

**AMENDMENT NO. 1
TO AGREEMENT FOR PROFESSIONAL SERVICES**

Sommer Engineering, Inc.

I-15/Main Street Interchange Improvements

This Amendment No. 1 to Agreement for Professional Services is made and entered into as of 9/14/2021, by and between the City of Lake Elsinore, a municipal corporation ("City"), and Sommer Engineering, Inc., a Corporation ("Consultant").

RECITALS

A. The City and Consultant have entered into that certain Agreement for Professional Services dated as of 8/25/2020, (the "Original Agreement"). Except as otherwise defined herein, all capitalized terms used herein shall have the meanings set forth for such terms in the Original Agreement.

B. The Original Agreement provided for compensation to Consultant in an amount of Three Hundred Seventy-Seven Thousand Two Hundred Thirty-Two dollars (\$377,230.13) which includes the 10% contingency of \$34,293.65.

C. The parties now desire to amend the scope of services and increase the payment for such services as set forth in this Amendment No 1.

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth herein, City and Consultant agree as follows:

1. Section 1, Scope of Services, of the Original Agreement is hereby amended to add the following:

Consultant shall also perform the services described in Consultant's 8/18/2021 Proposal (attached to this Amendment No. 1 as Exhibit A-1). Consultant shall provide such services at the time, place, and in the manner specified in Exhibit A-1, subject to the direction of the City through its staff that it may provide from time to time.

2. Section 3, Compensation, of the Original Agreement is hereby amended to read in its entirety as follows:

Notwithstanding the foregoing, for purposes of Amendment No. 1 and the term thereof, compensation to be paid to Consultant shall be in accordance with the Schedule of Charges set forth in Consultant's Proposal (referenced collectively as Exhibit A-1 Amendment No. 1). In no event shall Consultant's compensation related to Exhibit A-1 to Amendment No. 1 exceed One Hundred Sixteen Thousand Seven Hundred Fifty-Six dollars and Sixty-Four cents (\$116,756.64) plus an additional 10% contingency of (11,675.66) without additional written authorization from the City Council. Total compensation shall not exceed Five Hundred Five Thousand Six Hundred Sixty-Two Dollar and Forty-Three cents (\$505,662.43).

Notwithstanding any provision of Consultant's Proposal to the contrary, out of pocket expenses set forth in Exhibit A-1 respectively, shall be reimbursed at cost without an inflator or administrative charge. Payment by City under this Agreement shall not be deemed a waiver of defects, even if such defects were known to the City at the time of payment.

3. Except for the changes specifically set forth herein, all other terms and conditions of the Original Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Amendment No. 1 to be executed on the respective dates set forth below.

"CITY"

CITY OF LAKE ELSINORE, a municipal corporation

"CONSULTANT"

Sommer Engineering, Inc.

DocuSigned by:

Jason Simpson

1F331F03E0FE412...

City Manager

DocuSigned by:

Merideth Cann

2A18A8A2CEE54E2...

Merideth Cann, President

Date: 9/24/2021 | 9:18 AM PDT

Date: 9/24/2021 | 9:16 AM PDT

ATTEST:

DocuSigned by:

CA

9/24/2021 | 11:24 AM PDT

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City Clerk

APPROVED AS TO FORM:

DocuSigned by:

Barbara Leibold

9/24/2021 | 8:22 AM PDT

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City Attorney

DocuSigned by:

Shannon Buckley

9/20/2021 | 2:34 PM PDT

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Director of Administrative Services

Attachments: Exhibit A-1 – Consultant's Proposal

EXHIBIT A-1

CONSULTANT'S PROPOSAL

[ATTACHED]



August 26, 2021

Remon Habib
City Engineer, City of Lake Elsinore
130 South Main Street
Lake Elsinore, CA 92530
Tel: (951) 674-3124

Subject: Main Street I-15 Interchange Modifications, Change Order Request

Dear Mr. Habib:

Below is a summary of request for change order #1 from Sommer Engineering Inc.

