



Amendment No. 1

Project Name/No.: Geotechnical and Materials Testing Services for Projects SI241004 & SI231002

Contract No.: 24250001

Dept./Contract Rep: Public Works

Approved: 06/18/2024

**CITY of YORBA LINDA
AMENDMENT NO. 1 TO
GEOTECHNICAL AND MATERIALS TESTING SERVICES
FOR THE ANNUAL PAVEMENT PRESERVATION PROGRAM ZONES 5, 6, AND 7
PROJECTS (SI241004 & SI231002)**

This is **Amendment No. 1** (“Amendment No. 1”) to that certain **Geotechnical and Materials Testing Services for the Annual Pavement Preservation Program Zones 5, 6, and 7 Projects (SI241004 & SI231002)** (“Agreement”) made on June 18, 2024 between the City of Yorba Linda (“City”) and Ninyo & Moore Geotechnical & Environmental Sciences Consultants (“Consultant”), which this Amendment No. 1 is made and entered into on January 24, 2025 to add additional services:

SECTION 2. COMPENSATION.

City hereby agrees to pay Ninyo & Moore a sum not to exceed **Forty-Seven Thousand Nine Hundred Twenty-Three Dollars (\$47,923.00)** notwithstanding any contrary indications that may be contained in Ninyo & Moore’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 Ninyo & Moore 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 Ninyo & Moore 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, Ninyo & Moore shall not bill City for duplicate services performed by more than one person.

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 **Geotechnical and Materials Testing Services for the Annual Pavement Preservation Program Zones 5, 6, and 7 Projects (SI241004 & SI231002)** services in the amount not to exceed **Forty-Seven**

Thousand Nine Hundred Twenty-Three Dollars (\$47,923.00) as further detailed in the following page(s).

1. All other terms and conditions of the Agreement remain in full force and effect.
2. 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)

IN WITNESS WHEREOF, the Parties hereto have executed and entered into this Agreement as of the Effective Date.

CITY OF YORBA LINDA

**CONSULTANT: NINYO & MOORE
GEOTECHNICAL & ENVIRONMENTAL
SCIENCES CONSULTANTS**

Mark A. Pulone, City Manager

Avram Ninoy

Consultant Signature

Attest:

Avram Ninoy

Marcia Brown, City Clerk

Consultant Name (Typed)

Elaine O. Autus

Sunny Han, Finance Director

Consultant Signature

Approved as to Form:

Elaine O. Autus

Todd Litfin, City Attorney

Consultant Name (Typed)

[Note: 2 officer's signatures required if Consultant is a corporation, unless provided with a certificate of secretary in-lieu]

EXHIBIT "A-1"

Additional Services and Compensation Table

<u>Amendment No.</u>	<u>Services</u>	<u>AMOUNT</u>
Initial Agreement	<u>Geotechnical and Materials Testing Services for FY 23-24 APPP (Zone 5, 6, and 7) & La Palma Ave Improvement Project</u>	\$37,665.00
Amendment NO.1	<u>Additional Services</u>	\$10,258.00

Not- to-Exceed Agreement Total Compensation= **\$47,923.00**

January 15, 2025
 Project No. 211786004

Mr. Colin Tsui
 Assistant Engineer
 City of Yorba Linda
 4845 Casa Loma Avenue
 Yorba Linda, California 92886

Subject: Amendment Request Number 1 – Professional Services Agreement
 Geotechnical and Materials Testing Services
 Annual Pavement Preservation (Zone 5, 6 & 7) & La Palma Avenue
 Improvement Project
 Yorba Linda, California

References: City of Yorba Linda, 2024, Professional Services Agreement, Geotechnical and
 Materials Testing Services for the Annual Pavement Preservation (Zone 5, 6 & 7) &
 La Palma Avenue Improvement Project, dated June 18.

