

**AMENDMENT NUMBER TWO TO
PROFESSIONAL SERVICES AGREEMENT
WITH
ENDEMIC ENVIRONMENTAL SERVICES, INC.**

This Amendment Number Two ("Amendment") is dated February 7, 2024, ("Effective Date"), by and between the CITY OF COSTA MESA, a municipal corporation ("City") and ENDEMIC ENVIRONMENTAL SERVICES, INC. a California corporation ("Consultant").

WHEREAS, City and Consultant entered into an agreement on February 1, 2022, for Consultant to provide biological, management, and maintenance services (the "Agreement"); and

WHEREAS, City and Consultant entered into Amendment One on February 7, 2024, to extend the term of the Agreement for one year through June 30, 2026; and

WHEREAS, City and Consultant desire to change to term of the Agreement, so that it ends on January 31, 2026, instead of June 30, 2026; and

WHEREAS, Section 2.1 of the Agreement allows the Consultant to request a price increase based on an increase in the Consumer Price Index for all Urban Consumers for the Los Angeles-Long Beach-Anaheim area (CPI), which would be determined using the November index for the current year and the November index for the preceding year; and

WHEREAS, City and Consultant desire to increase the not-to-exceed amount of the Agreement for the term of February 1, 2024, to January 31, 2025, to reflect the November 2023 CPI of 2.8% (an increase of \$9,032.66), for a new not-to-exceed amount of \$331,627.66, which is consistent with Section 2.1 of the Agreement which allows an annual CPI increase; and

WHEREAS, City and Consultant desire to increase the not-to-exceed amount of the Agreement for the term of February 1, 2025, to January 31, 2026 to reflect the November 2024 CPI of 3.2% (an increase of \$10,612.09), for a new not-to-exceed amount of \$342,239.75), which is also consistent with Section 2.1 of the Agreement which allows an annual CPI increase; and

WHEREAS, City and Consultant now desire to approve the new term of the Agreement and the CPI rate adjustment for the period February 1, 2024, through January 31, 2025 and another separate CPI increase for the period of February 1, 2025 through January 31, 2026; and

WHEREAS, City and Consultant intend and desire that this Amendment Number Two be 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. The foregoing recitals in this Amendment are hereby declared to be true and correct and are incorporated as if fully set forth herein.
2. This Amendment shall be retroactive to the Effective Date.
3. Section 4.1 of the Agreement is amended to reflect that the term of the Agreement shall end on January 31, 2026.
4. Section 2.1 of the Agreement is amended to reflect that Consultant's total compensation for the period of February 1, 2024, to January 31, 2025, shall not exceed Three Hundred Thirty-One Thousand Six Hundred Twenty Seven Dollars and Sixty-Six Cents (\$331,627.66).
5. Section 2.1 of the Agreement is further amended to reflect that Consultant's total compensation for the period of February 1, 2025, to January 31, 2026, shall not exceed Three Hundred Forty-Two Thousand Two Hundred Thirty-Nine Dollars and Seventy-Five Cents (\$342,239.75).
6. All terms not defined herein shall have the same meaning and use as set forth in the Agreement, as amended.
7. All other terms, conditions, and provisions of the Agreement, as amended, shall remain in full force and effect.
8. 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 above written.

CONSULTANT



Signature

Date: 5/29/2025

Barry Nerhus, Founder/President

CITY OF COSTA MESA



Cecilia Gallardo Daly
Acting City Manager

Date: 7-7-2025

ATTEST:



Brenda Green
Brenda Green
City Clerk

Date: 7/11/2025

APPROVED AS TO FORM:

Kimberly Hall Barlow
Kimberly Hall Barlow
City Attorney

Date: 6/17/25

APPROVED AS TO INSURANCE:

Ruth Wang
Ruth Wang
Risk Management

Date: 6/13/25

APPROVED AS TO CONTENT:

Kelly Dalton
Kelly Dalton
Fairview Park Administrator

Date: 6/16/25

DEPARTMENTAL APPROVAL:

Monique for Brian
Brian Gruner
Parks and Recreation Director

Date: 6/10/25

PURCHASING APPROVAL:

Carol Molina
Carol Molina
Finance Director

Date: June 12, 2025