City of Lake Elsinore
Main Street Interchange Improvement Project
Design Support During Construction (DSDC)
Change Order Request
August 18, 2021

Sommer Engineering Inc. is under contract to perform Design Support During Construction. As part of this scope of work, the plans, specifications, and estimate were to be reviewed prior to going out for bid for consistency and any required clarifications to facilitate a good bidding process and efficient construction. Sommer's scope also includes producing bid package, bid process support and design support during construction. During Task 2 – Preconstruction Phase Services additional scope was required to be completed to produce the bid package and obtain Caltrans and SCE agreements to go to Ready to List and proceed to construction. As such, Sommer is requesting additional funding for the additional scope items outlined as follows:

TASK 2 - PRECONSTRUCTION PHASE SERVICES

2.1 Utility Coordination and 2.2 Plans, Specifications and Estimate

Utility Coordination:

SCE Distribution Pole Relocation - The project requires the relocation of an SCE Distribution pole in conflict with the shoulder on Camino Del Norte. At the conclusion of the PSE process, SCE had not been consulted to obtain the necessary documents for pole relocation. Relocation plans and agreement from SCE in order to get a Utility Certification required to put the project out to bid. The Sommer team coordinated with SCE to obtain agreement from SCE on relocation of the distribution pole as well as coordinating and or providing all



requirements to obtain the ROW Certification/Utility from Caltrans. Coordination and requirements included numerous meetings, converting the Cadd Plans from MicroStation to AutoCAD format with modification to meet SCE Cad standards, signed and stamped relocation plans, and obtaining a Utility Certification from Caltrans. This effort involved Sommer Engineering Inc. and Epic Land Solutions.

SCE Service Pole Modifications and Relocations - In addition the project required similar coordination with SCE service group for the signal pole installations. Cad files were required and several coordination meetings.

Art Panels on Main Street Retaining Walls:

At the conclusion of the PSE in 2018 the details of the addition of Art Panels for retaining walls had not been determined. Since the completion of the PS&E significant progress was made by the Aesthetics consulting firm and Caltrans on the details of the Art Panels. Electrical and structural design details were needed to complete the PSE package for the current construction to allow for the installation of the Art Panels to be done under separate contract later. Coordination with SCE was required to obtain new meter locations to be installed with the current construction contract. The Sommer team coordinated with David Evans & Associates as well as Caltrans District 8 to facilitate required electrical and structural design for the art panels to be installed. This item required additional plan sheets for the retaining walls, additional cost estimating and special provisions for the electrical and structural components. This effort involved Sommer Engineering Inc, Kleinfelder and Fehr & Peers.

Update to Plans, Specifications and Estimates:

Review of plans specifications and estimate revealed significantly more concerns with consistency, clarifications and or missing information. We documented all concerns to be prepared for construction questions. The Plans, Specifications and Estimates were updated to stay within the boundaries of clarification or consistency to not require additional review cycles from Caltrans. The following is a list of the types of required update:

- Layouts, profiles, and drainage were not consistent in call out for curb and gutter, drainage pipes and stationing limits. This also affected quantities for the estimates.
- Additional details for retaining wall and electrical for the wall art panels.
- Landscaping and Irrigation sheets had overlapped information and the layers for each needed to be separated and turned off in several cases to understand the plans and update the quantities. The same patterns were used for multiple items making it impossible to quantify the types of planting. Cad work was required to separate out the layers and a new set of quantities for the estimate.
- Estimate - The estimate did not have any backup for quantities. A listing of how items were quantified is needed during construction to verify contractors billing and measurement of quantities. Several items were missing including electrical cabinets that are furnished by the state and landscaping irrigation items.



- Technical Specifications - Numerous specifications missing from original package. We needed to load Caltrans OE app and go through all special provisions to identify the missing specifications. Missing information included but was not limited to state furnished materials for electrical control cabinets, landscaping and irrigation, method of pay, surveying, video detection and communication equipment.
- General Specifications - City general provisions needed to be put in Caltrans numbering system and format and revised for the size of this project.

