

30017

SECOND AMENDMENT TO AGREEMENT NO. 30017

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2 This Second Amendment to Agreement No. 30017 ("Amendment") is made
3 and entered, in duplicate, pursuant to a minute order adopted by the City Council of the
4 City of Long Beach on March 6, 2007, by and between the CITY OF LONG BEACH, a
5 municipal corporation ("City") and PB AMERICAS, INC., a New York corporation
6 ("Consultant").

7 WHEREAS, City and Consultant previously entered into an Agreement
8 dated March 30, 2007, amended by a First Amendment dated July 17, 2008 (as
9 amended, the "Agreement"), pursuant to which Consultant agreed to perform certain
10 construction management and engineering services for City; and

11 WHEREAS, City and Consultant now desire to amend the Agreement to,
12 among other things, reflect a mutual exercise of the first option to extend the term of the
13 Agreement;

14 NOW, THEREFORE, City and Consultant mutually agree as follows:

15 1. This Amendment shall be effective as of the date on which this
16 Amendment is executed by both parties (the "Effective Date").

17 2. Consultant's place of business for purposes of the Agreement shall
18 be 505 S. Main Street, Suite 900, Orange, California 92868.

19 3. City payment for services described in the Agreement shall not
20 exceed \$8,000,000.00 over the term of the Agreement, as extended by this Amendment.

21 4. Pursuant to the exercise of the mutual option to extend the term
22 under Section 2 of the Agreement, the term of the Agreement shall be extended for three
23 (3) years, and shall expire on December 31, 2012. City and Consultant have one (1)
24 remaining three-year option under Section 2 of the Agreement.

25 5. Section 7 of the Agreement is hereby modified so that the word
26 'certifies' is replaced with 'acknowledges' and the word 'certifications' is replaced with
27 'acknowledgments'.
28

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

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1 6. Section 9 of the Agreement is hereby modified so that the word
2 'warrant' is replaced with 'agrees' and the word 'warranty' is replaced with 'agreement'.

3 7. Paragraph A of Section 13 of the Agreement is hereby modified so
4 that the word 'professional' is placed immediately before 'standards', and the words 'and
5 professionally' are placed immediately after 'fully'.

6 8. City acknowledges that the Indemnity contained in Section 17 of the
7 Agreement may be subject to and limited by the provisions of California Civil Code
8 Section 2782.8.

9 9. Section 23 of the Agreement is hereby modified so that the word
10 'warranty' is replaced by 'representation'.

11 10. Exhibit "B" to the Agreement is hereby amended so that the City's
12 Representative is Mario Rodriguez, Director, Long Beach Airport, or designee.

13 11. Consultant shall provide City with a five percent (5%) reduction on all
14 invoices associated with services provided to City from June 1, 2009 through May 31,
15 2010. The reduction shall apply to work performed by all sub-consultants or sub-
16 contractors, but not reimbursable expenses such as travel and photocopying. The
17 reduction is not to be considered a rebate, refund or discount, but is given to City as
18 Consultant's contribution to City's efforts to stabilize and revitalize its local economy.

19 12. All terms, covenants, and conditions of the Agreement, except as
20 amended herein, shall remain unchanged and in full force and effect.

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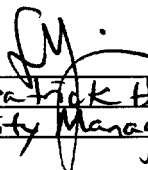
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IN WITNESS WHEREOF, the parties hereto have executed this Second Amendment.

"City"

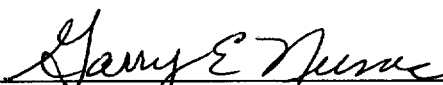
CITY OF LONG BEACH, a California municipal corporation
Assistant City Manager

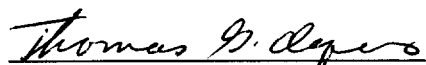
EXECUTED PURSUANT
TO SECTION 301 OF
THE CITY CHARTER.

By: 
Name: Patrick H. West
Title: City Manager

"Consultant"

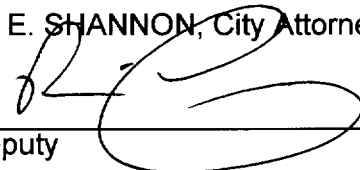
PB AMERICAS, INC.,
a New York corporation

By: 
Name: Garry E. Nunes
Title: Senior Vice President

By: 
Name: Thomas G. Defeis
Title: Assistant Secretary

Approved as to form this 28 day of December, 2009.

ROBERT E. SHANNON, City Attorney

By: 
Deputy

07-01483

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