

**FIRST AMENDMENT TO  
PROFESSIONAL CONSULTANT SERVICES AGREEMENT  
FOR  
MONTALVO CANYON OUTLET IMPROVEMENTS**

This First Amendment to Professional Consultant Services Agreement for the Montalvo Canyon Outlet Improvements (this "First Amendment") is made and entered into on this 27 day of July, 2022, by and between the CITY OF SAN CLEMENTE, a California municipal corporation ("City"), and BKF Engineers ("Consultant").

R E C I T A L S:

- A. City and Consultant entered into that certain Professional Consultant Services Agreement for the Montalvo Canyon Outlet Improvements, Project No. 16004 (the "Agreement") on March 15, 2022.
- B. City and Consultant desire to amend the Agreement in the manner provided herein.

C O V E N A N T S:

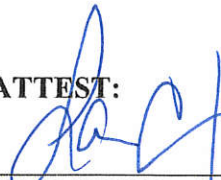
Section 1: Section 3.3.2 of the Agreement is hereby amended by increasing the total compensation from Eight Thousand Four Hundred and Eighty Dollars (\$8,480) to Forty Eight Thousand Two Hundred and Eighty Dollars (\$48,280). In addition to the services to be performed by Consultant as referenced in Exhibit A to the Agreement, Consultant shall also perform those services described in Exhibit "A" to this First Amendment, which exhibit is attached hereto and incorporated herein by this reference.

Section 2: Section 3.1.2 of the Agreement is hereby amended to extend the Term of the Agreement to December 1, 2023.

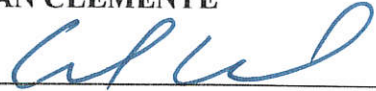
Except as expressly amended by this First Amendment, the remaining portions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this First Amendment to be duly executed on the respective dates set forth opposite of their signatures.

ATTEST:

  
Legislative  
Administrator  
\_\_\_\_\_  
CITY CLERK of the City of  
San Clemente, California

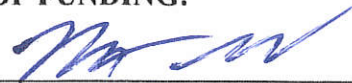
CITY OF SAN CLEMENTE

By:   
\_\_\_\_\_  
Its: City manager  
\_\_\_\_\_  
Dated: 7/3, 2022

APPROVED AS TO FORM:  
BEST-BEST & KRIEGER

  
\_\_\_\_\_  
City Attorney

APPROVED AS TO AVAILABILITY  
OF FUNDING:

  
\_\_\_\_\_  
Finance Authorization

  
\_\_\_\_\_  
("CONSULTANT")

By: CHRIS RIDEOUT  
\_\_\_\_\_  
Its: PRINCIPAL/VICE PRESIDENT  
\_\_\_\_\_  
Dated: JULY 25, 2022

**EXHIBIT "A"**



BKF Proposal  
July 12, 2022

Mr. Amir Ilkhanipour, PE  
Senior Engineer  
City of San Clemente  
910 Calle Negocio  
San Clemente, CA 92673

## **Subject: MONTALVO CANYON OUTLET REPAIR PROJECT**

Dear Mr. Ilkhanipour:

This letter constitutes BKF Engineer's (BKF) proposal to provide engineering consulting services for the Montalvo Canyon Outlet Repair Project. The Project is located in the City of San Clemente (City), California.

The recent approval of the Project by the California Coastal Commission has allowed the Project to progress towards the completion of its design and subsequent construction. As such, this proposal provides for the engineering services necessary to complete the PS&E documents, obtaining final regulatory agency clearances, assist the City with obtaining contractor bids, and providing construction support services.

A detailed scope of work is provided in Section I below, and our estimated fees for these services are provided in Section II.

### **I. SCOPE OF WORK**

#### **1. Completion of Improvement Plans and Signage Plan**

BKF will use the existing improvement plans as prepared by Stantec and advance to plans to final completion. This task includes reviewing the existing plans to determine the necessary information and details to be added and incorporating those elements to create a bid-ready set of improvement plans. BKF will also incorporate changes required of the plans to reflect the conditions of approval provided by the California Coastal Commission, including the incorporation of a signage installation plan. This task includes responding to City comments following the submittal of a draft set of final plans to the City, and the incorporation of final comments.

