

**AMENDMENT NUMBER FIVE
TO PROFESSIONAL SERVICES AGREEMENT
WITH
THE CODE GROUP, INC. DBA VCA CODE**

This Amendment Number Five ("Amendment") is made and entered into as of the 30th day of June, 2021 ("Effective Date"), by and between the CITY OF COSTA MESA, a municipal corporation ("City"), and THE CODE GROUP, INC., a California corporation DBA VCA CODE ("Consultant").

WHEREAS, City and Consultant entered into an agreement on September 5, 2017 for Consultant to provide plan check and permit processing services on an as-needed basis (the "Agreement"); and

WHEREAS, Section 4.1 of the Agreement provides for a term of one (1) year, with the option to extend the Agreement for four (4) additional one (1) year periods; and

WHEREAS, on April 17, 2018, City and Consultant amended the Scope of Services relating to plan check services provided to the Fire Department; and

WHEREAS, on September 1, 2018, City and Consultant amended Section 4.1 of the Agreement and extended the term through September 30, 2019; and

WHEREAS, on September 23, 2019, City and Consultant extended the term through September 30, 2020 and amended the fee schedule set forth in Section 2.1 of the Agreement; and

WHEREAS, on September 30, 2020, City and Consultant extended the term through June 30, 2021, provided the option for an additional one (1) year extension, and amended the fee schedule set forth in Section 2.1 of the Agreement; and

WHEREAS, City and Consultant now desire to extend the term for one (1) additional year, through June 30, 2022, and to amend the fee schedule set forth in Section 2.1 of the Agreement; and

WHEREAS, City and Consultant intend and desire that this Amendment be effective retroactive to the Effective Date.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. This Amendment shall be effective retroactive to the Effective Date.
2. The term of the Agreement shall be extended through June 30, 2022.
3. Section 2.1 of the Agreement shall be amended to reflect that Consultant shall be paid in accordance with the amended fee schedule set forth in Exhibit "A," attached hereto and incorporated herein, commencing July 1, 2021.
4. All terms not defined herein shall have the same meaning and use as set forth in the Agreement.

5. All other terms, conditions, and provisions of the Agreement not in conflict with this Amendment shall remain in full force and effect.
6. This Amendment may be executed in one or more counterparts, each of which shall be deemed an original. All counterparts shall be construed together and shall constitute one agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed by and through their respective authorized officers, as of the date first written above.

CITY OF COSTA MESA

Lori Ann Jones H

City Manager

Date: 08/17/21

CONSULTANT

Mike Smith

Signature

Mike Smith, CFO

Name and Title

Date: 8/3/2021

ATTEST:

Brenda Green 8/19/2021

City Clerk



APPROVED AS TO FORM:

Kimberly Hall Barlow

City Attorney

Date: 8/17/21


APPROVED AS TO INSURANCE:

Russ

Risk Management

Date: 8/12/21

APPROVED AS TO CONTENT:


Project Manager

Date: 8/12/21

DEPARTMENTAL APPROVAL:


Economic and Development Services
Director

Date: 8/12/21


Fire Chief

Date: 8/16/2021

APPROVED AS TO PURCHASING:


Finance Director

Date: 8/18/2019

EXHIBIT A

AMENDED FEE SCHEDULE

Contract Staffing Functions (DOE/Certs)	Hourly Rate
CASp Services (Plan Review)	\$145.00 to \$155.00
Supervisor for Permit Tech/Counter Services	\$95.00 to \$115.00
ICC Certified – Senior Permit Technician	\$70.00 to \$80.00
ICC Certified Permit Technician	\$65.00 to \$75.00
City Planner / Project Manager / Planning Manager	\$175.00 to \$195.00
Senior Planner / Principal Planner	\$145.00 to \$165.00
Zoning Administrator	\$125.00 to \$145.00
Associate Planner	\$105.00 to \$135.00
Assistant Planner/Counter Services	\$85.00 to \$105.00
Planning Technician/Assistant	\$70.00 to \$85.00
Administrative Personnel	\$55.00 to \$65.00
Client Consultation at City Hall (CBO/Sr. Management)	\$145.00 to \$195.00
Building Official	\$140.00 to \$175.00
Licensed Plan Check Engineer at City	\$130.00 to \$145.00
ICC Certified Plans Examiner at the City	\$115.00 to \$125.00

- **Overtime rates are 1.5x the paid hourly rate**
- **VCA charges the current IRS Mileage Rates for traveling to and from job sites**
- **Increases in rates may be subject to cost of living adjustments/inflation**
- **VCA is flexible and open to discussing these rates with the City**