

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

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NINTH AMENDMENT TO AGREEMENT NO. 33498

33498

THIS NINTH AMENDMENT TO AGREEMENT NO. 33498 is made and entered as of July 7, 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 July 5, 2022, by and between HIRSCH & ASSOCIATES, INC., a California corporation, with a place of business at 2221 E. Winston Road, Suite A, Anaheim, California 92806 ("Consultant"), and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, City and Consultant (the "Parties") entered into Agreement No. 33498 (the "Agreement") whereby Consultant agreed to provide as-needed landscape architectural services in a total not to exceed amount of Two Hundred Fifty Thousand Dollars (\$250,000) for a period of two (2) years with the option to extend for three (3) additional one-year periods; and

WHEREAS, the Parties entered into a First Amendment to the Agreement to add Five Hundred Thousand Dollars (\$500,000) for a total not to exceed amount of Seven Hundred Fifty Thousand Dollars (\$750,000); and

WHEREAS, the Parties entered into a Second Amendment to the Agreement to extend the term to August 1, 2017 and add One Hundred Thousand Dollars (\$100,000) for a total not to exceed amount of Eight Hundred Fifty Thousand Dollars (\$850,000); and

WHEREAS, the Parties entered into a Third Amendment to the Agreement to add One Hundred Fifty Thousand Dollars (\$150,000) for a total not to exceed amount of One Million Dollars (\$1,000,000); and

WHEREAS, on June 13, 2017, City Council approved extending the Agreement one (1) additional one-year period; and

WHEREAS, the Parties entered into a Fourth Amendment to the Agreement to extend the term to August 1, 2018 and add One Million Dollars (\$1,000,000) for a total not to exceed amount of Two Million Dollars (\$2,000,000); and

WHEREAS, the Parties entered into a Fifth Amendment to the Agreement to

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1 extend the term to August 1, 2019 and update the City Representative; and

2 WHEREAS, the Parties entered into a Sixth Amendment to the Agreement
3 to extend the term to August 1, 2020; and

4 WHEREAS, the Parties entered into a Seventh Amendment to the
5 Agreement to extend the term to August 1, 2021; and

6 WHEREAS, on July 6, 2021, City Council approved extending the Agreement
7 one (1) additional one-year period; and

8 WHEREAS, the Parties entered into an Eighth Amendment to the Agreement
9 to extend the term to August 1, 2022, add One Million Dollars (\$1,000,000) for a total not
10 to exceed amount of Three Million Dollars (\$3,000,000) and attach an updated Rate Sheet;
11 and

12 WHEREAS, on July 5, 2022, City Council approved extending the Agreement
13 one (1) additional one-year period; and

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

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

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

21 "A. Consultant shall furnish specialized services more particularly
22 described in Exhibit "A", attached to this Agreement and incorporated by this
23 reference, in accordance with the standards of the profession, and City shall pay for
24 these services in the manner described below, not to exceed Four Million Dollars
25 (\$4,000,000), at the rates or charges shown in Exhibit "B"."

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

27 "2. TERM. The term of this Agreement shall commence at midnight on
28 August 1, 2014, and shall terminate at 11:59 p.m. on August 1, 2023, unless sooner

1 terminated as provided in this Agreement, or unless the services or the Project is
2 completed sooner.”

3 3. The Rates in Exhibit “B-1” to the Eighth Amendment to the Agreement
4 are hereby amended in accordance with Exhibit “B-2”, attached hereto and incorporated
5 by this reference.

6 4. The City Representative in Exhibit “C” to the Agreement is hereby
7 amended in accordance with Exhibit “C-1”, attached hereto and incorporated by this
8 reference.

9 5. Except as expressly modified herein, all of the terms and conditions
10 contained in Agreement No. 33498 are ratified and confirmed and shall remain in full force
11 and effect.

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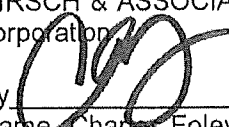
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IN WITNESS WHEREOF, the Parties have caused this document to be duly executed with all formalities required by law as of the date first stated above.


HIRSCH & ASSOCIATES, INC., a California corporation

By 
Name Charles Foley
Title President

By 
Name Mark Hirsch
Title Secretary

"Consultant"

CITY OF LONG BEACH, a municipal corporation

7-19-, 2022
By 
City Manager

"City"

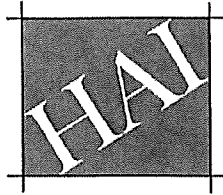
This Ninth Amendment to Agreement No. 33498 is approved as to form on July 12, 2022.

CHARLES PARKIN, City Attorney

By 
Deputy

Exhibit B-2

Rates or Charges Update



HIRSCH & ASSOCIATES, INC.
LANDSCAPE ARCHITECTURE & PLANNING

Professional Fees

Professional fees for services stated are based upon the scope of work and include all costs for general overhead, profit, telephone, clerical, travel and incidental expenses valid through the year 2022-23.

Principle Landscape Architect	\$175/hr
Senior Project Manager	\$115/hr
Project Manager	\$100/hr
Senior Designer	\$95/hr
Designer	\$85/hr
Clerical	\$70/hr
Project Meetings	\$600/ea
Reproduction / Printing	Cost

Thank you

A handwritten signature in black ink, appearing to be 'CF', written over a circular scribble.

Charles Foley, President
CA RLA#5567, ASLA

Exhibit C-1

City's Representative:

Marilyn Surakus,

Project Management Officer

Marilyn.Surakus@LongBeach.Gov

562/570-5793

As-Needed Landscape Design Services PW14-005

City Council Approval Item # R-26 dated 6/13/15

Contract Term: 2015 - 2023

6/13/17 Term extended to August 1, 2020 & \$4,000,000 Authority Added for Total Aggregate of \$7,000,000

10/4/20 Term Extended to August 1, 2021

7/6/21 Term Extended to August 1, 2022 & \$1,000,000 Authority Added for Total Aggregate of \$8,000,000

7/5/22 Term Extended to August 1, 2023 & \$1,000,000 Authority Added for Total Aggregate of \$9,000,000

Consultant	Agreement#	MUNIS#	Contract Amt (Year 1-2) (2015-2017)	Renewal 1 - Year 3 (2018)	Renewal 2 - Year 4 (2019)	Renewal 3 - Year 5 (2020)	Renewal 4 - Year 5 (2021)	Renewal 5 - Year 6 (2022)	Term Extension- Year 7 (2023)
Hirsch & Associates, Inc.	33498	3143000032	\$1,000,000	\$1,000,000	\$0	\$0	Term Only	Term +\$1,000,000	Term +\$1,000,000
RJM Design Group	33504	3143000035	\$1,050,000	\$50,000	\$0	\$0	Term + \$500,000	Term +\$1,000,000	Term +\$1,000,000
	Allocated Total:		\$3,000,000	\$1,650,000	\$0	\$0	\$500,000	\$2,000,000	\$2,000,000
	Aggregate Total:		\$3,000,000	\$7,000,000				\$8,000,000	\$9,000,000
Total approved by CC:			\$0	\$6,650,000			\$6,150,000	\$5,150,000	\$4,150,000
Remaining Aggregate									
Abe, Calvin & Assoc AKA MIG	33509	3143000036	\$450,000	\$100,000	\$0	\$0	Term Only	Expired	Expired
Mia Lehrer & Associates	33499	3143000033	\$500,000	\$500,000	\$0	\$0	Term Only	Expired	Expired