

AMENDMENT NO. 1 TO AGREEMENT

THIS AMENDMENT NO. 1 TO AGREEMENT, is made and entered into to be effective the 22nd day of April, 2020, by and between the ORANGE COUNTY SANITATION DISTRICT, hereinafter referred to as "SANITATION DISTRICT", and NINYO & MOORE, for purposes of this Agreement hereinafter referred to as "CONSULTANT".

WITNESSETH:

WHEREAS, the SANITATION DISTRICT and CONSULTANT have previously executed an Agreement dated May 1, 2019, for professional services for PSA2019-003, Materials Testing, Inspection, and Other Geotechnical Testing Services for the Sanitation District's Capital Improvement Program, Facilities Engineering, Operations, and Maintenance Projects; and,

WHEREAS, the SANITATION DISTRICT has determined that additional geotechnical inspection and testing services are required; and,

WHEREAS, CONSULTANT is qualified to provide the necessary services in connection with these additional requirements based on its demonstrated competence and has agreed to provide the necessary engineering services, and has been selected in accordance with the SANITATION DISTRICT selection policy regarding professional services; and,

WHEREAS, the Board of Directors has accepted the recommendation of the Director of Engineering, pursuant to the current Ordinance, and has approved this Amendment No. 1 between the SANITATION DISTRICT and CONSULTANT.

NOW, THEREFORE, in consideration of the promises and mutual benefits, which will result to the parties in carrying out the terms of this Amendment No. 1, it is mutually agreed as follows:

1. Article 2 of that certain Agreement dated May 1, 2019, between the SANITATION DISTRICT and CONSULTANT is hereby amended to increase the total compensation by \$300,000 from \$300,000 to an amount not to exceed \$600,000, all in accordance with the same terms and conditions as otherwise specified in Article 3 and the other provisions of said Agreement.

2. This modifying Amendment is supplemental to the Agreement dated May 1, 2019 and is by reference made a part of said Agreement. All of the terms, conditions, and provisions thereof, unless specifically modified herein, shall continue in full force and effect.

3. In the event of any conflict or inconsistency between the provisions of this Amendment and any of the provisions of the original Agreement, the provisions of this Amendment No. 1 shall in all respects govern and control.

IN WITNESS WHEREOF, this Amendment No. 1 to Agreement has been executed in the name of the SANITATION DISTRICT by its officers thereunto duly authorized and executed by CONSULTANT as of the day and year first above written.

CONSULTANT: NINYO & MOORE

By _____ Date _____

Printed Name & Title

ORANGE COUNTY SANITATION DISTRICT

By _____ Date _____
David John Shawver
Board Chairman

By _____ Date _____
Kelly A. Lore
Clerk of the Board

By _____ Date _____
Ruth Zintzun
Purchasing & Contracts Manager

CMM