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

## FOURTH AMENDMENT TO AGREEMENT NO. 35407 35407

THIS FOURTH AMENDMENT TO AGREEMENT NO. 35407 is made and entered, in duplicate, as of November 4, 2022, for reference purposes only, pursuant to a minute order adopted by the City Council of the City of Long Beach at its meeting on August 13, 2019, by and between CDM SMITH INC., a Massachusetts corporation ("Consultant"), with a place of business at 600 Wilshire Blvd., Suite 750, Los Angeles, California 90017, and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, City and Consultant (the "Parties") entered into Agreement No. 35407 (the "Agreement") whereby Consultant agreed to provide on-call environmental program support; and

WHEREAS, the Parties entered into a First Amendment to the Agreement to add \$25,000 for a total not to exceed amount of \$50,000; and

WHEREAS, the Parties entered into a Second Amendment to the Agreement to add \$76,000 for a total not to exceed amount of \$126,000; and

WHEREAS, the Parties entered into a Third Amendment to the Agreement to add \$50,000 for a total not to exceed amount of \$176,000 and extend the term to September 30, 2022; and

WHEREAS, the Parties desire to add \$50,000 to the Agreement for a total not to exceed amount of \$226,000, 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 these services in the manner described below, in an amount not to exceed Two

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Hundred Twenty-Six Thousand Dollars (\$226,000), at the rates or charges shown in Exhibit "B"."

- 2. Section 2 of the Agreement is hereby amended to read as follows:
- "2. <u>TERM</u>. The term of this Agreement shall commence at midnight on October 1, 2019, and shall terminate at 11:59 p.m. on September 30, 2023, unless sooner terminated as provided in this Agreement, or unless the services or the Project is completed sooner. The term may be extended for one (1) additional one-year period at the discretion of the City Manager."
- 3. The Rates in Exhibit "B" to the Agreement are hereby amended in accordance with Exhibit "B-1", attached hereto and incorporated by this reference.
- 4. Except as expressly amended herein, all terms and conditions in Agreement No. 35407 are ratified and confirmed and shall remain in full force and effect.

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## EXHIBIT "B-1"

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

Effective Dates December 1, 2022 to September 30, 2023

**Prime Consultant: CDM Smith** 

Overhead rate 173.60%

Employee Classification	Direct labor Rate	Overhead Rate	Profit	Total Loaded Rate
Officer	\$105.75	173.60%	10%	\$318.00
Associate	\$96.93	173.60%	10%	\$292.00
Principal	\$94.12	173.60%	10%	\$283.00
Senior Professional III (Grade 8+)	\$86.37	173.60%	10%	\$260.00
Senior Professinal II (Grade 7)	\$79.31	173.60%	10%	\$239.00
Senior Professinal I (Grade 6)	\$74.03	173.60%	10%	\$223.00
Professional III (Grade 5)	\$69.80	173.60%	10%	\$210.00
Professional II (Grade 3/4)	\$57.29	173.60%	10%	\$172.00
Professional I (Grade 1/2)	\$47.94	173.60%	10%	\$144.00
Senior Staff Support (Grade 5+)	\$58.16	173.60%	10%	\$175.00
Staff Support (Grade 1 to 4)	\$41.77	173.60%	10%	\$126.00
Senior Administrative Support	\$47.59	173.60%	10%	\$143.00
Administrative Support	\$44.06	173.60%	10%	\$133.00

Subconsultant: BuroHappold Engineering

Overhead rate

165.00%

Employee Classification	Direct Labor Rate	Overhead Rate	Profit	Total Loaded Rate
Partner	\$171.87	116.00%	10%	\$385.00
Technical Director	\$99.72	165.00%	10%	\$274.00
Principal	\$114.58	165.00%	10%	\$315.00
Associate Principal	\$85.93	165.00%	10%	\$236.00
Associate	\$62.59	165.00%	10%	\$172.00
Senior Engineer	\$48.80	165.00%	10%	\$134.00
Technical Designer/Engineer 2	\$40.31	165.00%	10%	\$111.00
Technical Designer/Engineer 1	\$33.95	165.00%	10%	\$93.00
Junior Engineer	\$23.34	165.00%	10%	\$64.00
BIM Technician 3	\$49.86	165.00%	10%	\$137.00
BIM Technician 2	\$31.83	165.00%	10%	\$87.00
BIM Technician 1	\$30.77	165.00%	10%	\$85.00
Admin Support	\$23.34	165,00%	10%	\$64.00
	\$24.76			