Summary:

Tasks 2 Pre-Construction Phase Services, Task 3 Final Bid Package and Task 4 Bidding Support are completed.

Remaining Tasks are Task 5 Construction Support and Task 6 Project Closeout are remaining tasks for completion for this contract.

Sommer requests \$116,756.64 to complete the project.

Sincerely,

SOMMER Engineering

A handwritten signature in blue ink, reading "Merideth Cann", is written over a horizontal line.

Merideth Cann, PE

President

City of Lake Elsinore
Main Street Interchange Improvement Project
Design Support During Construction (DSDC)

TASK	DESCRIPTION	Hours REQUEST	BUDGET REQUEST
Task 1 - PROJECT MANAGEMENT			
1.1	Coordination, Administration, and Schedules		\$21,092.40
1.2	Quality Assurance and Quality Control		\$11,793.60
SUBTOTAL-Task 1-PROJECT MANAGEMENT			\$32,886.00
Task 2 - PRE-CONSTRUCTION PHASE SERVICES			
2.1	Coordination of Engineering Approvals & Agency Permitting		\$12,700.80
2.2	Right of Way, Utility and Survey Services and Coordination		\$30,844.80
2.2A	Utilities - SCE Pole Relocation / SCE Service - Req Info and Approvals	160	\$19,703.21
2.3	Coordination Environmental Permitting and Compliance		\$0.00
2.4	Meeting Attendance		\$16,216.20
2.5	Review Plans, Specs & Estimate for Consistency and Constructability		\$50,757.84
2.5A	Additional Plans, Spec and Estimate Review and Update	442	\$57,905.32
2.5B	Ret Wall, Electrical and Wall Art PSE Information	270	\$39,148.11
2.6	Pre-Construction Services (Bid Support)		\$12,065.76
SUBTOTAL - Task 2 - Pre-Construction Services			\$122,585.40
TASK 2 REQUESTED ADDITIONAL BUDGET		872	\$116,756.64
REQUESTED NEW SUBTOTAL - Task 2 - Pre-Construction Services			\$239,342.04
Task 3 - FINAL BID PACKAGE			
3.1	Ready to List (RTL) (Includes Certifications)		\$17,236.80
3.2	Permit Application for Construction		\$6,940.08
3.3	RE Pending Files		\$11,657.52
SUBTOTAL -Task 3 - Final Bid Package			\$35,834.40
Task 4 - BIDDING SUPPORT			
4.1	Final Bid Documents		\$25,968.60
4.2	Attend Pre-Bid Meeting		\$5,851.44
SUBTOTAL -Task 4 - Bidding Support			\$31,820.04
Task 5 - CONSTRUCTION SUPPORT			
5.1	Pre-Construction Meeting & Partnering Workshop		\$7,892.64
5.2	Respond to Contractor's RFIs		\$37,648.80
5.3	Review Shop Drawings		\$33,566.40
SUBTOTAL -Task 5 - Construction Support			\$79,107.84
Task 6 - PROJECT CLOSEOUT			
6.1	Final As-Built Plans		\$18,824.40
6.2	Electronic Deliverables		\$18,824.40
SUBTOTAL - Task 6 - Project Closeout			\$37,648.80
ODCs			\$3,054.00
TOTAL BUDGET (LABOR AND ODC)			\$342,936.48
CONTINGENCY			\$34,293.65
TOTAL CONTRACT			\$377,230.13
REQUESTED ADDITIONAL HOURS & BUDGET			\$116,756.64
REQUESTED NEW TOTAL CONTRACT			\$493,986.77