Dear Mr. Tsui:

In accordance with your request and authorization, Ninyo & Moore is providing geotechnical and materials testing services during construction of the Annual Pavement Preservation (Zone 5, 6 & 7) & La Palma Avenue Project in Yorba Linda, California. We are providing our services in accordance with the above referenced subcontract for professional services agreement dated June 18, 2024. Our services are being performed as-requested by representatives of the City of Yorba Linda on a time-and-materials basis. We understand that our total approved budget per the referenced agreement is \$37,665.00. Based on the work performed through the month December and an additional day of slurry seal work, we request an amendment to the professional services agreement for an additional amount of \$10,258.00.

Summary of Geotechnical Testing Services Estimated/Requested Fee	
Original Approved Budget	\$ 37,665.00
Estimated Fee Amendment	\$ 10,258.00
Total Estimated Fee	\$ 47,923.00

The following are details to substantiate our request.

- Due to the Contractor taking longer than expected for asphalt concrete (AC) placement and issues with test results and production plant changes, there were additional Field Technician hours and laboratory tests performed that were not included in the original breakdown of estimated fees.

- Due to the Contractor taking longer than expected for slurry seal placement and issues with various test results and mix design changes, there were additional Field Technician hours and laboratory tests performed that were not included in the original breakdown of estimated fees.
- Due to various mix design changes for the AC and slurry seal materials, there were additional Project Engineer hours for reviews that were not included in the original breakdown of estimated fees.
- Per our conversation with you, an additional day for Field Technician hours and associated slurry seal testing.

A detailed breakdown of our amendment amount is provided in the attached table.

Ninyo & Moore appreciates the opportunity to be of continued service on this project.

Sincerely,

NINYO & MOORE



Randy L. Reichert
Project Manager



Garreth M. Saiki, PE, GE
Principal Engineer

RAR/GMS/lva

Attachment: Table 1 – Breakdown of Estimated Fee

Table 1 – Breakdown of Estimated Fee

Field Services

Field Technician - AC Pavement	12 hours @ \$ 110.00 /hour	\$ 1,320.00
Field Technician - Slurry Seal Placement	9 hours @ \$ 110.00 /hour	\$ 990.00

Additional hours after 1/15/2025 per the City

Field Technician - Slurry Seal Placement	8 hours @ \$ 110.00 /hour	\$ 880.00
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Subtotal \$ 3,190.00

Laboratory Testing

Asphalt Concrete (AC) Materials

Hveem Stability and Unit Weight, D 1560, CT 366	5 tests @ \$ 225.00 /test	\$ 1,125.00
Extraction, % Asphalt incl. Gradation - D 2172, CT382	5 tests @ \$ 250.00 /test	\$ 1,250.00

Slurry Seal Materials

Extraction, % Asphalt Emulsion, D2172, CT382	9 tests @ \$ 150.00 /test	\$ 1,350.00
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Additional tests after 1/15/2025 per the City

Extraction, % Asphalt Emulsion, D2172, CT382	6 tests @ \$ 150.00 /test	\$ 900.00
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Percent Residue by Evaporattion	1 test @ \$ 95.00 /test	\$ 95.00
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Sieve Analysis - Fine Aggregate, D6913, CT 202	1 test @ \$ 145.00 /test	\$ 145.00
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Sand Equivalent - Fine Aggregate, D 2419, CT 217	1 test @ \$ 125.00 /test	\$ 125.00
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Subtotal \$ 4,990.00

Field Services

Field Vehicle Usage	21 hours @ \$ 15.00 /hour	\$ 315.00
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Field Equipment Usage	21 hours @ \$ 12.00 /hour	\$ 252.00
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Additional usage after 1/15/2025 per the City

Field Vehicle Usage	8 hours @ \$ 15.00 /hour	\$ 120.00
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Field Equipment Usage	8 hours @ \$ 12.00 /hour	\$ 96.00
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Subtotal \$ 783.00

Project Coordination, Management and Technical Support

Project Engineer/Geologist/Environmental Scientist	5.5 hours @ \$ 185.00 /hour	\$ 1,017.50
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Additional hours after 1/15/2025 per the City

Project Engineer/Geologist/Environmental Scientist	1.5 hours @ \$ 185.00 /hour	\$ 277.50
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Subtotal \$ 1,295.00

TOTAL ESTIMATED FEE

\$ 10,258.00