

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

1 SECOND AMENDMENT TO DESIGN-BUILD CONTRACT NO. 35869
2 **35869**

3 THIS SECOND AMENDMENT TO DESIGN-BUILD CONTRACT NO. 35869
4 is made and entered, in duplicate, as of May 1, 2023, for reference purposes only, pursuant
5 to a minute order adopted by the City Council of the City of Long Beach at its meeting on
6 February 9, 2021, by and between EBS GENERAL ENGINEERING, INC., a California
7 corporation ("Design-Builder"), with a place of business at 1345 Quarry Street, Suite 101,
8 Corona, California 92879, and the CITY OF LONG BEACH, a municipal corporation
9 ("Owner" or "City").

10 WHEREAS, the City and Design-Builder (the "Parties") entered into Design-
11 Build Contract No. 35869 (the "Contract") whereby Design-Builder agreed to provide
12 services for curb ramps; and

13 WHEREAS, the Parties entered into a First Amendment to extend the term
14 of the Contract by one (1) additional one-year period; and

15 WHEREAS, the Parties desire to add Eight Million Dollars (\$8,000,000,000)
16 to the total contract amount for a total not to exceed Sixteen Million Dollars (\$16,000,000),
17 and update the rates detailed in the Price Sheet;

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

- 20 1. Article 6 of the Agreement is hereby amended to read as follows.
21 "Owner shall pay Design-Builder for actual work completed and accepted in
22 an amount not-to-exceed Sixteen Million Dollars (\$16,000,000); subject to additions or
23 deductions as provided in the contract documents, and at the unit prices shown in Exhibit
24 IV, Contractor's Cost Proposal. Owner's work orders are based on actual needs and
25 requirements, and Owner is obligated to pay only for work that the City actually needs and
26 requires. Any dollar amount identified as a "not to exceed" amount in any City document is
27 not a guaranteed payment amount to any contractor or design-builder. Furthermore, the
28 City may determine that its needs and requirements may be met by City labor, even after

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1 an award is made to one contractor or Design-Builder. An award is not a promise or
2 guarantee of exclusivity. There is no guarantee that the full contract amount will be
3 authorized or expended."

4 2. The rates detailed in the Price Sheet of Exhibit "C" to the Agreement
5 are hereby amended in accordance with Exhibit "C-1", attached hereto and incorporated
6 by this reference

7 3. Except as expressly modified herein, all of the terms and conditions
8 contained in Agreement No. 35869 are ratified and confirmed and shall remain in full force
9 and effect.

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

12 EBS GENERAL ENGINEERING, INC., a
13 California corporation
14 MAY 11, 2023 By [Signature]
Name THOMAS NANCI
15 Title PRESIDENT
16 MAY 11, 2023 By [Signature]
17 Name JOSEPH NANCI
Title VICE PRESIDENT

18 "Consultant"
19 CITY OF LONG BEACH, a municipal
20 corporation
21 May 26, 2023 By [Signature]
22 City Manager
23 "City" EXECUTED PURSUANT
TO SECTION 301 OF
THE CITY CHARTER.

24 This Second Amendment to Agreement No. 35869 is approved as to form on
25 May 16, 2023.
26 DAWN MCINTOSH, City Attorney
27 By [Signature]
28 Deputy

