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THIRD AMENDMENT TO AGREEMENT NO. 35392

35392

THIS THIRD AMENDMENT TO AGREEMENT NO. 35392 is made and entered, as of May 17, 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 August 20, 2019, by and between BKF ENGINEERS, a California corporation ("Consultant"), with a place of business at 2100 Franklin Street, Suite 4C, Oakland, California 94612, and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, City and Consultant (the "Parties") entered into Agreement No. 35392 (the "Agreement") whereby Consultant agreed to provide as-needed, on-call consulting services for street design projects in an amount not to exceed One Million Dollars (\$1,000,000) for a period of three (3) years with the option to extend for two (2) additional one-year periods; and

WHEREAS, the Parties entered into a First Amendment to add Two Million Dollars (\$2,000,000) for a total not to exceed amount of Three Million Dollars (\$3,000,000); and

WHEREAS, the Parties entered into a Second Amendment to extend the term to September 30, 2023, attach an updated rate sheet, and update the City Representative; and

WHEREAS, the Parties desire to extend the term using the final one-year period option, 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 2 of the Agreement is hereby amended to read as follows:

"2. TERM. The term of this Agreement shall commence at midnight on October 1, 2019, and shall terminate at 11:59 p.m. on September 30, 2024, unless sooner terminated as provided in this Agreement, or unless the services or the Project is completed sooner."

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

1 2. The Rates in Exhibit "B-1" of the Second Amendment to the
2 Agreement are hereby amended in accordance with Exhibit "B-2", attached hereto and
3 incorporated by this reference.

4 3. Except as expressly modified herein, all of the terms and conditions
5 contained in Agreement No. 35392 are ratified and confirmed and shall remain in full force
6 and effect.

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

9
10 _____ MAY 24 _____, 2023 BKF ENGINEERS, a California corporation
11 By [Signature]
12 Name BRIAN SCOTT
13 Title PRINCIPAL / V.P.

14 _____ May 24 _____, 2023 By [Signature]
15 Name Jean Chen
16 Title CFO

17 EXECUTED PURSUANT
18 TO SECTION 301 OF
19 THE CITY CHARTER.

20 "Consultant"
21 CITY OF LONG BEACH, a municipal
22 corporation
23 By [Signature]
24 City Manager

25 _____ July 13 _____, 2023 "City"

26 This Third Amendment to Agreement No. 35392 is approved as to form on
27 _____ June 20 _____, 2023.

28 DAWN MCINTOSH, City Attorney
By [Signature]
Deputy

Exhibit B-2

Rates or Charges Update

BKF ENGINEERS PROFESSIONAL SERVICES RATE SCHEDULE
EFFECTIVE OCTOBER 1, 2023 - SEPTEMBER 30, 2024

<u>CLASSIFICATION</u>	<u>HOURLY RATE</u>
PROJECT MANAGEMENT	
Principal	\$288.00
Senior Associate Principal	\$268.00
Associate Principal	\$260.00
Senior Project Manager Senior Technical Manager	\$253.00
Project Manager Technical Manager	\$247.00
Engineering Manager Surveying Manager Planning Manager	\$228.00
TECHNICAL STAFF	
Senior Project Engineer Senior Project Surveyor Senior Project Planner	\$212.00
Project Engineer Project Surveyor Project Planner	\$186.00
Design Engineer Staff Surveyor Staff Planner	\$162.00
BIM Specialist I, II, III	\$162.00 - \$186.00 - \$212.00
Technician I, II, III, IV	\$154.00 - \$164.00 - \$180.00 - \$194.00
Drafter I, II, III, IV	\$121.00 - \$133.00 - \$143.00 - \$159.00
Engineering Assistant Surveying Assistant Planning Assistant	\$101.00
FIELD SURVEYING	
Survey Party Chief	\$212.00
Instrument Person	\$182.00
Survey Chainperson	\$136.00
Utility Locator I, II, III, IV	\$110.00 - \$156.00 - \$187.00 - \$213.00
Apprentice I, II, III, IV	\$83.00 - \$112.00 - \$124.00 - \$132.00
CONSTRUCTION ADMINISTRATION	
Senior Consultant	\$277.00
Senior Construction Administrator	\$241.00
Resident Engineer	\$179.00
Field Engineer I, II, III	\$162.00 - \$186.00 - \$212.00
FUNDING & GRANT MANAGEMENT	
Director of Funding Strategies	\$198.00
Funding Strategies Manager	\$181.00
Funding/Research Analyst I, II, III, IV	\$124.00 - \$144.00 - \$153.00 - \$168.00
PROJECT ADMINISTRATION	
Project Coordinator	\$135.00
Senior Project Assistant	\$117.00
Project Assistant	\$103.00
Clerical Administrative Assistant	\$87.00

Expert witness rates are available upon request.

Subject to the terms of a services agreement:

- Charges for outside services, equipment, materials, and facilities not furnished directly by BKF Engineers will be billed as reimbursable expenses at cost. Such charges may include, but shall not be limited to: printing and reproduction services; shipping, delivery, and courier charges; subconsultant fees and expenses; agency fees; insurance; transportation on public carriers; meals and lodging; and consumable materials.
- Allowable mileage will be charged at the prevailing IRS rate per mile.

- Rates can only be changed by mutual consent with contract amendment.