relocations, adding blow off relocation details to plan: \$ 2,800.00

Optional Services:

These tasks were identified within the project proposal as tasks that we are normally involved in for most projects after the plan preparation is complete. There is a chance that none of these services will be required if the City chooses to handle them. Most projects do have a number of contractor RFIs that we would respond to and the preparation of the "As Built" plan set. These services would be billed as needed on a T&M basis.

Adding in the optional services will require the additional budget of \$ 22,840 per the original project proposal.

Additional Fee Request – Summary:

Redistribution of budget from Task 2D;			<\$ 24,719>
Additional fee for Prior work: Task 3			\$ 10,500
Remaining Scope of work items: Task 4B	Additional Fee:		\$ 8,500
	Task 4F	Additional Fee:	\$ 119
	Task 4G	Additional Fee:	\$ 2,800
	Task 4H	Additional Fee:	\$ 2,800
	Total Additional Fees:		\$ 24,719

<u>Additional Fee for Optional Services:</u>		<u>\$ 22,840</u>
Total Additional Fee Request:		\$ 22,840

Scope of Work Tasks	5-24-2024	
CIP 23-02 Goetz Road-Vista Way Traffic Signal & Street Improvements Project Budget Status - as of 5-1-2024		TOTAL FEE
TASK 1 - Project Management and Coordination		
Subtask 1A	Project Administration	2,220
Subtask 1B	Meetings & Submittals	4,965
Sub-Total Task 1		7,185
Task 2 - Research Existing Conditions & Survey		
Subtask 2A	Research	3,000
Subtask 2B	Survey Coordination	640
Subtask 2C	Geotechnical Coordination	910
Subtask 2D	Utility Locating / Potholing (20 potholes)	24,719
Sub-Total Task 2		29,269
Task 3 - Preliminary Design		
Subtask 3A	30% Preliminary Design	6,660
Sub-Total Task 3		6,660
Task 4 - Final Engineering & Preparation of Construction Docs		
Subtask 4A	Water Quality Management Plan	5,060
Subtask 4B	Plan and Technical Spec Preparation	26,855
Subtask 4C	Traffic Signal Plan	13,650
Subtask 4D	Traffic Signal Interconnect Plan	3,150
Subtask 4E	Traffic Signing and Striping Plan	3,150
Subtask 4F	Engineer's Construction Cost Opinion (All phases)	1,935
Subtask 4G	Dry Utility Relocation	10,500
Subtask 4H	Wet Utility Relocation	9,180
Sub-Total Task 4		73,480
Reimbursables		500
TOTAL HOURS AND BASE FEE		117,094

Task 5 - Optional Bidding Services		
Subtask 5A	Bidding Phase Support	2,330
Subtask 5B	Conformed Plans and Specifications	1,950
Sub-Total Task 5		4,280
Task 6 - Optional Engineering Construction Services		
Subtask 6A	Engineering Support	7,070
Subtask 6B	Submittal Review	1,280
Subtask 6C	Record Documents	1,410
Sub-Total Task 6		9,760
Task 7 - Optional Additional Services		
Subtask 7A	Offsite Temporary Construction Easements	3,550
Subtask 7B	Signal Timing Plan	5,250
Sub-Total Task 7		8,800
Reimbursables		0
TOTAL OPTIONAL HOURS AND OPTIONAL FEE		22,840