EXHIBIT C-1
RATES

EBS Construction
PW20-084 As Design Build Curbs

Contract 35869

ITEM NO	ITEM DESCRIPTION	UNIT	UNIT PRICING
1	PRELIMINARY DESIGN OF CURB RAMP ONLY ²	EA	XX
1A	PRELIMINARY DESIGN OF CURB RAMP ONLY ⁷	EA	\$3,365.00
2	PRELIMINARY DESIGN AND FINAL DESIGN OF CURB RAMP ONLY ³	EA	XX
2A	PRELIMINARY DESIGN AND FINAL DESIGN OF CURB RAMP ONLY ⁸	EA	\$4,285.00
3	DESIGN AND CONSTRUCTION OF CURB RAMP OF ALL CASE TYPES EXCEPT B & G ⁴	EA	XX
3A	CONSTRUCTION OF CURB RAMP OF ALL CASES AND TYPES EXCEPT CASE B & G, EXCLUDING PRELIMINARY AND FINAL DESIGN ⁹	EA	\$10,500.00
4	DESIGN AND CONSTRUCTION OF CURB RAMP CASE B & G ⁵	EA	XX
4A	CONSTRUCTION OF CURB RAMP CASE B & G, EXCLUDING PRELIMINARY AND FINAL DESIGN ¹⁰	EA	\$12,500.00
5	INSTALL ADA DETECTABLE WARNING SURFACE (NO RAMP CONSTRUCTION)	SF	\$53.82
6	REMOVE EXISTING AND CONSTRUCT PCC SIDEWALK, T=3"	SF	\$9.50
7	REMOVE EXISTING AND CONSTRUCT DRIVEWAY OR SIDEWALK, T=4"	SF	\$15.25
8	REMOVE EXISTING AND CONSTRUCT ALLEY INTERSECTION OR DRIVEWAY T=6"	SF	\$21.50
9	REMOVE EXISTING AND CONSTRUCT PCC ALLEY T=6"	SF	\$21.50
10	REMOVE EXISTING AND CONSTRUCT CROSS GUTTER AND SPANDREL T=8"	SF	\$24.30
11	REMOVE EXISTING AND CONSTRUCT PCC PAVEMENT T=6"	SF	\$21.50
12	REMOVE EXISTING AND CONSTRUCT PCC PAVEMENT T=8"	SF	\$22.50
13	GRIND 0.25"-0.75" PCC SIDEWALK	LF	\$17.25
14	REMOVE EXISTING AND CONSTRUCT COLORED STAMPED CONCRETE T=4"	SF	\$17.00
15	REMOVE EXISTING AND CONSTRUCT COLORED CONCRETE T=4"	SF	\$17.00
16	REMOVE CONCRETE IMPROVEMENTS AND BACKFILL WITH TOPSOIL	SF	\$9.26
17	REMOVE AND REPLACE ASPHALT CONCRETE PAVEMENT	TON	\$526.50
18	REMOVE EXISTING AND CONSTRUCT CURB, GB TYPE A1	LF	\$52.00
19	REMOVE EXISTING AND CONSTRUCT CURB, GB TYPE A1, INTEGRAL	LF	\$52.00
20	REMOVE EXISTING AND CONSTRUCT CURB & GUTTER, GB TYPE A2, W=1.5'	LF	\$52.00
21	REMOVE EXISTING AND CONSTRUCT CURB & GUTTER, GB TYPE A2, W=2'	LF	\$59.35
22	REMOVE EXISTING AND CONSTRUCT CURB & GUTTER, GB TYPE A2, W=7'	LF	\$120.00
23	REMOVE EXISTING AND CONSTRUCT BUS STOP STREET PAD, T=10"	SF	\$28.50

ITEM NO	ITEM DESCRIPTION	UNIT	UNIT PRICING
24	UNCLASSIFIED EXCAVATION	CY	\$140.00
25	CRUSHED MISCELLANEOUS BASE, 6" MIN. UNDER PCC IMPROVEMENTS ⁵	SF	\$5.25
26	CRUSHED MISCELLANEOUS BASE ⁵	CY	\$115.20
27	STUMP REMOVAL UP TO AND INCLUDING 24" DIAMETER TRUNK	EA	\$692.50
28	STUMP REMOVAL 25" AND GREATER DIAMETER TRUNK	EA	\$874.00
29	TREE REMOVAL UP TO AND INCLUDING 24" DIAMETER TRUNK	EA	\$3,013.00
30	TREE REMOVAL 25" AND GREATER TRUNK DIAMETER	EA	\$4,496.50
31	SHAVE ROOTS AT CURB	LF	\$12.00
32	SHAVE ROOTS AT SIDEWALK	LF	\$12.00
33	TREE PRUNE	EA	\$316.25
34	LAWN SODDING	SF	\$6.00
35	ADJUST CITY MANHOLE FRAME & COVER	EA	\$1,092.50
36	ADJUST L.A.C.S.D. MANHOLE FRAME & COVER	EA	\$1,092.50
37	ADJUST WATER VALVE SLEEVE & COVER	EA	\$747.50
38	ADJUST WATER METER BOX & COVER	EA	\$747.50
39	ADJUST GAS VALVE BOX & COVER	EA	\$747.50
40	ADJUST PULL BOX	EA	\$161.00
41	REPLACE STREET LIGHT PULL BOX	EA	\$816.50
42	REPLACE TRAFFIC SIGNAL PULL BOX	EA	\$1,265.00
43	RELOCATE STREET LIGHT PULL BOX	EA	\$3,421.25
44	RELOCATE TRAFFIC SIGNAL PULL BOX	EA	\$10,091.25
45	ADJUST SURVEY MONUMENT & CASTING COVER	EA	\$1,840.00
46	INSTALL SURVEY MONUMENT TYPE C WITH CASTING COVER	EA	\$3,507.50
47	INSTALL SURVEY MONUMENT TYPE A	EA	\$3,507.50
48	SURVEY BENCHMARK TYPE 1	EA	\$2,151.00
49	REPLACE CENTERLINE TIES OR PROPERTY MARKER	EA	\$695.00
50	REPLACE CURB DRAIN	EA	\$284.00
51	CURB PAINTING	LF	\$2.20
52	REFLECTORIZED PAINT TRAFFIC STRIPING/PAVEMENT MARKERS	SF	\$5.98

