

1 FIFTH AMENDMENT TO AGREEMENT NO. 34389

2 **34389**

3 THIS FIFTH AMENDMENT TO AGREEMENT NO. 34389 is made and
4 entered, as of July 25, 2022, 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 July 19, 2022, by
6 and between ANSER ADVISORY, LLC doing business as SIMPLUS MANAGEMENT,
7 LLC, a Delaware limited liability company formerly known as SIMPLUS MANAGEMENT
8 CORPORATION, a California corporation ("Consultant"), with a place of business at 2677
9 North Main Street, Suite 400, Santa Ana, California 92705, and the CITY OF LONG
10 BEACH, a municipal corporation ("City").

11 WHEREAS, City and Consultant (the "Parties") entered into Agreement No.
12 34389 (the "Agreement") whereby Consultant agreed to provide as-needed public works
13 construction management and inspection services in an amount not to exceed One Million
14 Dollars (\$1,000,000) for a period of three (3) years with the option to extend for two (2)
15 additional one-year periods, at the discretion of the City Manager; and

16 WHEREAS, the Parties entered into a First Amendment to the Agreement to
17 add One Million Dollars (\$1,000,000) for a total not to exceed amount of Two Million Dollars
18 (\$2,000,000) and extend the term to August 31, 2020; and

19 WHEREAS, on June 28, 2018, Simplus Management Corporation changed
20 its name to Simplus Management Company, LLC and reorganized the corporate structure,
21 maintaining the same FEIN number; and

22 WHEREAS, on June 30, 2018, National Capital Improvement Corp acquired
23 100% of the stock of Simplus Management Company, LLC; and

24 WHEREAS, on November 30, 2018, Simplus Management Company, LLC
25 changed its name to Anser Advisory, LLC; and

26 WHEREAS, City desired to continue its contractual relationship under the
27 Agreement with Anser Advisory, LLC doing business as Simplus Management, LLC; and

28 WHEREAS, the Parties entered into a Second Amendment to the Agreement

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

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

1 to add One Million Dollars (\$1,000,000) for a total not to exceed amount of Three Million
2 Dollars (\$3,000,000) and update the name; and

3 WHEREAS, the Parties entered into a Third Amendment to the Agreement
4 to extend the term to August 31, 2021; and

5 WHEREAS, on August 3, 2021, the City Council authorized increasing the
6 aggregate not to exceed amount by Ten Million Dollars (\$10,000,000) for a revised
7 aggregate amount not to exceed Forty-Nine Million Dollars (\$49,000,000) and extended
8 the term to August 31, 2022, for as-needed construction management and inspection
9 services for all public works projects; and

10 WHEREAS, the Parties entered into a Fourth Amendment to the Agreement
11 to extend the term to August 31, 2022; and

12 WHEREAS, on July 19, 2022, the City Council authorized increasing the
13 aggregate not to exceed amount by Six Million Dollars (\$6,000,000) for a revised aggregate
14 amount not to exceed Fifty-Five Million Dollars (\$55,000,000) and extended the term to
15 August 31, 2023, for as-needed construction management and inspection services for all
16 public works projects; and

17 WHEREAS, the Parties desire to add One Million Dollars (\$1,000,000) to the
18 Agreement for a total not to exceed amount of Four Million Dollars (\$4,000,000), extend
19 the term one (1) additional one-year period, attach an updated rate sheet and update the
20 City Representative;

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

- 23 1. Section 1.A. of the Agreement is hereby amended to read as follows:
24 "A. Consultant shall furnish specialized services more particularly
25 described in Exhibit "A", attached to this Agreement and incorporated by this
26 reference, in accordance with the standards of the profession, and City shall pay for
27 these services in the manner described below, not to exceed Four Million Dollars
28 (\$4,000,000), at the rates or charges shown in Exhibit "B-1".

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

2 "2. TERM. The term of this Agreement shall commence at midnight on
3 August 31, 2016, and shall terminate at 11:59 p.m. on August 31, 2023, unless sooner
4 terminated as provided in this Agreement, or unless the services or the Project is
5 completed sooner."

6 3. The Rates contained in Exhibit "B" to the Agreement are hereby
7 amended and replaced by Exhibit "B-1", attached hereto and incorporated herein.

8 4. The City Representative in Exhibit "C" to the Agreement is hereby
9 amended in accordance with Exhibit "C-1", attached hereto and incorporated by this
10 reference.

11 5. Except as expressly modified herein, all of the terms and conditions
12 contained in Agreement No. 34389 are ratified and confirmed and shall remain in full force
13 and effect.

14
15 ///
16 ///
17 ///
18 ///
19 ///
20 ///
21 ///
22 ///
23 ///
24 ///
25 ///
26 ///
27 ///
28 ///

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

3 ANSER ADVISORY, LLC doing business
4 as SIMPLUS MANAGEMENT, LLC, a
5 Delaware limited liability company formerly
6 known as SIMPLUS MANAGEMENT
CORPORATION, a California corporation

7 August 9, 2022

By Paul J Buckley
Name Paul J Buckley
Title Vice President

8 August 9, 2022

By Craig Halvorson
Name Craig Halvorson
Title Secretary

11 "Consultant"

12 CITY OF LONG BEACH, a municipal
13 corporation

14 August 19, 2022

By Linda F. Jatum
City Manager

16 "City"

EXECUTED PURSUANT
TO SECTION 301 OF
THE CITY CHARTER

17 This Fifth Amendment to Agreement No. 34389 is approved as to form on

18 August 16, 2022.

19 CHARLES PARKIN, City Attorney

20 By Tom J. [Signature]
21 Deputy

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

Exhibit B-1

Rates or Charges Update



Anser Advisory
Agreement No. 34389
Schedule of Rates for Services for City of Long Beach
As Needed Construction Management
September 1, 2022 to August 31, 2023

Title	Previous Hourly Rates September 1, 2016 to August 31, 2022	Updated Billing Rates September 1, 2022 to August 31, 2023
Principal	\$199.00	\$204.97
Senior Construction Manager, P.E.	\$185.00	\$190.55
Senior Construction Manager, CCM	\$175.00	\$180.25
Construction Manager	\$155.00	\$159.65
Scheduler	\$150.00	\$154.50
Estimator	\$150.00	\$154.50
Field Office Engineer	\$135.00	\$139.05
Lead Sr. Project Manager	\$135.00	\$139.05
Field Inspector	\$110.00	\$113.30
Administrative Support	\$85.00	\$87.55

Exhibit C-1

City's Representative:

Keith Hoey

Assistant City Engineer

Keith.Hoey@LongBeach.Gov

562/570-6586