Subconsultant: CWE Overhead rate 168.01%

Employee Classification	Direct Labor Rate	Overhead Rate	Profit	Total Loaded Rate
Principal	\$90.99	168.01%	10%	\$253.00
Sr. Project Manager	\$83.00	168.01%	10%	\$231.00
Senior Environmental Scientist	\$53.86	168.01%	10%	\$150.00
Environmental Scientist	\$45.83	168.01%	10%	\$127.00
Environmental Analyst	\$38.45	168.01%	10%	\$107.00
Project Engineer	\$52.13	168.01%	10%	\$145.00
Staff Engineer	\$40,25	168.01%	10%	\$112.00
Project Coordinator	\$34.27	168.01%	10%	\$95.00
CADD / GIS	\$31.83	168.01%	10%	\$88.00

Subconsultant: JHA Environmental Overhead rate 182.00%

Employee Classification	Direct Labor Rate	Overhead Rate	Profit	Total Loaded Rate
Environmental Engineer, Sr.	\$47.74	182.00%	10%	\$148.00
Environmental Engineer	\$42.70	182.00%	10%	\$132.00
Environmental Remediation Manager	\$36.07	182.00%	10%	\$112.00
Environmental Technician II	\$29.17	182.00%	10%	\$90.00

Subconsultant: Northgate Environmental Overhead rate 171.00%

Employee Classification	Direct Labor Rate	Overhead Rate	Profit	Total Loaded Rate
Principal	\$92.51	171.00%	9%	\$223
Associate	\$75.57	171.00%	9%	\$202
Senior	\$67.03	171.00%	9%	\$187

Project	\$56.28	171.00%	9%	\$157
Senior Field Geologist	\$50.92	171.00%	9%	\$142
Staff Scientist	\$45.89	171.00%	9%	\$128
Field Tech	\$33,46	171.00%	9%	\$93
IS/Database Specialist	\$58.35	171.00%	9%	\$162
GIS/EVS/Equis/Visualization Specialist II	\$58.66	171.00%	9%	\$163
Illustrator/CAD Operator I	\$33.70	171.00%	9%	\$94
Project Assistant	\$40.56	171.00%	9%	\$113
Administrative Assistant	\$20.16	171.00%	9%	\$56

Subconsultant: Pacific EH&S Services

Overhead rate 100.00%

Employee Classification	Direct Labor Rate	Overhead Rate	Profit	Total Loaded Rate
Project Manager	\$147.47	165.00%	10%	\$430.00
Certified Industrial Hygienist or Certified Safety	\$147.47	165.00%	10%	\$430.00
Industrial Hygienist	\$122.00	165.00%	10%	\$356.00
Certified Site Surveillance Technician	\$73.38	165.00%	10%	\$214.00
Certified Lead Project Monitor or Inspector/Asse	\$76.38	165.00%	10%	\$223.00
Clerical	\$53.05	165.00%	10%	\$155.00

Subconsultant: SunWest

Overhead rate 115.00%

Employee Classification	Direct Labor Rate	Overhead Rate	Profit	Total Loaded Rate	
Superintendent	\$68.74	115.00%	10%		\$163.00
Technician	\$65.78	115.00%	10%		\$156.00
Laborer	\$61.94	115.00%	10%		\$146.00
Project Manager	\$68.96	115.00%	10%		\$157.00
Project Assistant	\$45.62	115.00%	10%		\$104.00
Clerical Staff	\$33.95	115.00%	10%		\$77.00
Subject Matter Specialist	\$79.57	115.00%	10%		\$182.00
Permit Runner	\$33.95	115.00%	10%		\$77.00
Executive Staff	\$90.18	115.00%	10%		\$213.00

Subconsultant: VCA Engineers

Overhead rate 100.00%

Employee Classification	Direct Labor Rate	Overhead Rate	Profit	Total Loaded Rate
Project Manager	\$79.84	138,00%	10%	\$209.00
Engineer IV	\$75.10	138.00%	10%	\$197.00
Engineer III	\$68.39	138.00%	10%	\$179.00
Engineer I	\$49.41	138.00%	10%	\$129.00

## **On-Call Environmental Program**

Annual Aggregiate Amount:

\$ 250,000

Vendor
AECOM Technical Services, Inc
Alta Environmental
Burns and McDonnell
CDM Smith
Polytechnique Environmental

Contract	YEAR 1 Total	YEAR 2 Total	YEAR 3	YEAR 4	YEAR 5	Contract
No.		Amend(s)	Amend(s)	Amend(s)	Amend(s)	YTD Total
35406	25,000	-				25,000
35408	25,000	-				25,000
35444	25,000	-				25,000
35407	50,000	76,000	50,000	50,000		226,000
35405	75,000	155,000	150,000	200,000		580,000

Year Contract Subtotal	200,000	231,000	200,000	250,000
Unassigned Contract Amount for Year	50,000	19,000	50,000	0

Council Date: 08/13/19

Term: 2 year contract with 3 one year renewal options

October 1, 2019 - September 30, 2021