

**FIRST AMENDMENT TO AGREEMENT
FOR PROFESSIONAL CONSULTANT SERVICES
FOR THE FARRAGUT AVENUE SIDEWALK IMPROVMENTS
PROJECT NO. 801 0066**

This First Amendment to Agreement is by and between the CITY of MORENO VALLEY, a municipal corporation, hereinafter referred to as "City," and **PENCO Engineering, Inc.**, (a California corporation), hereinafter referred to as "Consultant." This First Amendment to Agreement is made and entered into effective on the date the City signs this Amendment.

RECITALS:

Whereas, the City and Consultant entered into an Agreement entitled "AGREEMENT for PROFESSIONAL CONSULTANT SERVICES," hereinafter referred to as "Agreement," dated February 25, 2016.

Whereas, the Consultant is providing consultant services for the **Farragut Avenue Improvements**.

Whereas, it is desirable to amend the Agreement to expand the scope of service as is more particularly described in Section 1 of this First Amendment.

SECTION 1 AMENDMENT TO ORIGINAL AGREEMENT:

1.1 The Agreement is amended to include support services during construction as shown in Exhibit A.

1.2 The Agreement termination date of **December 31, 2017** is not extended by this amendment unless the termination date is further extended by an Amendment to the Agreement.

1.3 The total "Not to Exceed" fee for this contract is \$88,162 (\$76,000 for the original Agreement, plus \$12,162 for the First Amendment to Agreement).

**AMENDMENT TO AGREEMENT FOR
PROFESSIONAL CONSULTANT SERVICES
FARRAGUT AVENUE IMPROVEMENTS
PROJECT NO. 801 0066**

SECTION 2

2.1 Except as otherwise specifically provided in this Amendment, all other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Agreement.

SIGNATURE PAGE TO FOLLOW:

City of Moreno Valley

PENCO Engineering, Inc.

BY: _____
City Manager

Date

BY: _____
Name: _____
TITLE: _____
(President or Vice President)

INTERNAL USE ONLY

APPROVED AS TO LEGAL FORM:

City Attorney

Date

RECOMMENDED FOR APPROVAL:

Public Works Director/City Engineer

Date

RECOMMENDED FOR APPROVAL:

Chief Financial Officer/City Treasurer
(if CDBG funds)

Date

Date

BY _____
Name: _____
TITLE: _____
(Corporate Secretary)

Date

**PENCOENG***Client Success is Our Success***Exhibit A**

December 22, 2016

JN: 16007.02

Ms. Margery Lazarus
CITY OF MORENO VALLEY
14177 Frederick Street
Moreno Valley, CA 92552

**RE: CITY OF MORENO VALLEY CAPITAL PROJECTS DIVISION - FARRAGUT AVENUE
SIDEWALK IMPROVEMENTS, PROJECT NO. 801 0066 - CONSTRUCTION SUPPORT
SERVICES - MORENO VALLEY, CALIFORNIA**

Dear Marge:

As discussed, the RFP only included CDBG funds for design, so as requested, PENCO is submitting the following Scope of Services and Not to Exceed Fee for the CS Services for your approval and authorization.

1. Construction Support Services

Throughout the construction phase of this project, Jeff Cooper will be managing the project for PENCO Engineering and will be assisted by PENCO staff as needed to perform the following items:

- A. Pre-Construction Meeting and Contractor Submittal Reviews:** PENCO shall attend the pre-construction meeting and be prepared to answer contractor questions concerning design drawings and technical provisions. PENCO shall review contractor submittals and provide comments to the City.
- B. Questions During Construction:** PENCO shall respond in writing to any contractor's Request For Information (RFI's) during construction in a timely manner. PENCO shall assist the City in issuing Contract Change Orders (CCO's). PENCO will not charge the City for CCO's resulting from design omissions or conflicts. PENCO will keep a log identifying all RFI's, Submittals, and responses. They will be submitted to the City of Moreno Valley as part of the As-Built submittal.
- C. GASB 34 Documentation:** PENCO shall submit GASB 34 documentation in the City's format along with the as-built drawings.
- D. Preparation of As-Built Drawings:** PENCO will prepare As-Built construction drawings based on one set of red-lined drawings provided by the City, and will submit one (1) full size (36"x24") Mylar copy with hanging file tabs of the As-Built drawings to the Project Manager along with one (1) electronic copy in AutoCAD format on a CD-RW disk. The final As-Built drawings and RFI log will be stamped and signed by a Registered Civil Engineer in the State of California.

Our fee spreadsheet is attached for your review and is a not to exceed time and materials fee of \$12,162. The contract will be per the City's standard contract.

INLAND EMPIRE

255 E. Rincon Street, Suite 114
Corona, CA 92879
951-736-2040 • Fax 951-736-5292

IRVINE

16842 Von Karman Avenue, Suite 150
Irvine, CA 92606
949-753-8111 • Fax 949-753-0775

SAN DIEGO

11440 West Bernardo Court, Suite 300
San Diego, CA 92127
858-753-1800 • Fax 858-753-1803

www.pencoeng.com



PENCOENG

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Please contact me at (949) 777-1586 should you have any questions regarding this proposal. I look forward to the successful completion of this project.

Sincerely,

PENCO Engineering, Inc.

Jeffrey M. Cooper, P.E.
Principal-in-Charge

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COMPENSATION FOR SERVICES

CITY OF MORENO VALLEY CAPITAL PROJECTS

DIVISION - FARRAGUT AVENUE SIDEWALK

FOR: **IMPROVEMENTS, PROJECT NO. 801 0066**

JN #: **16007.02**

DATE: **12/22/16**

DEPT	PHASE & TASK	CONSTRUCTION SUPPORT SERVICES	P	SPM	EM	SM	PM	SPE	PE	SDE	DE	AE	ET	PA	SPS	PS	SST	ST	SC2	SC2 w/PW	SC1	SUB	TOT. HRS.	TOTAL FEE
		DESCRIPTION	195	175	175	175	160	150	140	125	115	95	85	85	148	125	105	85	210	250	165			
001	B561	A. Pre-Construction Meeting & Contractor Submittal Reviews	4					12						1									17	\$2,665
001	B790	B. Questions During Construction	4					16			8			1									29	\$4,185
001	B135	C. GASB 34 Documentation	2					2						1									5	\$775
001	B755	D. Preparation of As-Built Drawings	1					8			24			1									34	\$4,240
TOTALS			11	0	0	0	0	38	0	0	32	0	0	4	0	0	0	0	0	0	0	\$0	85	

Sub-Total **\$11,865**

Reimbursables **\$297**

TIME AND MATERIAL TOTAL \$12,162