

*County of Orange, Public Works
David Evans and Associates, Inc.*

MA-080-21010413

**AMENDMENT NO. 1
TO CONTRACT MA-080-21010413
FOR
ON-CALL ROAD AND BIKEWAY ENGINEERING SERVICES**

This Amendment is made and entered into as of the date fully executed by and between the County of Orange, a political subdivision of the State of California (“County”), and David Evans and Associates, Inc., (“A-E”), with County and A-E sometimes individually referred to as “Party” or collectively referred to as “Parties.”

RECITALS

WHEREAS, the County and A-E entered into Contract MA-080-21010413 for On-Call Road and Bikeway Engineering Services, effective November 17, 2020 through November 16, 2023, with a maximum allowable compensation of \$750,000; and

WHEREAS, the Parties now desire to renew the term of the Contract for two additional years, effective November 17, 2023 through November 16, 2025 with a maximum allowable compensation \$1,200,000; and

WHEREAS, the Parties wish to add the Orange County Flood Control District (“District”) as a Party; and

NOW, THEREFORE, the Parties agree as follows:

ARTICLES

1. The Orange County Flood Control District shall be added as a Party to the Contract. A-E shall indemnify the District in the same manner as it does the County. A-E shall name District as an Additional Insured in the same manner County is under Section 3.1.4(C)(1)(a). A-E’s Worker’s Compensation policy shall contain a waiver of subrogation endorsement waiving all rights of subrogation against the District in the same manner as County under Section 3.1.4(C)(2). A-E’s insurance policies shall waive all rights of subrogation against District in the same manner as against County under Section 3.1.4(C)(3).

2. The following shall be added to the Recitals:

WHEREAS, the District relies on County staff to carry out its duties pursuant to the Orange County Flood Control District Act, Water Code App. §§ 36-1 et seq., and County staff may request A-E to perform services under this Contract on behalf of District; and

3. Article 1.4 shall be amended to include the following:

The term of this Contract is renewed for two (2) years effective November 17, 2023 through November 16, 2025 with a maximum allowable compensation of one million two hundred thousand dollars (\$1,200,000), except as permitted in Paragraph 1.5 below.

4. Attachment B, Section II, Part B shall be amended to include the following:

Renewal Contract Amount Shall Not Exceed: \$1,200,000

***County of Orange, Public Works
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5. Article 6.14.3 shall be amended to read as follows:

All communications shall be addressed to the appropriate party at the address stated herein or such other address as the parties hereto may designate by written notice from time to time in the manner aforesaid.

For A-E: David Evans and Associates, Inc.,
17782 17th Street, Suite 200
Tustin, CA 92780
Attn: Steven Anderson
Phone: 714-665-4554
E-mail: steven.anderson@deainc.com

For COUNTY: OC Public Works, OC Infrastructure
601 N. Ross Street
Santa Ana, CA 92701
ATTN: Ashley Penalver
Phone: 714-647-3996
E-mail: Ashley.Penalver@ocpw.ocgov.com

cc: OC Public Works Procurement Services
601 N. Ross Street
Santa Ana, CA 92701
ATTN: Daisy Corona
Phone: 714-667-9643
E-mail: Daisy.Corona@ocpw.ocgov.com

6. All other terms and conditions of the Contract shall remain unchanged and with full force and effect.

County of Orange, Public Works
David Evans and Associates, Inc.,

MA-080-21010413

IN WITNESS WHEREOF, the PARTIES hereto have executed this Amendment on the dates opposite their respective signatures:

David Evans and Associates, Inc., a Oregon Corporation,

Date: 8/30/2023

By: Greg Davis, Vice President
Signature

Greg Davis, Vice President
Print Name & Title

(If a corporation, the document must be signed by two corporate officers. The 1st must be either Chairman of the Board, President, or any Vice President.)

Date: 8/30/2023

By: Marcus McGarity, Chief Financial Officer
Signature

Marcus McGarity, Chief Financial Officer
Print Name & Title

(If a corporation, the 2nd signature must be either the Secretary, an Assistant Secretary, the Chief Financial Officer, or any Assistant Treasurer)

COUNTY OF ORANGE,
a political subdivision of the State of California; and
COUNTY OF ORANGE FLOOD CONTROL
DISTRICT, a body corporate and politic

Date: _____

By: _____

Print Name: _____

Title: _____

APPROVED AS TO FORM
Office of the County Counsel
Orange County, California

By: William Ninh
Deputy

Print Name: William Ninh

Date: 8/30/2023