#### **2. Quantity and Cost Estimate**

BKF will revise the quantity estimates for the final plans to reflect the final Project configuration. Once the quantity estimates are updated, BKF will update the opinion of probable construction cost for the Project consistent with the list of bid items to be included in the bid documents.

#### **3. Preparing Bid Documents**

BKF will prepare technical specifications for the proposed improvements. The technical specifications will include a project description, list project requirements and constraints, and will include specifications pertaining to the materials and workmanship required for the various items of work. The specifications will be based on the latest edition of the Standard Specifications for



Public Works Construction (Greenbook) as well as a sample set of specification to be provided by the City for use in establishing format and standard City content. The bid documents will also include a bid sheet listing the itemized bid components and their quantities, a copy of the standard plans indicated for use in the Project, contractor staging area information, and other information that is relevant to the contractor's work.

4. Permit Support Services

BKF will assist the City with obtaining regulatory permits from agencies including the US Army Corps of Engineers, the California Department of Fish and Wildlife, and the Regional Water Quality Control Board. This assistance will include attending meetings, preparing illustrative graphics in response to specific questions, and providing other information necessary to secure approvals. This task provides a budget, which will be expended at the request of the City. If additional time is necessary, a request for additional budget will be provided.

5. California Coastal Commission Processing

The City has received conditional approval of a Coastal Development Permit from the California Coastal Commission. As such, the Project improvement plans will need to be submitted to CCC staff for confirmation that all conditions of approval have been met. This task provides for the submittal of the plans to the CCC, responding to questions and comments that may arise, and revising the plans as direct by the City to better comply with CCC conditions. This task provides a budget, which will be expended at the request of the City. If additional time is necessary, a request for additional budget will be provided.

6. Bid Support Services

BKF will address questions raised by prospective contractors regarding the plans and technical specifications during the bidding process. BKF will also assist the City in preparing addenda to the bid package, if required. This task will also include BKF's participation in a pre-bid meeting and the preparation of minutes for distribution to pre-bid meeting participants.

7. Construction Support Services

This task provides for BKF's participation in construction support services as requested by the City. These services may include, but are not limited to, participation in on-site meetings, providing construction observations to confirm consistency with the plans and specifications, review of shop drawings, and review material submittals. This task also provides for BKF's review and preparation of written responses to requests for information (RFI's) that may be made by the contractor during the construction process. This task assumes approximately 40 man-hours of BKF staff time for purposes of providing construction support services. These services will be provided on a time-and-materials, not-to-exceed basis.

8. Prepare Record Drawings

Upon completion of the Project and receipt of the Project redlined plan set, BKF will generate the Project's Record Drawings. This task includes review and incorporation of all changes shown in the contractor's redlined plan set, miscellaneous coordination with the City and/or contractor as it pertains to changes to the plans that were undertaken in the field, and furnishing Record Drawings



to the City, including digital files in AutoCAD format. BKF estimates 16 hours of staff time will be required to complete this task.

9. Project Management, Meetings, and Coordination

This task provides a budget for project administration and management. These services could include participating in meetings and coordination activities between BKF and the City. These activities may also include establishing project schedules, reviewing comments, and discussing agency conditions and comments. This task provides a budget, which will be expended at the request of the City. If additional time is necessary, a request for additional budget will be provided.

10. Reimbursable Expenses

This task provides for reimbursable expenses including travel costs such as mileage expenses, plotting and printing costs, and messenger service costs.