ITEM NO	ITEM DESCRIPTION	UNIT	UNIT PRICING
53	REFLECTORIZED THERMOPLASTIC TRAFFIC STRIPING/PAVEMENT MARKINGS	SF	\$10.20
54	INSTALL NEW SIGN ON EXISTING POST	EA	\$186.30
55	INSTALL NEW SIGN AND POST	EA	\$431.25
56	RELOCATE SIGN & POST	EA	\$218.40
57	LOOP DETECTOR	EA	\$598.00

Notes:

1. The quantities shown in this Bid are annual estimates only and can vary from actual quantities installed. Payment will be made at the Contract Unit Price for actual quantities constructed, based on field measurements. The City reserves the right to increase or decrease the amount of work or omit portions of the work, as may be deemed necessary or advisable by the Engineer. Sections 3-2.2.2 and 3-2.2.3 of the Standard Specifications do not apply to this Contract. See General Requirements Section 3-2.2.1 for more information.
2. Item No. 1, Preliminary Design of Curb Ramp Only, is payment for submitting preliminary drawings but the location does not move forward to construction.
3. Item No. 2, Preliminary Design and Final Design of Curb Ramp Only, is payment for submitting preliminary and final drawings but the location does not move forward to construction.
4. Item No. 3, Design and Construction of Curb Ramp of All Case types except Case B and Case G is payment for all design and construction of curb ramp including post construction documents.
5. Item No. 4, Design and Construction of Curb Ramp Case B and Case G is payment for all design and construction of curb ramp including post construction documents.
6. Use of Bid Item No. 25 and No. 26 CMB, if required by a City Standard Plan, will be at the discretion of the Engineer.
7. Item No. 1A, Preliminary Design of Curb Ramp Only, is payment for submitting preliminary drawings
8. Item No. 2A, Preliminary Design and Final Design of Curb Ramp Only, is payment for submitting preliminary and final drawings
9. Item No. 3A is for Construction of Curb Ramp of All Case types except Case B and Case G.
10. Item No. 4A is for Construction of Curb Ramp Case B and Case G.

DESIGN BUILD CURB 2021-2025 PW20-084

Contact Info	Consultant Name	City Contract #	MUNIS #	INITIAL CONTRACT FOR 9/1/2021 to 2/28/2023	Amendment 1 (First Extension) - Extended term to 2/28/24	AMENDMENT 2 Updates Rates & Adds Authority	AMENDMENT 3 (Second Extension) - EXTEND TERM TO 2025
Benjamin Kim, 7371 Walnut Ave, Buena Park, CA 90620, bifechconstruction@gmail.com, 714/521-1477	Bloch Construction Co., Inc	35870	32100559	\$5,700,000	Not Extended Per Contract Manager, Kyle Keller	Not Extended Per Contract Manager, Kyle Keller 4/26/23	
Willie Ellis, 1345 Quarry Street, Ste 101, Corona CA 92879 willie@ebsgeneral.com, 951/279-6669 ext 116	EBS General Engineering, Inc	35869	32100560	\$8,000,000	Term only	\$8,000,000	
Anthony Lino, 135 S. State College Blvd, Ste 400, Brea, CA 92821, estimating@sully-miller.com, 714/578-9600	Sully-Miller Contracting Company	35871	32100561	\$1,300,000	Not Extended Per Contract Manager, Kyle Keller	Not Extended Per Contract Manager, Kyle Keller 4/26/23	

total \$15,000,000 \$8,000,000

TOTAL APPROVED February 9, 2021	\$30,000,000	\$15,000,000
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remaining \$15,000,000 -\$7,000,000