DESCRIPTION	Hours SOMMER	BUDGET SOMMER	Hours EPIC	BUDGET EPIC	Hours FEHR N PEERS	BUDGET FEHR N PEERS	Hours KLEIN	BUDGET KLEIN	Hours LCI	BUDGET LCI	Hours PSOMAS	BUDGET PSOMAS
Coordination, Administration, and Schedules		\$9,962.45		\$4,668.11		\$1,422.82		\$1,040.64		\$2,397.44		\$1,600.94
Quality Assurance and Quality Control		\$9,236.70		\$1,074.50		\$320.65		\$433.60		\$313.10		\$415.06
SUBTOTAL-Task 1-PROJECT MANAGEMENT		\$19,199.15		\$5,742.60		\$1,743.47		\$1,474.24		\$2,710.54		\$2,016.00
Coordination of Engineering Approvals & Agency Permitting		\$6,677.38		\$0.00		\$6,023.42		\$0.00		\$0.00		
Right of Way, Utility and Survey Services and Coordination		\$0.29		\$17,740.50		\$0.00		\$0.00		\$0.00		\$13,104.01
Utilities - SCE Pole Relocation / SCE Service - Req Info and Approvals	160	\$19,703.21	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
Coordination Environmental Permitting and Compliance		\$0.00		\$0.00		\$0.00				\$0.00		\$0.00
Meeting Attendance		\$13,914.70		\$0.00		\$480.97		\$839.22		\$566.25		\$415.06
Review Plans, Specs & Estimate for Consistency and Constructability		\$23,796.64		\$5,012.46		\$5,107.33		\$8,895.78		\$7,945.62		\$0.00
Additional Plans, Spec and Estimate Review and Update	316	\$38,881.61	0	\$0.00	35	\$5,439.83	0	\$0.00	91	\$13,583.88	0	\$0.00
Ret Wall, Electrical and Wall Art PSE Information	71	\$8,723.00	0	\$0.00	99	\$15,445.44	100	\$14,979.67	0	\$0.00	0	\$0.00
Pre-Construction Services (Bid Support)		\$10,326.58		\$0.00		\$585.47		\$587.46		\$566.25		\$0.00
SUBTOTAL - Task 2 - Pre-Construction Services		\$54,715.59		\$22,752.96		\$12,197.20		\$10,322.47		\$9,078.11		\$13,519.07
TASK 2 REQUESTED ADDITIONAL BUDGET	547	\$67,307.82	0	\$0.00	134	\$20,885.27	100	\$14,979.67	91	\$13,583.88	0	\$0.00
REQUESTED NEW SUBTOTAL - Task 2 - Pre-Construction Services		\$122,023.42		\$22,752.96		\$33,082.47		\$25,302.14		\$22,661.99		\$13,519.07
Ready to List (RTL) (Includes Certifications)		\$11,015.30		\$6,221.50		\$0.00		\$0.00		\$0.00		\$0.00
Permit Application for Construction		\$6,940.08		\$0.00						\$0.00		
RE Pending Files		\$7,562.39		\$0.00		\$1,462.95		\$1,594.53		\$0.00		\$1,037.65
SUBTOTAL -Task 3 - Final Bid Package		\$25,517.77		\$6,221.50		\$1,462.95		\$1,594.53		\$0.00		\$1,037.65
Final Bid Documents		\$25,968.60		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00
Attend Pre-Bid Meeting		\$5,851.44		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00
SUBTOTAL -Task 4 - Bidding Support		\$31,820.04		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00
Pre-Construction Meeting & Partnering Workshop		\$7,892.64		\$0.00						\$0.00		
Respond to Contractor's RFIs		\$18,738.75		\$8,394.79		\$3,003.11		\$3,049.18		\$4,462.96		\$0.00
Review Shop Drawings		\$29,601.34		\$0.00		\$2,006.87		\$1,958.19		\$0.00		\$0.00
SUBTOTAL -Task 5 - Construction Support		\$56,232.74		\$8,394.79		\$5,009.97		\$5,007.37		\$4,462.96		\$0.00
Final As-Built Plans		\$13,072.96		\$0.00		\$492.43		\$1,958.19		\$3,300.82		\$0.00
Electronic Deliverables		\$17,247.50		\$0.00		\$492.43		\$559.48		\$524.98		\$0.00
SUBTOTAL - Task 6 - Project Closeout		\$30,320.46		\$0.00		\$984.87		\$2,517.67		\$3,825.80		\$0.00
ODCs		\$2,381.50		\$672.50		\$0.00		\$0.00		\$0.00		\$0.00
TOTAL BUDGET (LABOR AND ODC)		\$220,187.24		\$43,784.36		\$21,398.47		\$20,916.28		\$20,077.42		\$16,572.72
REQUESTED ADDITIONAL HOURS & BUDGET	547	\$67,307.82	0	\$0.00	134	\$20,885.27	100	\$14,979.67	91	\$13,583.88	0	\$0.00
REQUESTED NEW TOTAL BUDGET (W/O CONTINGENCY)		\$287,495.06		\$43,784.36		\$42,283.74		\$35,895.95		\$33,661.30		\$16,572.72

