

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. 34366

2 **34366**

3 THIS FIFTH AMENDMENT TO AGREEMENT NO. 34366 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 P2S INC., a California corporation ("Consultant"), doing business under  
7 fictitious business name, P2S Engineering, with a place of business at 5000 East Spring  
8 Street, 8th Floor, Long Beach, California 90815, and the CITY OF LONG BEACH, a  
9 municipal corporation ("City").

10 WHEREAS, City and Consultant (the "Parties") entered into Agreement No.  
11 34366 (the "Agreement") under Specification No. RFQ PW16-115, whereby Consultant  
12 agreed to provide as-needed public works construction management and inspection  
13 services in an amount not to exceed Five Hundred Thousand Dollars (\$500,000) for a  
14 period of three (3) years with the option to extend for two (2) additional one-year periods,  
15 at the discretion of the City Manager; and

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

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

20 WHEREAS, on August 3, 2021, the City Council authorized increasing the  
21 aggregate not to exceed amount and extended the term to August 31, 2022, for as-needed  
22 construction management and inspection services for all public works projects created  
23 under Specification No. RFQ PW16-115; and

24 WHEREAS, the Parties entered into a Third Amendment to the Agreement  
25 to extend the term to August 31, 2022; and

26 WHEREAS, on July 19, 2022, the City Council authorized increasing the  
27 aggregate not to exceed amount and extended the term to August 31, 2023, for as-needed  
28 construction management and inspection services for all public works projects created

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1 under Specification No. RFQ PW16-115; and

2 WHEREAS, the Parties entered into a Fourth Amendment to the Agreement  
3 to extend the term to August 31, 2023, attach an updated rate sheet, and update the City  
4 Representative; and

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

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

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

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

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

18 2. The Rates attached as Exhibit "B-1" in the Fourth Amendment to the  
19 Agreement are hereby amended and replaced by Exhibit "B-2", attached hereto and  
20 incorporated herein.

21 3. Except as expressly modified herein, all of the terms and conditions  
22 contained in Agreement No. 34366 are ratified and confirmed and shall remain in full force  
23 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.

P2S INC., a California corporation

August 7, 2023

By [Signature]  
Name Kevin L Peterson  
Title President

August 8, 2023

By [Signature]  
Name Kent W Peterson  
Title Vice President

"Consultant"

CITY OF LONG BEACH, a municipal corporation

August 21, 2023

By [Signature]  
City Manager

EXECUTED PURSUANT TO SECTION 301 OF THE CITY CHARTER.

"City"

This Fifth Amendment to Agreement No. 34366 is approved as to form on

AUGUST 9, 2023.

DAWN MCINTOSH, City Attorney

By [Signature]  
Deputy

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Exhibit "B-2"  
Rate Update

# P2S RATES

Effective September 1, 2023 to August 31, 2024

## Rate Schedule

Title	Hourly Rate
Principal / Project Director	\$212
Senior Construction Manager CM III	\$191
Construction Manager CM II	\$180
Construction Manager CM I	\$170
Assistant Construction Manager	\$149
Project Engineer	\$138
Project Coordinator	\$117
Resident Engineer	\$191
Lead Construction Inspector	\$170
Construction Inspector	\$149

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.