

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. 34906

2 **34906**

3 THIS FIFTH AMENDMENT TO AGREEMENT NO. 34906 is made and
4 entered, in duplicate, as of March 22, 2023, for reference purposes only, pursuant to a
5 minute order adopted by the City Council of the City of Long Beach at its meeting on
6 January 17, 2023, by and between GILLIS & PANICHAPAN ARCHITECTS,
7 INCORPORATED, a California corporation ("Consultant"), with a place of business at 2900
8 Bristol Street, Suite G205, Costa Mesa, California 92626, and the CITY OF LONG BEACH,
9 a municipal corporation ("City").

10 WHEREAS, City and Consultant (the "Parties") entered into Agreement No.
11 34906 (the "Agreement") whereby Consultant agreed to provide on-call professional
12 engineering and architectural services; and

13 WHEREAS, the Parties entered into a First Amendment to the Agreement to
14 decrease the Agreement amount by \$100,000 for a total not to exceed amount of \$650,000;
15 and

16 WHEREAS, the Parties entered into a Second Amendment to the Agreement
17 to decrease the Agreement amount by \$200,000 for a total not to exceed amount of
18 \$450,000; and

19 WHEREAS, the Parties entered into a Third Amendment to the Agreement
20 to extend the term to February 28, 2022; and

21 WHEREAS, the Parties entered into a Fourth Amendment to extend the term
22 of the Agreement to February 28, 2023; and

23 WHEREAS, on January 17, 2023, the City Council authorized extending the
24 Agreement term for an additional three-year period, with the option to renew for two
25 additional one-year periods, at the discretion of the City Manager; and

26 WHEREAS, the Parties desire to extend the term by a period of three (3)
27 years, with the option to renew for two additional one-year periods, at the discretion of the
28 City Manager, update the rates and update the City's Representative.

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411 West Ocean Boulevard, 9th Floor
Ft. Lauderdale, FL 33309-4664

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

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

4 "2. TERM. The term of this Agreement shall commence at midnight on
5 March 1, 2018, and shall terminate at 11:59 p.m. on February 28, 2026, unless sooner
6 terminated as provided in this Agreement, or unless the services or the Project is
7 completed sooner. The term may be extended for two (2) additional one-year periods, at
8 the discretion of City Manager."

9 2. The rates in Exhibit "B" to the Agreement are hereby amended in
10 accordance with Exhibit "B-1", attached hereto and incorporated by this reference.

11 3. The City's Representative in Exhibit "C" to the Agreement is hereby
12 amended in accordance with Exhibit "C-1", attached hereto and incorporated by this
13 reference.

14 4. Except as expressly modified herein, all of the terms and conditions
15 contained in Agreement No. 34906 are ratified and confirmed and shall remain in full force
16 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.

GILLIS & PANICHAPAN ARCHITECTS, INCORPORATED, a California corporation

March 24, 2023

By [Signature]
Name Longkavach Panichapan
Title President/CEO

March 24, 2023

By [Signature]
Name Linda Panichapan
Title Secretary

"Consultant"

EXECUTED PURSUANT TO SECTION 301 OF CITY OF LONG BEACH, a municipal THE CITY CHARTER, corporation

March 29, 2023

By [Signature]
City Manager

"City"

This Fifth Amendment to Agreement No. 34906 is approved as to form on

MARCH 28, 2023.

DAWN MCINTOSH, City Attorney

By [Signature]
Deputy

EXHIBIT B-1
UPDATED RATES



Schedule of Rates for Services for City of Long Beach
On-Call Professional Engineering and Architecture Services for LB-MUST Project
March 1, 2023 – March 31, 2026

We propose to furnish the services based on the hourly billing rates listed below for the services associated with this project. Often, we propose an "hourly not to exceed" contract at the beginning of our process. Below is a schedule of hourly billing rates.

We tailor our scope and subsequent fee proposals to accommodate the scope of work realizing that there is latitude in both parameters to be discussed during the contract negotiation. These rates we propose will be valid for the contract duration.

SCHEDULE OF HOURLY BILLING RATES

Principal.....	205
Project Director.....	180
Project Architect.....	160
Job Captain.....	110
Designer/ CAD Tech.....	95
Clerical.....	75

CONSULTANTS

When additional consultants are needed, we will be the primary point of contact and the team leader. Our contract will include and convey all consultant fees and contracts as a subcategory of our fee and services.

REIMBURSABLES

In our contract we often have a reimbursable allowance. This reimbursable allowance covers fees beyond general B&W printing fees on standard ledger or tabloid size paper. Government fees, delivery costs (such as United Parcel Service charges), and the costs of special sized prints/ reproductions are not included in our fee. These items are "reimbursable" items and will be shown separately on our invoice.

EXHIBIT C-1

CITY'S REPRESENTATIVE

COLIN AVERILL, CIVIL ENGINEER

COLIN.AVERILL@LONGBEACH.GOV

562.570.6679