SOMMENG-01

CERPAD



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

5/20/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER License # 0E67768 IOA Insurance Services 130 Vantis Suite 250 Aliso Viejo, CA 92656	CONTACT C NAME: PHONE (A/C, No, Ext): (949) 297-5962		FAX (A/C, No): (949) 297-5960
	E-MAIL ADDRESS:		
INSURED Sommer Engineering Inc. 334 Walnut Street Newport Beach, CA 92663	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A : Sentinel Insurance Company, Ltd		11000
	INSURER B : Continental Casualty Company		20443
	INSURER C : Capitol Specialty Insurance Corporation		10328
	INSURER D :		
	INSURER E :		
INSURER F :			

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:	X		72SBABD3388	5/27/2021	5/27/2022	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 4,000,000 PRODUCTS - COMP/OP AGG \$ 4,000,000
A	<input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY	X		72SBABD3388	5/27/2021	5/27/2022	COMBINED SINGLE LIMIT (Ea accident) \$ 2,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$			72SBABD3388	5/27/2021	5/27/2022	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ Aggregate \$ 1,000,000
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	WC6081200027	5/27/2021	5/27/2022	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
A	Property	X		72SBABD3388	5/27/2021	5/27/2022	Business Personal 2,000
C	Excess Professional	X		AE20201010-01	5/27/2021	5/27/2022	Aggregate 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 Civil Engineering

Certificate Holder is Additional Insured with respect to General Liability and Professional Liability, on a Primary and Non-Contributory basis, when required by written contract.

CERTIFICATE HOLDER

CANCELLATION

City of Lake Elsinore 130 South Main Street Lake Elsinore, CA 92530	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE

BUSINESS LICENSE

This business license is issued for revenue purposes only and does not grant authorization to operate a business. This business license is issued without verification that the holder is subject to or exempted from licensing by the state, county, federal government, or any other governmental agency.

Business Name: SOMMER ENGINEERING INC
Business Location: 334 WALNUT ST
NEWPORT BEACH, CA 92663-1922
Owner Name(s): MERIDETH CANN

SOMMER ENGINEERING INC
334 WALNUT ST
NEWPORT BEACH, CA 92663-1922

CITY OF LAKE ELSINORE

Administrative Services - Licensing
130 South Main Street, Lake Elsinore, CA 92530
PH (951) 674-3124

BUSINESS LICENSE NO. 025054
Business Type: PROFESSIONAL/ENGINEERS
Description: CIVIL ENGINEERING SERVICES

Issue Date: 5/1/2021 **Expiration Date:** 4/30/2022

Starting January 1, 2021, Assembly Bill 1607 requires the prevention of gender-based discrimination of business establishments. A full notice is available in English or other languages by going to: <https://www.dca.ca.gov/publications/>

TO BE POSTED IN A CONSPICUOUS PLACE

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