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

THIRD AMENDMENT TO AGREEMENT NO. 35396

THIS THIRD AMENDMENT TO AGREEMENT NO. 35396 is made and entered, as of September 28, 2022, 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 ONWARD ENGINEERING, a California corporation ("Consultant"), with a place of business at 300 S. Harbor Blvd., Suite 814, Anaheim, California 92805, and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, City and Consultant (the "Parties") entered into Agreement No. 35396 (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 the Agreement to add Two Million Dollars (\$2,000,000) for a total not to exceed amount of Three Million Dollars (\$3,000,000); and

WHEREAS, on August 10, 2021, City Council authorized increasing the aggregate agreement amount by Twenty Million Dollars (\$20,000,000) for a revised aggregate agreement amount not to exceed Thirty Million Dollars (\$30,000,000); and

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

WHEREAS, the Parties desire to add One Million Dollars (\$1,000,000) to the Agreement for a total not to exceed amount of Four Million Dollars (\$4,000,000), 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 1.A. of the Agreement is hereby amended to read as follows:

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"A. Consultant shall furnish specialized services more particularly described in Exhibit "A", attached to the Agreement and incorporated by this reference, in accordance with the standards of the profession, and City shall pay for these services in the manner described below, in an amount not to exceed Four Million Dollars (\$4,000,000), at the rates or charges shown in Exhibit "B-2"."

- 2. The Rates in Exhibit "B-1" attached to the Second Amendment to the Agreement are hereby amended in accordance with Exhibit "B-2", attached hereto and incorporated by this reference.
- 3. Except as expressly modified herein, all of the terms and conditions contained in Agreement No. 35396 are ratified and confirmed and shall remain in full force and effect.

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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.	
	ONWARD ENGINEERING, a California corporation
<u>SEPTEMBER 28, 2022</u>	By Majdi Ataya Name MAJDI ATAYA Title PRESIDENT
SEPTEMBER, 28, 2022	Name AHMAD ATAYA Title TREASURER
	"Consultant"
	CITY OF LONG BEACH, a municipal corporation
<u>September 28,</u> 2022	By Sinda J. Jahren City Manager
This Third Amendment to Ag	"City" EXECUTED PURSUANT reement No. 35596 SECTION 301 OF THE CITY CHARTER.
•	CHARLES PARKIN, City Attorney
	By C. Vere

Deputy

EXHIBIT B-2



Company Name: Onward Engineering

On Call Consulting Services for Street Design Projects (RFP-RFQ: 18-106) Standard Billing Rate Schedule for As-Needed Engineering Services 2022-2024

Staff Title	Hourly Rate
Traffic Engineer/City Engineer	\$200
Director	\$185
Principal/Principal In Charge	\$160
Quality Assurance Manager	\$160
Principal Engineer	\$155
Project Manager	\$150
Senior Project Engineer	\$135
Project Engineer	\$130
Traffic Engineer	\$180
Construction Manager	\$150
Construction Inspector	\$125
Public Outreach	\$90
Administrative	\$70

Other Direct Costs: Reimbursement of identifiable non-salary costs that are directly attributable to the project such as oversized and/or color reproduction costs, site facility hard phone line and/or internet service charges, non-commuter project miles and/or other travel expenses to remote fabrication yards / batch plants, overnight postage / couriers, etc., are billed at actual cost. Non-commuting mileage required for travel on the project and to and from locations other than the project site are billed at the allowable IRS mileage reimbursement rate.

Fees for Subconsultant Services: Billed at actual cost. No mark-up allowed

Rate Changes: Rates may be only increased or changed with mutual consent by contract amendment