

OFFICE OF THE CITY ATTORNEY
DAWN MCINTOSH, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802-4664

THIRD AMENDMENT TO AGREEMENT NO. 35324

35324

THIS THIRD AMENDMENT TO AGREEMENT NO. 35324 is made and entered, as of May 1, 2023, for reference purposes only, pursuant to a minute order adopted by the City Council of the City of Long Beach at its meeting on June 18, 2019, by and between KEYSER MARSTON ASSOCIATES, INC., a California corporation ("Consultant"), with a place of business at 777 South Figueroa Street, Suite 2555, Los Angeles, California 90017, and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, City and Consultant (the "Parties") entered into Agreement No. 35324 (the "Agreement") whereby Consultant agreed to provide as-needed real estate economic analysis professional services for a period of two (2) years with the option to extend for three (3) additional one-year periods, in the amount of \$150,000; and

WHEREAS, the Parties entered into a First Amendment to the Agreement to add \$50,000 for a total not to exceed amount of \$200,000, and extend the term to May 31, 2022; and

WHEREAS, the Parties entered into a Second Amendment to the Agreement to add \$100,000 for a total not to exceed amount of \$300,000, and extend the term to May 31, 2023; and

WHEREAS, the Parties desire to add \$100,000 to the Agreement for a total not to exceed amount of \$400,000, extend the term one (1) additional one-year period, and attach an updated rate sheet;

NOW, THEREFORE, in consideration of the mutual terms, covenants, and conditions herein contained, the Parties agree as follows:

1. Section 1.A. of the Agreement is hereby amended to read as follows:

"A. Consultant shall furnish specialized services more particularly described in Exhibit "A", attached to the Agreement and incorporated by this reference, in accordance with the standards of the profession, and City shall pay for

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1 these services in the manner described below, not to exceed Four Hundred
2 Thousand Dollars (\$400,000), at the rates or charges shown in Exhibit "B-1".

3 2. Section 2 of the Agreement is hereby amended to read as follows:

4 "2. TERM. The term of this Agreement shall commence at midnight on
5 June 1, 2019, and shall terminate at 11:59 p.m. on May 31, 2024, unless sooner terminated
6 as provided in this Agreement, or unless the services or the Project is completed sooner."

7 3. The rates/charges in Exhibit "B" attached to the Agreement are hereby
8 amended and replaced with Exhibit "B-1", attached hereto and incorporated herein.

9 4. Except as expressly amended herein, all terms and conditions in
10 Agreement No. 35324 are ratified and confirmed and shall remain in full force and effect.

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IN WITNESS WHEREOF, the Parties have caused this document to be duly executed with all formalities required by law as of the date first stated above.

KEYSER MARSTON ASSOCIATES, INC.,
a California corporation

May 9, 2023, 2023

By *Kathleen Head*
Name Kathleen Head
Title President

May 9, 2023, 2023

By *Tim Bretz*
Name Tim Bretz
Title Assistant Secretary

"Consultant"

CITY OF LONG BEACH, a municipal corporation

May 19, 2023

By *Linda J. Jabum*
City Manager

EXECUTED PURSUANT
TO SECTION 301 OF
THE CITY CHARTER.

"City"

This Third Amendment to Agreement No. 35324 is approved as to form on *May 16*, 2023.

DAWN MCINTOSH, City Attorney

By *[Signature]*
Principal Deputy

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EXHIBIT "B-1"

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**KEYSER MARSTON ASSOCIATES, INC.
PUBLIC SECTOR HOURLY RATES**

	<u>2022/2023</u>
CHAIRMAN, PRESIDENT, MANAGING PRINCIPALS*	\$305.00
SENIOR PRINCIPALS*	\$295.00
PRINCIPALS*	\$275.00
MANAGERS*	\$245.00
SENIOR ASSOCIATES	\$205.00
ASSOCIATES	\$185.00
SENIOR ANALYSTS	\$170.00
ANALYSTS	\$145.00
TECHNICAL STAFF	\$105.00
ADMINISTRATIVE STAFF	\$90.00

Directly related job expenses not included in the above rates are: auto mileage, parking, air fares, hotels and motels, meals, car rentals, taxies, telephone calls, delivery, electronic data processing, graphics and printing. Directly related job expenses will be billed at 110% of cost.

Monthly billings for staff time and expenses incurred during the period will be payable within thirty (30) days of invoice date.

* Rates for individuals in these categories will be increased by 50% for time spent in court testimony.