**II. PROPOSED FEES**

|     |  |           |               |
|-----|--|-----------|---------------|
| 1.  | Completion of Improvement Plans and Signage Plan.....      | \$        | 8,500         |
| 2.  | Quantity and Cost Estimate .....                           | \$        | 2,500         |
| 3.  | Preparing Bid Documents .....                              | \$        | 5,000         |
| 4.  | Permit Support Services .....                              | \$        | 2,800         |
| 5.  | Coastal Commission Conditions of Approval Processing ..... | \$        | 2,800         |
| 6.  | Bid Support Services.....                                  | \$        | 2,000         |
| 7.  | Construction Support Services .....                        | \$        | 9,500         |
| 8.  | Prepare Record Drawings.....                               | \$        | 3,500         |
| 9.  | Project Management, Meetings, and Coordination .....       | \$        | 2,500         |
| 10. | Reimbursable Expenses.....                                 | \$        | <u>700</u>    |
|     | <b>TOTAL FEES.....</b>                                     | <b>\$</b> | <b>39,800</b> |

BKF will perform these services on a Time-and-Materials basis in accordance with the attached rate schedule. We will consider the receipt of a fully executed agreement between the City and BKF as our Notice to Proceed.

Please contact me at 949-322-8195 if you have any questions or need any clarifications.

Sincerely

**BKF Engineers**

Daniel D. Villines, PE

Sr. Project Manager

Water Resources

Attachments: Rate Schedule



**BKF ENGINEERS**  
**PROFESSIONAL SERVICES RATE SCHEDULE**

JANUARY 1, 2022 – DECEMBER 31, 2022

| <u>CLASSIFICATION</u>  | <u>HOURLY RATE</u>                        |
|--|---|
| <b>PROJECT MANAGEMENT</b>  |   |
| Principal/Vice President   | \$264.00                                  |
| Senior Associate/Vice President  | \$237.00                                  |
| Associate  | \$230.00                                  |
| Senior Project Manager   Senior Technical Manager                          | \$230.00                                  |
| Project Manager   Technical Manager  | \$224.00                                  |
| Engineering Manager   Surveying Manager   Planning Manager                 | \$207.00                                  |
| <b>TECHNICAL STAFF</b>   |   |
| Senior Project Engineer   Senior Project Surveyor   Senior Project Planner | \$192.00                                  |
| Project Engineer   Project Surveyor   Project Planner                      | \$169.00                                  |
| Design Engineer   Staff Surveyor   Staff Planner                           | \$147.00                                  |
| BIM Specialist I, II, III  | \$147.00 - \$169.00 - \$192.00            |
| Technician I, II, III, IV  | \$140.00 - \$149.00 - \$163.00 - \$176.00 |
| Drafter I, II, III, IV   | \$110.00 - \$120.00 - \$130.00 - \$145.00 |
| Engineering Assistant   Surveying Assistant   Planning Assistant           | \$91.00                                   |
| <b>FIELD SURVEYING</b>   |   |
| Survey Party Chief   | \$192.00                                  |
| Instrument Person  | \$165.00                                  |
| Survey Chainperson   | \$123.00                                  |
| Utility Locator I, II, III, IV   | \$100.00 - \$142.00 - \$170.00 - \$193.00 |
| Apprentice I, II, III, IV  | \$76.00 - \$102.00 - \$113.00 - \$119.00  |
| <b>CONSTRUCTION ADMINISTRATION</b>   |   |
| Senior Consultant  | \$251.00                                  |
| Senior Construction Administrator  | \$218.00                                  |
| Resident Engineer  | \$162.00                                  |
| Field Engineer I, II, III  | \$147.00 - \$169.00 - \$192.00            |
| <b>PROJECT ADMINISTRATION</b>  |   |
| Project Assistant  | \$93.00                                   |
| Senior Project Assistant   | \$106.00                                  |
| Project Coordinator  | \$122.00                                  |
| Clerical   Administrative Assistant  | \$79.00                                   |

Expert witness rates are available upon request.

Subject to the terms of a services agreement:

- Charges for outside services, equipment, materials, and facilities not furnished directly by BKF Engineers will be billed as reimbursable expenses at cost plus 10%. Such charges may include, but shall not be limited to: printing and reproduction services; shipping, delivery, and courier charges; subconsultant fees and expenses; agency fees; insurance; transportation on public carriers; meals and lodging; and consumable materials.
- Allowable mileage will be charged at the prevailing IRS rate per mile.
- Monthly invoices are due within 30 days from invoice date. Interest will be charged at 1.5% per month on past due accounts.