

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

1 FIFTH AMENDMENT TO AGREEMENT NO. 34384

2 **34384**

3 THIS FIFTH AMENDMENT TO AGREEMENT NO. 34384 is made and
4 entered, as of July 6, 2023, 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 June 6, 2023, by
6 and between KOA CORPORATION, a California corporation ("Consultant"), with a place
7 of business at 1100 Corporate Center Drive, Suite 201, Monterey Park, California 91754,
8 and the CITY OF LONG BEACH, a municipal corporation ("City").

9 WHEREAS, City and Consultant (the "Parties") entered into Agreement No.
10 34384 (the "Agreement") under Specification No. RFQ PW16-115, whereby Consultant
11 agreed to provide as-needed public works construction management and inspection
12 services in an amount not to exceed One Million Dollars (\$1,000,000) for a period of three
13 (3) years with the option to extend for two (2) additional one-year periods, at the discretion
14 of the City Manager; and

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

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

19 WHEREAS, on August 3, 2021, the City Council authorized increasing the
20 aggregate not to exceed amount by Ten Million Dollars (\$10,000,000) for a revised
21 aggregate amount not to exceed Forty-Nine Million Dollars (\$49,000,000) and extended
22 the term to August 31, 2022, for as-needed construction management and inspection
23 services for all public works projects created under Specification No. RFQ PW16-115; and

24 WHEREAS, the Parties entered into a Third Amendment to the Agreement
25 to increase the authority amount for a total not to exceed One Million Three Hundred
26 Thousand Dollars (\$1,300,000), and extend the term to August 31, 2022; and

27 WHEREAS, on July 19, 2022, the City Council authorized increasing the
28 aggregate not to exceed amount by Six Million Dollars (\$6,000,000) for a revised aggregate

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

1 amount not to exceed Fifty-Five Million Dollars (\$55,000,000) and extended the term to
2 August 31, 2023, for as-needed construction management and inspection services for all
3 public works projects created under Specification No. RFQ PW16-115; and

4 WHEREAS, the Parties entered into a Fourth Amendment to the Agreement
5 to increase the authority amount for a total not to exceed Two Million Three Hundred
6 Thousand Dollars (\$2,300,000), extend the term to August 31, 2023, and update the City
7 Representative; and

8 WHEREAS, on June 6, 2023, the City Council authorized extending the term
9 of the Agreement to August 31, 2024, for as-needed construction management and
10 inspection services for all public works projects created under Specification No. RFQ
11 PW16-115; and

12 WHEREAS, the Parties desire to extend the term of the Agreement for one
13 (1) additional one-year term, and attach an updated rate sheet;

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

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

17 "2. TERM. The term of this Agreement shall commence at midnight on
18 August 31, 2016, and shall terminate at 11:59 p.m. on August 31, 2024, unless sooner
19 terminated as provided in this Agreement, or unless the services or the Project is
20 completed sooner."

21 2. The Rates attached as Exhibit "B" to the Agreement are hereby
22 amended in accordance with Exhibit "B-1", attached hereto and incorporated by this
23 reference.

24 3. Except as expressly modified herein, all of the terms and conditions
25 contained in Agreement No. 34384 are ratified and confirmed and shall remain in full force
26 and effect.

27 ///

28 ///

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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.

KOA CORPORATION, a California corporation

7/14, 2023

By [Signature]
Name Min Zhou
Title CA Regional Manager

7/14, 2023

By [Signature]
Name GIUSEPPE CAZZAVICA
Title MANAGING DIRECTOR

EXECUTED PURSUANT TO SECTION 301 OF THE CITY CHARTER.

"Consultant"

CITY OF LONG BEACH, a municipal corporation

August 14, 2023

By Linda F. Jakem
City Manager

"City"

This Fifth Amendment to Agreement No. 34384 is approved as to form on AUGUST 8, 2023.

DAWN MCINTOSH, City Attorney
By [Signature]
Deputy

Exhibit "B-1"

Rate Update

KOA Corporation

City of Long Beach Contract 34384

As Needed Construction Management and Inspection Services

Effective September 1, 2023 to August 31, 2024

Professional Services		
Principal in Charge	\$	185
Senior Engineer	\$	173
Project Manager	\$	165
Construction Manager	\$	165
Resident Engineer	\$	160
Traffic Engineer	\$	160
Traffic Planning	\$	160
Project Engineer	\$	155
SWPPP Developer (QSD)	\$	141
Assistant Project Manager	\$	141
Assistant Construction Manager	\$	141
Office Engineer	\$	124
Design Engineer	\$	124
Senior Construction Observer	\$	134
Construction Observer	\$	129
Technician	\$	103
Administrative & Clerical Support	\$	88

No mileage, transportation charges or per diem allowed.

Pre-approved reimbursable items charged at cost.

Sub-consultants billed at cost.

Rates can only be changed by amendment.

Pre-approved overtime will be charged at time and a half.