

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

1 FIFTH AMENDMENT TO AGREEMENT NO. 34369

2 **34369**

3 THIS FIFTH AMENDMENT TO AGREEMENT NO. 34369 is made and
4 entered as of July 25, 2022, for reference purposes only, pursuant to a minute order
5 adopted by the City Council of the City of Long Beach at its meeting on July 19, 2022, by
6 and between MICHAEL BAKER INTERNATIONAL, INC., a Pennsylvania corporation
7 (“Consultant”), with a place of business at 14725 Alton Parkway, Irvine, California 92618,
8 and the CITY OF LONG BEACH, a municipal corporation (“City”).

9 WHEREAS, City and Consultant (the “Parties”) entered into Agreement No.
10 34369 (the “Agreement”) whereby Consultant agreed to provide as-needed public works
11 construction management and inspection services in an amount not to exceed Five
12 Hundred Thousand Dollars (\$500,000) for a period of three (3) years with the option to
13 extend for two (2) additional one-year periods, at the discretion of the City Manager; and

14 WHEREAS, the Parties entered into a First Amendment to the Agreement to
15 extend the term to August 31, 2020; and

16 WHEREAS, the Parties entered into a Second Amendment to the Agreement
17 to extend the term to August 31, 2021; and

18 WHEREAS, on August 3, 2021, the City Council authorized increasing the
19 aggregate not to exceed amount by Ten Million Dollars (\$10,000,000) for a revised
20 aggregate amount not to exceed Forty-Nine Million Dollars (\$49,000,000) and extended
21 the term to August 31, 2022, for as-needed construction management and inspection
22 services for all public works projects; and

23 WHEREAS, the Parties entered into a Third Amendment to the Agreement
24 to extend the term to August 31, 2022; and

25 WHEREAS, the Parties entered into a Fourth Amendment to the Agreement
26 to add Two Hundred Thousand Dollars (\$200,000) for a total not to exceed amount of
27 Seven Hundred Thousand Dollars (\$700,000); and

28 WHEREAS, on July 19, 2022, the City Council authorized increasing the

1 aggregate not to exceed amount by Six Million Dollars (\$6,000,000) for a revised aggregate
2 amount not to exceed Fifty-Five Million Dollars (\$55,000,000) and extended the term to
3 August 31, 2023, for as-needed construction management and inspection services for all
4 public works projects; and

5 WHEREAS, the Parties desire to add One Million Dollars (\$1,000,000) for a
6 total not to exceed amount of One Million Seven Hundred Thousand Dollars (\$1,700,000),
7 extend the term one (1) additional one-year period and update the City Representative;

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

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

11 "A. Consultant shall furnish specialized services more particularly
12 described in Exhibit "A", attached to the Agreement and incorporated by this
13 reference, in accordance with the standards of the profession, and City shall pay for
14 these services in the manner described below, not to exceed One Million Seven
15 Hundred Thousand Dollars (\$1,700,000), at the rates or charges shown in Exhibit
16 "B".

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

18 "2. TERM. The term of this Agreement shall commence at midnight on
19 August 31, 2016, and shall terminate at 11:59 p.m. on August 31, 2023, unless sooner
20 terminated as provided in this Agreement, or unless the services or the Project is
21 completed sooner."

22 3. The City Representative in Exhibit "C" to the Agreement is hereby
23 amended in accordance with Exhibit "C-1", attached hereto and incorporated by this
24 reference.

25 3. Except as expressly modified herein, all of the terms and conditions
26 contained in Agreement No. 34369 are ratified and confirmed and shall remain in full force
27 and effect.

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contained in Agreement No. 34369 are ratified and confirmed and shall remain in full force and effect.

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.

MICHAEL BAKER INTERNATIONAL, INC.,
a Pennsylvania corporation

_____, 2022

By *Jerome Ruddins*
Name JEROME RUDDINS
Title VICE PRESIDENT

_____, 2022

By *Darren Riegler*
Name Darren Riegler
Title Senior Vice President

"Consultant"

CITY OF LONG BEACH, a municipal corporation

September 20, 2022

By *Sunda J. Jakem*
City Manager

"City"

EXECUTED PURSUANT
TO SECTION 301 OF
THE CITY CHARTER.

This Fifth Amendment to Agreement No. 34369 is approved as to form on

September 1, 2022.

CHARLES PARKIN, City Attorney

By *Tom J. [Signature]*
Deputy

Exhibit C-1

City's Representative:

Keith Hoey

Assistant City Engineer

Keith.Hoey@LongBeach.Gov

562/570-6586